

# Public Document Pack

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 6 June 2024 at 4.00 pm

#### Present:

Councillor Barry Wood (Chairman)  
Councillor Amanda Watkins (Vice-Chairman)  
Councillor Rebecca Biegel  
Councillor Chris Brant  
Councillor John Broad  
Councillor Phil Chapman  
Councillor Becky Clarke MBE  
Councillor Jean Conway  
Councillor Grace Conway-Murray  
Councillor Dr Isabel Creed  
Councillor Ian Harwood  
Councillor David Hingley  
Councillor Fiona Mawson  
Councillor Lesley McLean  
Councillor Rob Parkinson  
Councillor David Rogers  
Councillor Les Sibley  
Councillor Dr Kerrie Thornhill

#### Officers:

Paul Seckington, Head of Development Management  
Karen Jordan, Deputy Principal Solicitor  
Linda Griffiths, Principal Planning Officer  
Katherine Daniels, Principal Planning Officer  
Rebekah Morgan, Principal Planning Officer  
Sophie Browne, Principal Planning Officer  
Michael Sackey, Senior Planning Officer  
Emma Whitley, Planning Officer  
Astrid Burden, Senior Planning Officer  
Matt Swinford, Democratic and Elections Officer

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### **Declarations of Interest**

#### **8. OS Parcel 4347 East Of Pipal Cottage, Oxford Road, Kidlington.**

Councillor Lesley McLean, Other Registerable Interest, as Leader of Kidlington Parish Council.

#### **10. Land West of Church Ley Field Adjacent to Blackthorn Road, Ambrosden.**

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

**13. Gosford Hill School, Oxford Road, Kidlington, OX5 2NT.**

Councillor Lesley McLean, Other Registerable Interest, as Leader of Kidlington Parish Council.

**14. 242 Broughton Road, Banbury, OX16 9QL.**

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

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

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

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

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

**15. Cherwell District Council, Lock29, Castle Quay, Banbury, OX16 5UN.**

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

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

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

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

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

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

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

Councillor Lesley McLean, 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.

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

4 **Requests to Address the Meeting**

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

5 **Minutes**

Subject to the correction under the resolution on Minute 121 from “That, contract to” to “That, contrary to”, the Minutes of the meeting held on 21 March 2024 were agreed as a correct record and signed by the Chairman. The Minutes of the meeting held on 22 May 2024 were agreed as a correct record and signed by the Chairman.

6 **Chairman's Announcements**

The Chairman made the following announcements:

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.
2. Advised the committee that they may be addressed as Chair or Chairman by committee members.

7 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

The Chairman advised that items 11 and 12 would be moved the next items for consideration as he had been advised that the items may be proposed for deferral to allow a site visit by the committee.

9 **Land North of Manor Farm, Noke**

The Committee considered application 22/01682/F for the development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas at Land North of Manor Farm, Noke for Oxford New Energy.

It was proposed by Councillor Watkins and seconded by Councillor Dr Creed that consideration of application 22/01682/F be deferred for one planning cycle to allow for site visit before the application is considered by the Committee.

**Resolved**

That consideration of application 22/01682/F be deferred for one planning cycle to allow for a site visit.

10 **Land North and Adjacent to Mill Lane, Stratton Audley**

The Committee considered application 22/03873/F for the installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements at Land North and Adjacent to Mill Lane, Stratton Audley for JBM Solar Projects 8.

It was proposed by Councillor Watkins and seconded by Councillor Biegel that consideration of application 22/03873/F be deferred for one planning cycle to allow for site visit before the application is considered by the Committee.

**Resolved**

That consideration of application 22/03873/F be deferred for one planning cycle to allow for a site visit.

11 **OS Parcel 4347 East Of Pipal Cottage, Oxford Road, Kidlington**

The Committee considered application 23/01233/OUT, an outline application (with all matters except access reserved for future consideration) for the demolition of existing buildings and the erection of up to 800 dwellings (Class C3); a two form entry primary school; a local centre (comprising convenience retailing (not less than 350sqm and up to 500sqm (Class E(a))), business uses (Class E(g)(i)) and/or financial and professional uses (Class E(c)) up to 500sqm, café or restaurant use (Class E(b)) up to 200sqm; community building (Class E and F2); car and cycle parking); associated play areas, allotments, public open green space and landscaping; new vehicular, pedestrian and cycle access points; internal roads, paths and communal parking infrastructure; associated works, infrastructure (including Sustainable Urban Drainage, services and utilities) and ancillary development. Works to the Oxford Road in the vicinity of the site to include, pedestrian and cycle infrastructure, drainage, bus stops, landscaping and ancillary development at OS Parcel 4347 East Of Pipal Cottage Oxford Road Kidlington for Bellway Homes Limited and Christ Church, Oxford

Councillor Ian Middleton addressed the Committee as Local Ward Member.

Dr Katherine Kaye, on behalf of Wolvercote Neighbourhood Forum, addressed the Committee in objection to the application.

Rob Linnell, on behalf of the agent for the applicant, Savills, addressed the Committee in support of the application.

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

## **Resolved**

- (1) That, in line with the officer's recommendation, application 23/01233/OUT be delegated to the Assistant Director for Planning and Development to approve subject to:
  1. subject to the conditions set out below (and any amendments to those conditions as deemed necessary)
  2. the completion of a planning obligation under Section 106 of the town and country planning act 1990, as substituted by the Planning and compensation act 1991, necessary mitigation as set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary including the requirement to introduce Controlled Parking Zones within the site as requested by OCC Transport).
  3. The revised comments of Natural England which are still awaited.
  4. The resolution of objection by the Environment Agency

## **Conditions**

### **Time Limit**

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

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

2. Details of the layout, scale, appearance, access (other than the approved accesses to Oxford Road as shown on Plan numbers ITB16565-SK-044 Rev N, ITB16565-SK-066 Rev J, ITB16565-SK-067 Rev H and ITB16565-SK-065 Rev L) and landscaping (hereafter referred to as the reserved matters) shall be submitted to and approved in writing

by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

### **Compliance with Plans**

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - 01 Rev F (Application Boundary – RL01)
  - 32 Rev W (Land Use and Access Parameter Plan)
  - 33 Rev T (Building Heights Parameter Plan)
  - 55 (Demolition Plan for Pipal Barns)
  - 58 Rev M (Green Infrastructure Parameter Plan)
  - ITB16565-SK-044 Rev N (Site Access Arrangements – Staggered priority junctions with Cyclops junction to South Eastern priority junction left in/out – western priority junction all movements)
  - ITB16565-SK-065 Rev L (Proposed PR6a Access Strategy and Cycle Super Highway – including left in and left out priority and partial cyclops signal junction)
  - ITB16565-SK-066 Rev J (Proposed PR6a Access Strategy and Cycle Super Highway – including left in and left out priority and partial cyclops signal junction – Northern extent)
  - ITB16565-SK-067 Rev H (Proposed PR6a Access Strategy and Cycle Super Highway – including left in and left out priority and partial cyclops signal junction – Southern extent)
  - Sustainability and Energy Statement – WE/SES/P01
  - Design and Access Statement – WE/DAS/P02
  - Arboricultural Impact Assessment (Incorporating Tree Protection Measures) – WE/AIA/P02

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.

4. Unless justified through the reserved matters submissions, all reserved matters submissions shall accord with the following submitted parameter plans: Land use and Access parameter Plan; Building Heights Parameter Plan; Green Infrastructure parameter Plan.

Reason: To ensure that the development is delivered in accordance with the principles of the outline planning application, approved Development Brief and Policies PR1, PR2, PR3, PR5, PR6a, PR11 and PR12a of the Cherwell Local Plan Review 2020 and Government guidance within the National Planning Policy Framework.

5. Prior to the commencement of any development on the site, a phasing plan for the development of the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The phasing Plan shall include full details of the development parcels, including affordable housing, open space, green infrastructure, delivery of the local centre, community building and school, roads, cycle/footpath connections, Cutteslowe Park extension, eastern green infrastructure buffer, new buffer to Oxford Road frontage, play facilities and allotments. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper and phased implementation of the development and associated infrastructure to the benefit of future residents in accordance with Policies PR1, PR2, PR3, PR5, PR6a, PR11 and PR12a of the Cherwell Local Plan Review 2020, Policies SLE4, BSC7, BSC8, BSC10, BSC11, BSC12, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

6. Prior to the implementation details of a pedestrian/cycle access from the Oxford Parkway access road into the site measuring a minimum of 3.5m must be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle access must thereafter be constructed in accordance with the approved plans.

Reason: To promote sustainable modes of transport and accord with Government guidance within the NPPF.

7. Prior to occupation a School Travel Plan, Residential Travel Plan and Travel Plan Statements for the local centre and community centre shall be submitted to the Local Planning Authority.

Reason: To promote sustainable modes of transport and comply with Government guidance within the NPPF.

8. Prior to first occupation a Framework Travel Plan shall be submitted to and approved by the Local Planning Authority.

Reason: To promote sustainable modes of transport and accord with Government guidance within the NPPF.

9. Prior to the occupation of the development hereby permitted, evidence shall be submitted to the Local Planning Authority and approved in writing that a School Travel Plan has been prepared using Modeshift STARS which meets Green Level accreditation. The approved School Travel plan shall be implemented within one month of the approval being given. The approved Travel Plan shall achieve Modeshift STARS Bronze level accreditation within 12 months of occupation and this shall be

maintained for a minimum of five years from the date of approval. Evidence shall be provided to the Local Planning Authority of the accreditation level of the school Travel Plan within one week of such request.

Reason: To promote sustainable modes of transport and comply with Government guidance within the NPPF.

10. Construction Traffic Management Plan – wording as set out in OCC consultation response.
11. A Monitoring and Evaluation Plan (MEP) shall be submitted and approved in writing by the Local Planning Authority prior to first occupation. This should set out how trips from the site will be monitored and the response to how mode share targets are being met.

Reason: To promote sustainable modes of transport and comply with Government guidance within the NPPF.

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

Reason: In the interests of highway safety and to comply with Government guidance within the NPPF.

13. The approved drainage system shall be implemented in accordance with the approved Detailed Design as set out in ES Appendix 08.1 Flood Risk Assessment (Issue P01) Part 1 ref 028-8210440-BW-Flood Risk assessment Issue P01: 28 April 2023; ES Appendix 08.1 Flood Risk Assessment (Issue P01) Part 2, ST Site Investigation Report Appendix E; ES Appendix 08.1 Flood Risk Assessment (Issue P01) Part 3 Greenfield Runoff calculation rates, prior to the first occupation of the development.

Reason To ensure the principles of sustainable drainage are incorporated into the proposal in accordance with Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

14. 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 subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the 'Local standards and Guidance for Surface water Drainage on Major Development in Oxfordshire'
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change
- A Flood Exceedance Compliance 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 and management plan in accordance with Section 32 of CIRA C753 including maintenance schedules for each drainage element
- 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 the principles of sustainable development are incorporated into the proposal in accordance with Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

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

Reason: To ensure the principles of sustainable drainage are incorporated into the proposal in accordance with Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

16. 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 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 Government guidance within the NPPF.

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and commencement of the development (other than in accordance with the agreed written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

18. All reserved matters applications shall include details to ensure appropriate delivery of improvement and enhancements to the public realm in terms of quality of materials, public space and landscaping proposals. The development shall be carried out in accordance with these approved details.

Reason: In the interests of the visual amenities of the proposed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

19. Any contamination that is found during the course of the approved development that was not previously identifies 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 NPPF.

20. The development shall not be occupied until all foul water network upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed with the local planning authority in consultation 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: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

21. 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 anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from this development.

22. No development shall be occupied until confirmation has been provided that either all sewage works upgrades required to accommodate the additional flows from the development have been completed or a development and infrastructure phasing plan has been agreed with the local planning authority in consultation 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: Sewage treatment upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary to avoid sewage flooding and/or pollution incidents.

23. Each reserved matter relating to built development shall include existing and proposed land levels and finished floor levels, including cross sections across the site and adjacent land and illustrative street scenes to indicate changes in levels across the site and how the proposed development addresses these changes. The details shall be agreed with the local planning authority as part of that reserved matter submission. The development shall thereafter be carried out in accordance with the agreed site levels.

Reason: To enable a full assessment of the changes in levels across the site and the scale, massing and height of proposed buildings are compatible with adjacent development and in order to protect the setting of the Grade II\* St Frideswide Farmhouse and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, Policy PR6a of

the Local Plan Partial Review 2020 and Government guidance within the NPPF.

24. Prior to the commencement of any development, full details of a lighting strategy and its design, including position, orientation, and any screening of the lighting for biodiversity in line with the BCT Guidance Note 08/23 and shall show how lighting will not impact protected species or prevent them from using the territories 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 maintained fully in accordance with the agreed details.

Reason: To ensure the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

25. Prior to the commencement of any development of the site, a full detailed sustainability strategy in accordance with Policies ESD1 – 5 of the adopted Cherwell Local Plan 2011-2031 shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring sustainable development in accordance with the Development Plan and Government guidance within the NPPF.

26. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed to avoid the bird nesting season and should be checked by a suitably qualified ecologist to check no wildlife habitats are present that could be affected/destroyed by the removal, unless alternative provisions have previously been agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031, Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

27. Prior to and within two months of the commencement of development on any part of the site, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the adopted Cherwell Local Plan, Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

28. Prior to the first occupation of the development hereby approved, an Ecological Construction Method Statement (ECMS) and Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the ECMS and 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, Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

29. Prior to the first occupation of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the local planning authority. Thereafter the HMMP 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 Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

30. Prior to the construction of any development above slab level, a Biodiversity Enhancement Strategy including a biodiversity enhancement plan shall be submitted to and approved in writing by the local planning authority. Thereafter the biodiversity enhancement measures approved for the development shall be carried out prior to first occupation of any development parcel or phase 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 adopted Cherwell Local Plan 2011-2031 and Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

31. Prior to the commencement of any development on the site, a detailed Farmland bird compensation and mitigation strategy shall be submitted and approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in accordance with the approved strategy.

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 Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

32. Construction Environmental Management plan (for biodiversity) – Details to be inserted as per SC11.21
33. Prior to the commencement of any development on the site a Noise Assessment shall be carried out in relation to Oxford Road and Park and Ride and strategy which shall include noise insulation and mitigation measures necessary to protect those properties adversely affected by traffic and rail activity noise shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved noise assessment and mitigation measures agreed.

Reason: To safeguard the residential amenities and living environment free from intrusive levels of noise for occupiers of the new development in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the NPPF.

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### **Land South of Bloxham Road, Bloxham Road, Milcombe**

The Committee considered application 23/01144/OUT, an outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 90 homes (use class C3) together with associated infrastructure and open space, landscaping, including provision of land for new village hall (use class F2(b)) and retail space (use class E) at Land South of Bloxham Road Bloxham Road Milcombe for Neptune Land Promotion Ltd.

Councillor Myra Peters, on behalf of Milcombe Parish Council, addressed the Committee in objection to the application.

Arron Twamley, on behalf of the agent to the application, Arc Planning Associates, addressed the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, application 23/01144/OUT be refused for the following reasons:

1. The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in village within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not well located to existing services and facilities. The proposals would cause significant adverse landscape impacts to the settlement character which could not be avoided or mitigated by the proposed development, by further development within the open countryside, resulting in further urbanisation of the village. The proposals would be harmful development

to the village of Milcombe and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth that would not be capable of mitigation. The proposals would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

2. 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/services contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011- 2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

13 **Land West of Church Ley Field Adjacent to Blackthorn Road, Ambrosden**

The Committee considered application 23/03071/F, an outline application for erection of up to 55 new dwellings, including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping; and associated works (resubmission of 22/02455/OUT) at Land West of Church Ley Field Adjacent to Blackthorn Road, Ambrosden for L&Q Estates.

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

Stuart Field, on behalf of the applicant, L&Q Estates, addressed the Committee in support of the application.

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

**Resolved**

That, in line with the officer's recommendation, application 23/03071/F be delegated to the Assistant Director for Planning and Development to grant permission, subject to:

- (1) The conditions set out below (and any amendments to those conditions as deemed necessary) and
- (2) The completion of a planning obligation under section 106 of the Town and Country Planning Act, as substituted by the Planning and Compensation Act 1991, to secure the following and attached appendix to the minute book (and any amendments as deemed necessary):

Cherwell District Council (all contributions to be index linked)

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £2,017.03 per dwelling towards outdoor sport provision, plus £335.32 per occupier of each dwelling (based on an average occupancy rate of 2.4 persons per dwelling) towards indoor sport provision
- c) Payment of a financial contribution towards enhancements at Blackthorn Village Hall based on the requirements to provide 0.185m<sup>2</sup> of community space per occupier of the dwellings at a cost of £2,482 per m<sup>2</sup> (based on an average occupancy rate of 2.4 persons per dwelling)
- d) Payment of a financial contribution of £12,320.00 towards the provision of public art and its management and maintenance
- e) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling
- f) Provision of a commuted sum for the maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SuDS etc) or details of long term management provision in accordance with Policy SBC11 of the CLP
- g) Provision of a Local Equipped Area of Play and commuted sum for maintenance or details of other management provisions
- h) Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line
- i) Payment of the Council's monitoring costs

Oxfordshire County Council (all contributions to be index linked)

- a) Payment of a financial contribution towards the continuation of bus services in Ambrosden of £62,315
- b) Payment of a financial contribution towards the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road of £15,347 (unless otherwise secured under a S278 or S38 agreement)
- c) Payment of a financial contribution towards improvements to the local public rights of way network of £15,000
- d) Obligation to enter into a S278 agreement will be required to secure mitigation/improvement works, including: new site access bellmouth junction from Blackthorn Road, including 2m footway on east side, and; new 3m wide shared use footway/cycleway, approximately 75m long, and uncontrolled crossing of Blackthorn Road, and; new LTN 1/20 compliant cycletracks and side road crossings, and a parallel crossing of Blackthorn Road (unless previously delivered by application no.22/01976/OUT)
- e) Payment of a financial contribution towards educational infrastructure serving the development of £498,653 (£432,081 towards secondary education capacity, £39,650 towards secondary school land cost, £26,922 towards special school education capacity)
- f) Payment of a financial contribution towards the expansion and efficiency of Household Waste Recycling Centres of £5,168

g) Payment of the Council's monitoring costs

Other

- Payment of a financial contribution towards primary health care provision serving the development of £47,520, based on the predicted population increase arising from the development multiplied by £360 as there is no housing mix available.

Further recommendation: The statutory determination period for the application expires on 13 June 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 the 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 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 INF1 of the Cherwell District Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

Conditions

**Time Limit**

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

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

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and

Country Planning (Development Management Procedure (England))  
Order 2015 (as amended).

**Compliance with Plans**

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:  
Drawing 382\_L01B, 382\_P01D, 382\_P02B, 382\_P03B, 382\_P04B, 382\_P05B, 382\_P06B, and 080633-CUR-XX-XX-D-TP75004-P08.

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

**Levels**

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

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Contamination**

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

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

**Drainage**

6. The approved drainage system shall be implemented in accordance with the following documents in the Flood Risk Assessment and Drainage Strategy:  
Curtins Ref:080633-CUR-00-XX-RP-D-92001 Rev 05 Date July 2023  
Appendix E BGS Infiltration Report  
Appendix F Thames Water Correspondence  
Appendix G Greenfield Run-off calculations

Appendix H Proposed Drainage Strategy; Proposed Levels Strategy; Proposed Impermeable Catchments Plan Proposed; and Surface Water Drainage Calculations (100 Year +40% Climate Change, +10% Urban Creep)

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

7. Construction shall not begin until/prior to the approval of first 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 subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
  - A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable) • Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
  - Details of how water quality will be managed during construction and post development in perpetuity;
  - Confirmation of any outfall details.
  - Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

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

d) The name and contact details of any appointed management company information.

Reason: In order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance within the National Planning Policy Framework.

### **Environmental Protection**

9. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include the following:
- a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h) measures for the protection of the natural environment; hours of construction, including deliveries;
  - i) the temporary site compound including temporary structures
  - j) the location and noise levels of any temporary generators or other fixed mechanical plant.
  - k) details of external lighting and proposed operation times.
  - l) contact details for the site manager or other persons associated with the management of operations on the site. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved a specialist acoustic consultants report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in

writing by the Local Planning Authority. Where acoustic glazing and alternative means of ventilation are required to achieve this standard, full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

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

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

Reason: To ensure the development protects and enhances biodiversity and the natural environment in accordance with the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

### **Natural Environment**

12. As part of any reserved matters for layout, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To protect the existing trees and hedgerows on site and in the interests of visual amenities of the area to ensure the creation of a pleasant environment for the development and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

### **Highways**

13. Prior to the commencement of the development hereby approved, full design details of the means of access between the land and the highway, including, position, layout, construction, drainage, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of

access shall be constructed and retained in accordance with the approved details.

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

14. Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed and retained in accordance with the approved details.

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

15. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval. Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.
16. Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to
  - The CTMP must be appropriately titled, include the site and planning permission number.
  - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - Details of and approval of any road closures needed during construction.
  - Details of and approval of any traffic management needed during construction. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
  - The erection and maintenance of security hoarding / scaffolding if required.
  - A regime to inspect and maintain all signing, barriers etc.

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

17. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason: To maximise the opportunities to promote the use of sustainable transport modes and the use of renewable energy, and to limit the impact of new development on air quality, to comply with Policies SLE4, ESD1 of the Cherwell Local Plan 2011- 2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained in the National Planning Policy Framework.

**Water**

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

shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and to comply with Government guidance contained in the National Planning Policy Framework.

### **Ecology**

19. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

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.

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

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

21. No development shall commence until a CEMP for biodiversity which includes measures to protect retained vegetation, bat roost checks for any removed trees and protect nesting birds is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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

22. The development shall be constructed in accordance with the details agreed within the Ecological Appraisal Reference edp7101 r001c. The

enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

23. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP. This should include how created and retained habitats on site will be managed for people and biodiversity and to achieve the habitat conditions denoted within the BIA and how this fits together with the off site plan. This should include measures within the built environment also. CDC seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these may be clustered) with the majority integrated into the fabric of the buildings. Measures such as hedgehog highways and wildlife friendly planting should also be within the developed areas.

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

24. No development shall commence until a reptile mitigation strategy including a plan of any receptor sites, details of ecological supervision required, and timing is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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

25. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

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

26. Additional surface water treatment and monitoring scheme due to the hydrological connectivity of the application site with Arncott Bridge Meadows SSSI, to ensure the long-term protection of the interest features of the SSSI.

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**

27. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

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

29. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

### **Removal of PD Rights**

30. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-C inclusive of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement of the bungalows hereby approved shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason - To provide a mix of homes to meet current and expected future requirements in perpetuity, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Policy BSC4 of Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVES 1. Any alterations to the Public Highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0345 310 1111). Works required to be carried out within the Public Highway shall be undertaken within the context of a Legal Agreement (such as a Section 278 / 38 Agreement) between the applicant and the Highway Authority.

14

### **Gosford Hill School, Oxford Road, Kidlington, OX5 2NT**

The Committee considered application 24/00070/F for the construction of a new replacement school with associated landscaping, car parking, and the re-instatement of access from Bicester Road, and the demolition of existing buildings at Gosford Hill School, Oxford Road, Kidlington, OX5 2NT for 24/00070/F.

Councillor Ian Middleton addressed the Committee as Local Ward Member.

Nigel Sellars, Headteacher at Gosford Hill School, addressed the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, application 24/00070/F be approved 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:

Drawing numbers:

SRP1114-ALA-ZZ-ZZ-D-L-9001 Rev P03 (Site Location Plan)  
SRP1114-ALA-ZZ-ZZ-D-L-9002 Rev P03 (Illustrative Masterplan)  
SRP1114-STL-01-00-D-A-0100 Rev P05 (Proposed Ground Floor Plan)  
SRP1114-STL-01-01-D-A-0101 Rev P05 (First Floor Plan)  
SRP1114-STL-01-02-D-A-0102 Rev P05 (Proposed Second Floor Plan)  
SRP1114-STL-01-R1-D-A-0103 Rev P03 (Proposed Roof Plan)  
SRP1114-STL-01-ZZ-D-A-0210 Rev P03 (Proposed North and East Elevations)  
SRP1114-STL-01-ZZ-D-A-0211 Rev P03 (Proposed South and West Elevations)  
SRP1114-STL-ZZ-ZZ-D-A-0320 Rev P02 (Proposed Site Sections)  
SRP1114-STL-01-ZZ-D-A-0310 Rev P02 (Proposed Building Sections)  
SRP1114-STL-01-ZZ-D-A-0311 Rev P02 (Proposed Building Sections 2)  
SRP1114-ALA-ZZ-ZZ-D-L-9019 Rev P02 (Site Section 1 of 3)  
SRP1114-ALA-ZZ-ZZ-D-L-9020 Rev P02 (Site Section 2 of 3)  
SRP1114-ALA-ZZ-ZZ-D-L-9021 Rev P02 (Site Section 3 of 3)  
SRP1114-STL-01-ZZ-D-A-0501 Rev P02 (Site Solar Study – Autumn Equinox)  
SRP1114-STL-01-ZZ-D-A-0500 Rev P02 (Site Solar Study – Summer Solstice)  
SRP1114-STL-01-ZZ-D-A-0502 Rev P02 (Site Solar Study – Winter Solstice)  
SRP1114-STL-01-ZZ-D-A-0503 Rev P02 (Site Solar Study – Spring Solstice)  
SRP1114-STL-01-ZZ-I-A-0600 Rev P02 (Proposed External Views – Entrance)  
SRP1114-STL-01-ZZ-I-A-0602 Rev P02 (Proposed External Views – Aerial Views)  
SRP1114-STL-01-ZZ-I-A-0601 Rev P02 (Proposed External Views – External Courtyard)  
SRP1114-STL-01-ZZ-I-A-0603 Rev P02 (Proposed Internal Views – Internal Views (1 of 2))  
SRP1114-STL-01-ZZ-I-A-0604 Rev P02 (Proposed Internal Views – Internal Views (2 of 2))  
SRP1114-BNK-00-00-D-X-4000 Rev 00 (Logistics Plan)  
SRP1114-BNK-00-00-D-X-4001 Rev 00 (Logistics Plan – Phase 1)  
SRP1114-ALA-ZZ-ZZ-D-L-9006 Rev P02 (Access and Circulation)  
SRP1114-ALA-ZZ-ZZ-D-L-9010 Rev P03 (Detailed Landscape General Arrangement 1 of 5)  
SRP1114-ALA-ZZ-ZZ-D-L-9011 Rev P03 (Detailed Landscape General Arrangement 2 of 5)  
SRP1114-ALA-ZZ-ZZ-D-L-9012 Rev P03 (Detailed Landscape General Arrangement 3 of 5)  
SRP1114-ALA-ZZ-ZZ-D-L-9013 Rev P03 (Detailed Landscape General Arrangement 4 of 5)

SRP1114-ALA-ZZ-ZZ-D-L-9014 Rev P03 (Detailed Landscape General Arrangement 5 of 5)  
SRP1114-ALA-ZZ-ZZ-D-L-9027 Rev P03 (Tree Retention and Removal Plan 1 of 2)  
SRP1114-ALA-ZZ-ZZ-D-L-9018 Rev P03 (Tree Retention and Removal Plan 2 of 2)  
SRP1114-BNK-00-00-D-X-4002 (Logistics Plan – Phase 2)  
SRP1114-BNK-00-00-D-X-4003 (Logistics Plan – Phase 3)  
SRP1114-ALA-ZZ-ZZ-D-L-9009 Rev P02 (Urban Greening Factors)  
SRP1114-ALA-ZZ-ZZ-D-L-9008 Rev P02 (BB103 Areas)  
SRP1114-ALA-ZZ-ZZ-D-L-9029 Rev P02 (Tree Retention and Removal Plan – Temp Accommodation)  
SRP1114-RPS-ZZ-ZZ-D-E-6314 Rev P01 (External Lighting Layout)  
SRP1114-ALA-ZZ-ZZ-D-L-9004 Rev P04 (Fencing General Arrangement 1 of 2)  
SRP1114-ALA-ZZ-ZZ-D-L-9017 (Planting Strategy)

Documents:

Planning Statement (dated December 2023)  
Design and Access Statement (dated 20 December 2023)  
Bat Emergence and Re-entry Surveys (dated 3 October 2023)  
Primary Ecological Appraisal (dated 19 October 2022)  
Noise Impact Assessment (dated 19 December 2023)  
Statement of Community Involvement (dated 15 December 2023)  
Transport Assessment (dated 18 December 2023)  
Interim Travel Plan (dated 18 December 2023)  
Photovoltaics Statement (dated 19 December 2023)  
Energy Report (dated 20 December 2023)  
Flood Risk Assessment and Drainage Strategy (dated 19 December 2023)  
Phase 1 Geo-environmental Desk Study Report (dated September 2022)  
Arboricultural Impact Assessment (dated March 2024)  
Arboricultural Method Statement (dated March 2024)  
Biodiversity Net Gain Assessment (dated May 2024)  
Habitat Monitoring and Maintenance Assessment (dated May 2024)  
Construction Environmental Management Plan (dated 15 May 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.

3. Bat licence: Where an offence under Regulation 43 of the Habitats and Species Regulations 2017 ((or any regulation revoking or re-enacting or amending that regulation) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

4. Bat boxes: Full details of a scheme for the location of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the bat boxes shall be installed on the site in accordance with the approved details.

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

5. HMMP: The development shall be undertaken in accordance with the recommendations set out in sections 3-6 of the Habitat Monitoring and Maintenance Plan dated May 2024.

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

6. Surface and foul water: Before any above ground works commence 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 any of the buildings/dwellings hereby approved and shall be maintained as such thereafter.

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. SuDS Details: Prior to occupation of the development hereby approved, a record of the installed SuDS and the 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:
  - 1) As built plans in both .pdf and .shp file format;
  - 2) Photographs to document each key stage of the drainage system when installed on site;
  - 3) Photographs to document the completed installation of the drainage structures on site;
  - 4) 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.

8. CEMP: The approved Construction Environmental Management Plan dated 15th May 2024 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 in the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, and to comply with Government guidance contained within the National Planning Policy Framework.

9. Contaminated Land Desk Study: 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 contained within the National Planning Policy Framework.

10. Ventilation Scheme: A scheme for the ventilation and extraction of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. This shall include noise and odour assessments undertaken in accordance with the requirements of BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates), and the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2022 EMAQ 2nd Edition (or subsequent updates). The approved system shall be installed and operated in accordance with the approved scheme at all times the building is in use for the purposes hereby permitted.

Reason: To protect the amenities of nearby residents and the character of the area and to comply with saved Policy ENV1 of the Cherwell Local

Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. External Lighting: Prior to the first use of the development hereby approved details of the external lighting including the design, position, orientation, times of operation, whether they are controlled by movement sensors and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved 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, visual amenity and to comply with Policy 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.

12. MUGA in accordance with plans: The Artificial Grass Pitch and Multi Use Games Area shall be constructed strictly in accordance with drawings numbered SRP1114-ALA-ZZ-ZZ-D-L-9002 Rev P03 (Landscape Illustrative Masterplan), SRP1114-ALA-ZZ-ZZ-D-L-9010 Rev P03 (Detailed Landscape General Arrangement 1 of 5) and SRP1114-ALA-ZZ-ZZ-D-L-9011 Rev P03 (Detailed Landscape General Arrangement 2 of 5).

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. MUGA details: Prior to the laying of the MUGA all surface pitch hereby approved, full details to include colour and finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the all-surface pitch shall be laid and maintained in accordance with the approved details.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the first use of the four court MUGA and the football pitch, the hours of use shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason – To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local

Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. MUGA and football pitch Community Use: Within 3 months of the date of this planning permission, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall set out the facilities to which it relates and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 and Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. MUGA Maintenance: Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified time period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that a new Artificial Grass Pitch is capable of being managed and maintained to deliver Artificial Grass Pitch which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. No floodlights: No floodlights shall be erected on the land without the prior express planning permission of the Local Planning Authority.

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 ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. Landscaping: The development shall not be carried out other than in accordance with Drawings numbered SRP1114-ALA-ZZ-ZZ-D-L-9010 Rev P03 (Detailed Landscape General Arrangement 1 of 5), SRP1114-ALA-ZZ-ZZ-D-L9011 Rev P03 (Detailed Landscape General Arrangement 2 of 5), SRP1114- ALA-ZZ-ZZ-D-L-9012 Rev P03 (Detailed

Landscape General Arrangement 3 of 5), SRP1114-ALA-ZZ-ZZ-D-L-9013 Rev P03 (Detailed Landscape General Arrangement 4 of 5), SRP1114-ALA-ZZ-ZZ-D-L-9014 Rev P03 (Detailed Landscape General Arrangement 5 of 5) and the approved landscaping scheme and hard landscape elements shall be carried out prior to the first use or occupation of the development and shall be retained as such thereafter. 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.

19. Tree Retention and Removal Plan & AIA: The development shall be carried out in line with the recommendations set out within the Tree Retention and Removal Plan (drawing number SRP1114-ALA-ZZ-ZZ-D-L-9029 P02), Arboricultural Impact Assessment undertaken by Middlemarch Environmental Ltd dated March 2024 and Arboricultural Method Statement undertaken by Middlemarch Environmental Ltd dated March 2024.

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 and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. Ecological Appraisal: The development shall be carried out in line with the recommendations set out within sections 4.2 and 4.3 of the Preliminary Ecology Appraisal undertaken by Indigo Surveys dated October 2022.

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.

21. Raised zebra crossing: Prior to the first use of the building hereby approved, details of the raised zebra crossing highways mitigation measures shall be submitted to and approved in writing. The mitigation

measures shall be carried out in accordance with the agreed details prior to first occupation.

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

22. Cycle Parking: Prior to the first use or occupation of the development hereby permitted, additional covered cycle parking facilities shall be provided on the site, and land within the site shall be allocated and reserved for future additional cycle parking, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided, and the land allocated for future cycle parking 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 Policies SLE4 and ESD15 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. Parking and manoeuvring: Prior to the first use or occupation of the development hereby permitted, a plan detailing the proposed parking, turning, loading/unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning/loading/unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the buildings. The car parking, turning/loading/unloading spaces shall be retained for the parking, turning/loading/unloading of vehicles at all times thereafter.

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

### **242 Broughton Road, Banbury, OX16 9QL**

The Committee considered application 24/00246/F for the erection of a single storey rear extension, to provide all necessary adaptations relating to works required at the above property, providing a ground floor bathroom (LAS) and a kitchen to be safe and usable for disabled occupant at 242 Broughton Road Banbury OX16 9QL for Mrs Yasmin Kousar.

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

## **Resolved**

That, in line with the officer's recommendation, application 24/00246/F be approved 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 drawings numbered 22-Ca-010778-P01 and 22-Ca-010778-P03.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Arboriculture**

3. No development shall take place below ground level unless an appropriately qualified arborist is present and all works in the vicinity of the root zones to the adjacent Oak tree must be carried out in accordance with the advice of a suitably qualified arborist. Subsequently, that is, in relation to all development above ground level, suitably qualified arborists shall (i) monitor the development at regular intervals and (ii) submit monitoring reports to the local planning authority, the frequency of which (in the case of both (i) and (ii)) shall be agreed in writing by the local planning authority before development commences.

Note to applicant: The development below ground level to which this condition refers includes any excavation work particularly the digging and cement foundation setting.

Reason – To ensure the protection of the trees and their root systems and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area and to comply with Policy

ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. The block paving to be used under the tree canopy must be of a porous material and shall be retained as such thereafter.

Reason – To ensure that the tree is retained in a safe and healthy condition and is not adversely affected by construction works.

16

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

The Committee considered application 24/00600/CDC for new/enlarged shop front windows 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 and presentation.

#### **Resolved**

That application 24/00600/CDC be approved subject to the conditions listed below (and any amendments deemed necessary):

#### **Conditions**

##### **Time Limit**

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

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

##### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawing No. 7165-GBS-XX-XX-DR-A101-P02, 7165-GBS-XX-XX-DR-A-101-P03 and 7165-GBS-XX-XX-DR-A-103- P02.

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.

17 **Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 8.11 pm

Chairman:

Date:

**23/01233/OUT APPENDIX 1 – MATTERS RELATING TO SECTION 106 AGREEMENT**

<b>Cherwell District Council Planning Obligation</b>			
<b>Detail</b>	<b>Amounts (all to be index linked)</b>	<b>Trigger Points</b>	<b>Regulation 122 Assessment</b>
Affordable Housing	<p>50% of total numbers of dwellings to be affordable housing</p> <ul style="list-style-type: none"> <li>- 70% social rent</li> <li>- 25% First Homes</li> <li>- 5% shared ownership</li> </ul> <p>All affordable rented units to be M4(2) compliant and 5% to be M4(3) 2b compliant.</p> <p>All rented dwellings to meet Nationally Described Space Standards.</p>	Construct all of the Affordable Housing dwellings in a phase prior to the use or occupation of 85% of the Market dwellings in that phase/development parcel.	<p><b>Necessary</b> – Yes, the site is allocated as part of the Partial Review Policy PR2 and PR6a are the relevant policies.</p> <p><b>Directly related</b> – Yes, the affordable housing will be provided for the need identified in the Local Plan.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes, the contribution is the level of the expected affordable housing.</p>
Community Building	On site provision to agreed specification and long term management strategy.	Construction prior to 400 occupations (or an alternative agreed trigger).	<p><b>Necessary</b> – Provision of a Community Building within the local centre in accordance with Policy BSC 12, Policy PR6a and Policy PR11 and the Developer Contributions SPD.</p> <p><b>Directly Related</b> – Yes</p> <p><b>Fairly and Reasonably related in scale and kind</b> - Yes</p>

Community Development Worker	Either £69,853.40 or bespoke stewardship arrangement.	Obligation covered by works to be undertaken by the Management Company.	<b>Necessary</b> - Financial contribution towards improvements to community integration and support within the locality in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD <b>Directly Related</b> – Yes
Community Development Fund	Either £36,000.00 or bespoke stewardship arrangement.	Obligation covered by works to be undertaken by the Management Company.	<b>Fairly and Reasonably related in scale and kind</b> - Yes
Outdoor Sport Provision	£1,613,624.00	25% prior to first occupation 25% prior to 200 occupations 25% prior to 400 occupations 25% prior to 500 occupations  (or an alternative agreed trigger)	<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 population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the CDC Developer Contribution SPD <b>Directly related</b> – The future occupiers will place additional demand on existing facilities. <b>Fairly and reasonably related in scale and kind</b> – Based on CDC standards to deliver formal outdoor sports provision at PR7a and Stratfield Brake in line with the Sports Studies.

Indoor Sport Provision	£667,957.44	25% prior to first occupation 25% prior to 200 occupations 25% prior to 400 occupations 25% prior to 500 occupations  (or an alternative agreed trigger)	<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 population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD <b>Directly related</b> – The future occupiers will place additional demand on existing facilities. <b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants (i.e. towards improvements at Kidlington & Gosford Leisure Centre and / or a new facility in the vicinity).
2 x LAP; 1 x LEAP; 1 x Combined LAP/LEAP; 1 x Combined LAP/LEAP/NEAP/MUGA - Maintenance costs	To agreed specification.	Obligation covered by works to be undertaken by the Management Company.	<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 population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. <b>Directly related</b> – The future occupiers will place additional demand on existing facilities. <b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Cotteslowe Park Extension	As required by policy.	Provision to be made as part of the development.	
Green Infrastructure Corridor	As required by policy.	Provision to be made as part of the development.	
Open Space (Management and Maintenance)	Either by Management Company or CDC.	Obligation covered by works to be undertaken by the Management Company.	

<p>Allotments, Community Gardens and Orchards - specification</p>	<p>To agreed specification.</p>	<p>Prior to determination of the relevant Reserved Matters Application or Detailed Planning Application which includes the community gardens or alternative agreed trigger</p>	<p><b>Necessary</b> – Delivering allotments, including community gardens and orchards, as required by Partial Review Local Plan Policy PR6a.  <b>Directly related</b> – Yes.  <b>Fairly and reasonably related in scale and kind</b> – Yes.</p>
<p>Biodiversity Net Gain</p>	<p>Scheme to provide for a minimum of 10% BNG and maintenance.</p>	<p>Upon completion of all the phases development, a minimum 10% biodiversity net gain will be delivered. (NOTE: This could involve some phases of development delivering less than 10% BNG).</p>	<p><b>Necessary</b> – Delivering a minimum of 10% BNG is in accordance with the mandatory biodiversity net gain requirement for new housing and commercial development in The Environment Act 2021.  <b>Directly related</b> – Yes.  <b>Fairly and reasonably related in scale and kind</b> – Yes.</p>
<p>BIMP (including farmland birds mitigation) proposals</p>	<p>Scheme for off-site mitigation of farmland birds</p>	<p>In conjunction with the delivery of development.</p>	<p><b>Necessary</b> – Delivering biodiversity improvements as required by Partial Review Local Plan Policy PR6a.  <b>Directly related</b> – Yes.  <b>Fairly and reasonably related in scale and kind</b> – Yes.</p>

Waste Recycling	£88,800	Prior to first occupation or alternative agreed trigger	<p><b>Necessary</b> – Related to the increase in resident population as a result of the development and based on standard CDC charges.</p> <p><b>Directly related</b> – Yes.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes.</p>
Land and provision of a recycling bank		Construct recycling bank prior to 400 occupations (or an alternative agreed trigger)	
CDC Monitoring Costs	£20,000	<p>Figure to be confirmed by CDC based on items to be monitored.</p> <p>50% prior to first occupation 50% prior to 400 occupations</p> <p>(or an alternative agreed trigger)</p>	The CDC charge is based upon its agreed Fees and Charges Schedule.

All of the above subject to S106 wording and standard repayment clauses to be included in the Agreement.

Oxfordshire County Council Planning Obligation			
Detail	Amount (all to be Index Linked)	Trigger Points	Regulation 122 Assessment
Primary Education - Transfer of school land	<p>Serviced and remediated land for a Primary school - 2.22 Hectares (excluding circulation area) (to agreed OXCC specification to allow for retaining structures).</p> <p>[To be transferred at nil cost but contribution from PR6b site and potential buy back mechanism should school use not proceed or ceases in the future]</p>	<p>OXCC trigger: 100 occupations</p> <p>(or an alternative agreed trigger)</p>	<p><b>Necessary</b> – Related to the provision of a primary school on site to serve PR6a and PR6b. Local Plan Partial Review Policy PR6a is the relevant policy.</p> <p><b>Directly related</b> – Related to the pupils generated by the development of PR6a and PR6b.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes, the transfer of land is expected as part of the delivery of the school</p>
Primary Education	<p>Financial contributions for construction of 1FE primary school (including nursery)</p> <p>£7,746,000</p>	<p>OXCC triggers:</p> <p>10% prior to implementation</p> <p>30% on due date of transfer at 100 occupations</p> <p>30% 6 months after due date of transfer, or 200 occupations (whichever is earliest)</p> <p>30% 12 months after transfer or prior to 300 occupations (whichever is earliest)</p> <p>(or alternative agreed triggers)</p>	<p><b>Necessary</b> – Related to the provision of a primary school on site to reflect the increase in pupils resulting from the PR6a and PR6b developments.</p> <p><b>Directly related</b> – Related to the pupils generated by the development of sites PR6a and PR6b.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculated on the of pupil yield and cost per pupil.</p>

Secondary Education	Financial contribution - £5,411,504	34% prior to 200 occupations 33% prior to 300 occupations 33% prior to 400 occupations  (or an alternative agreed trigger)	<b>Necessary</b> – Related to the provision of secondary school enhancement in the District to reflect the increase in pupils <b>Directly related</b> – Related to the pupils generated by the development <b>Fairly and reasonably related in scale and kind</b> – Calculated on the of pupil yield and cost per pupil.
Secondary Education – Land Costs	Towards acquisition land costs for a new school - £448,853	Prior to 300 Occupations.  (or an alternative agreed trigger)	<b>Necessary</b> – A contribution is also required towards secondary school site acquisition land costs, proportionate to Local Plan allocated dwelling numbers. <b>Directly related</b> – Related to the expected pupils generated by the development <b>Fairly and reasonably related in scale and kind</b> – Calculated on the basis of pupil yield and cost per pupil.
SEND Development	Financial contribution - £538,446	Prior to 500 Occupations.  (or an alternative agreed trigger)	<b>Necessary</b> – Towards expansion of SEND school capacity. Requirement for additional SEND provision defined within the Oxfordshire SEND sufficiency Delivery Strategy. <b>Directly related</b> – Related to the expected pupils generated by the development. <b>Fairly and reasonably related in scale and kind</b> – Calculated on the basis of pupil yield and cost per pupil.

<p>Library Services</p>	<p>Expansion of Kidlington Library - £51,280</p> <p>Contribution to library stock at Kidlington Library - £27,086</p>	<p>OXCC trigger: Prior to 400 occupations All payments made by 2/3rds build out of the development (c. 533 occupations).</p> <p>(or alternative agreed triggers)</p>	<p><b>Necessary</b> – This site is served by Kidlington Library which is unable to accommodate development from the PR Sites. To accommodate growth from the PR sites, the library needs to be reconfigured / refurbished to expand capacity.</p> <p><b>Directly related</b> – Kidlington Library is the nearest public library to the PR6a site.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes.</p>
<p>HWRCs</p>	<p>Towards expansion and efficiency of Household Waste Recycling Centres - £75,168</p>	<p>Prior to first occupation (or an alternative agreed trigger)</p>	<p><b>Necessary</b> – Related to the increase in resident population as a result of the development.</p> <p><b>Directly related</b> – Related to the development of PR Sites.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes.</p>
<p>Archaeological Storage</p>	<p>Increased capacity at Standlake Storage Centre - £7,169</p> <p>Subject to any finds being found.</p>	<p>Prior to implementation</p>	<p><b>Necessary</b> – On the basis that archaeological finds are excavated which require additional storage facilities, a financial contribution is necessary on that basis.</p> <p><b>Directly related</b> – Yes</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes</p>

<p>Oxford Airport Transport Hub</p>	<p>£2,238,631  (financial contribution to be confirmed)</p>	<p>25% prior to 500 occupations 50% prior to 600 occupations 25% prior to 700 occupations  (or an alternative agreed trigger)</p>	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan. <b>Directly related</b> – Not directly related to the site, which is adjacent to Oxford Parkway Park &amp; Ride but is identified in Appendix 4 of the Local Plan. <b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are split proportionately to the scale of the development.</p>
<p>Oxford Road Cycle Superhighway (beyond the site frontage of PR6a)</p>	<p>£845,337</p>	<p>25% prior to first occupations 50% prior to 200 occupations 25% prior to 300 occupations  (or an alternative agreed trigger)</p>	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works are identified in the Local Plan. <b>Directly related</b> – Identified in Appendix 4 of the Local Plan. <b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.</p>

Cuttleslowe Roundabout Improvements	£705,264	50% prior to 200 occupations 50% prior to 300 occupations  (or an alternative agreed trigger)	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p><b>Directly related</b> – Identified in Appendix 4 of the Local Plan.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.</p>
A4260 Southbound bus lane from Bicester Road / A4260 junction to Kidlington roundabout	£1,585,564	50% prior to 400 occupations 50% prior to 600 occupations  (or an alternative agreed trigger)	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p><b>Directly related</b> – Identified in Appendix 4 of the Local Plan.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.</p>

Signalised junctions along the A4260/A4165	£254,750	50% prior to 200 occupations 50% prior to 300 occupations  (or an alternative agreed trigger)	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p><b>Directly related</b> – Identified in Appendix 4 of the Local Plan.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.</p>
Active Travel Infrastructure Cutteslowe Park Cycle Route	£216,028	100% prior to 200 occupations  (or an alternative agreed trigger)	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p><b>Directly related</b> – Identified in Appendix 4 of the Local Plan.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.</p>

<p>Bus service improvements</p>	<p>£861,055</p>	<p>A declining bus subsidy calculation over 8 years:</p> <p>First occupations / Year 1: 22%  200 occupations / Year 2: 19%  300 occupations / Year 3: 17%  400 occupations / Year 4: 14%  500 occupations / Year 5: 11%  700 occupations / Year 6: 8%  800 occupations / Year 7: 6%  800 occupations / Year 8: 3%</p> <p>(or an alternative agreed trigger)</p>	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p><b>Directly related</b> – Identified in Appendix 4 of the Local Plan.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.</p>
<p>RTI Displays at existing Jordan Hill Bus stops (x4)</p>	<p>£41,211</p>	<p>100% prior to first occupation</p> <p>(or an alternative agreed trigger)</p>	<p><b>Necessary</b> – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p><b>Directly related</b> – Identified in Appendix 4 of the Local Plan.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.</p>

Public Rights of Way Improvements	£310,000  (sum to be agreed following further discussion)	Trigger point(s) to be confirmed following further discussion.	<b>Necessary</b> – A financial contribution towards the maintenance of footpaths in the local area is acceptable in principle. <b>Directly related</b> – Relates to PRoW within the local area but no specific works have yet been identified. <b>Fairly and reasonably related in scale and kind</b> – The level of contribution is questioned and discussions are ongoing.
Framework Travel Plan - Monitoring	Framework Travel Plan Monitoring - £1,890  School Travel Plan Monitoring - £1,890  Residential Travel Plan Monitoring - £3,110	100% prior to first occupation  (or an alternative agreed trigger)	<b>Necessary</b> – The travel plan is necessary to encourage modal shift and is a requirement of the Local Plan. <b>Directly related</b> – Identified in the Local Plan. <b>Fairly and reasonably related in scale and kind</b> – The scale of the identified contributions are appropriate.
OXCC Administration and Monitoring Fee	£37,009  (subject to further discussion)	OXCC proposed triggers:  50% on completion 50% first occupation  (or an alternative agreed trigger)	The OXCC charges are based upon Cabinet approved charging schedule.

All of the above subject to S106 wording and standard repayment clauses to be included in the Agreement.

Other Planning Obligations (Payable to CDC)			
Detail	Amount (all to be index linked)	Trigger Points	Regulation 122 Assessment
Thames Valley Police	Staff Set Up - £7,373 Vehicles - £17,840 Mobile IT - £9,450 ANPR Cameras - £11,000 Premises - £86,594	Prior to First occupation  (or an alternative agreed trigger)	<p><b>Necessary</b> – In relation to the demand and need the requirements would be in accordance with the Council’s Developer Contributions SPD.</p> <p><b>Directly related</b> – The contributions are towards impacts from the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes</p>
Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOBW ICB)	Primary Care Infrastructure - £691,200	50% prior to 400 occupations 50% prior to 700 occupations  (or an alternative agreed trigger)	<p><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 population growth associated with the development. Additional consulting rooms and enhanced capacity at Gosford Hill Medical Centre are therefore proposed through the contribution</p> <p><b>Directly related</b> – Yes. The proposals would be used towards the creation of consultation space</p> <p><b>Fairly and reasonably related in scale and kind</b> – Yes</p>

All of the above subject to S106 wording and standard repayment clauses to be included in the Agreement.

Planning obligation		Regulation 122 Assessment	
Detail	Amounts (all to be Index linked)	Trigger points	
Provision of, and commuted sum for maintenance of, open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP 2015	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering). Details of ongoing management company if no commuted sum	To be delegated to officers	<b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018) <b>Directly related</b> – For the use of future occupiers of the development <b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council
Provision of a Local Area of Play and a Local Equipped Area of Play and commuted sum for maintenance or other management provisions	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering). Details of ongoing management company if no commuted sum	To be delegated to officers	<b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018) <b>Directly related</b> – For the use of future occupiers of the development <b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – Towards the provision of formal outdoor sports facilities at Graven Hill and / or in the locality of the development	55 x £2,017.03 per dwelling = £110,936.65	To be delegated to officers	<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 population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD <b>Directly related</b> – The future occupiers will place additional demand on existing facilities. <b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer

			Contributions SPD calculation based on the final mix of housing and number of occupants.
Off-site indoor sports facilities – Towards improvements at Bicester Leisure Centre	<p>A sum based on a contribution of £335.32 per occupier of each Dwelling as follows:</p> <ul style="list-style-type: none"> <li>• 2.49 (Average occupancy per Dwelling) multiplied by the Composition of the Development</li> <li>• Result multiplied by £335.32</li> </ul> <p>Example at 55 Dwellings <math>55 \times 2.49 = 136.95</math> <math>136.95 \times £335.32 = £45,922.07</math></p>	To be delegated to officers	<p><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 population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p> <p>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.</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community hall facilities – To be spent on enhancements at Blackthorn Village Hall or other community building.	<p>A sum based on the requirement to provide 0.185m<sup>2</sup> community space per occupier of the Dwellings at a cost of £2,482 per m<sup>2</sup> as follows:</p> <ul style="list-style-type: none"> <li>• (Average occupancy per Dwelling) multiplied by the Composition of the Development</li> </ul>	To be delegated to officers	<p><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 population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The Council will encourage the provision of community facilities to enhance the sustainability of communities.</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p>

	<ul style="list-style-type: none"> <li>• The result multiplied by 0.185 (0.185m<sup>2</sup> community space required per resident)</li> <li>• That result multiplied by £2,482.00 (cost per m<sup>2</sup> of provision of community space) Example at 55 Dwellings 55 x 2.49 = 136.95 residents 136.95 x 0.185m<sup>2</sup> = 25.34m<sup>2</sup> 25.43 x £2,482.00 = £62,893.88</li> </ul>		<p><b>Fairly and reasonably related in scale and kind –</b> Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Public Realm / Public Art	<p>A developer contribution of £200 per dwelling would be requested plus 12% management and maintenance fees. Total £12,320.00 We would be seeking a contribution towards the provision of public art to enhance the landscaped area alongside the planned public footpath with a piece of artwork referencing natural forms in wood, metal, or stone.</p>	To be delegated to officers	<p>SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Government's Planning Practice Guidance (PPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.</p>
Contributions to bins	£106 per dwelling	To be delegated to officers	<p><b>Necessary</b> – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD <b>Directly related</b> – The need for these comes from the increase in the number of dwellings</p>

			<b>Fairly and reasonably related in scale and kind</b> – Costs in accordance with the advice in the Developer Contribution SPD
Affordable housing provision on site	At least 35% of total number. 25% First Homes 70% Social/affordable rent 5% Intermediate housing such as shared ownership. To be in accordance with the standards outlined in Developer Contributions SPD	To be delegated to officers	<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 <b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing <b>Fairly and reasonably related in scale and kind</b> – Based on the Cherwell Local Plan requirement for percentage of affordable housing.
Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.	To be provided and managed long term in accordance with the HMMP	To be delegated to officers	<b>Necessary</b> – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF <b>Directly related</b> – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity. <b>Fairly and reasonably related in scale and kind</b> – To off-set the impacts of the development and provide a net gain.
Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity	£360 per person generated (from SHMA occupancy) based on final housing mix	To be delegated to officers	<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 population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD <b>Directly related</b> – The future occupiers will place additional demand on existing facilities. <b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.

<p>Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking</p>	<p>To be confirmed</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.  <b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p>Public transport contribution of £62,315 to contribute towards the continuation of bus services in Ambrosden, which are currently operated under contract to Oxfordshire County Council using time-limited funds.</p>	<p>£62,315  Calculation: £1,133 per dwelling is sought from developments served by the bus routes along Ambrosden on a fair and equitable basis.  £1,133 x 55 dwellings - £62,315</p>	<p>To be delegated to officers</p>	<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.  Local Transport Plan 4, Policy 34. Oxfordshire County Council will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.  Provision of bus shelters to encourage the use of public transport by providing attractive waiting facilities.  <b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.  <b>Fairly and reasonably related in scale and kind.</b>  The contributions are in scale with the development</p>
<p>Public transport infrastructure contribution of £15,347 to contribute towards the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road</p>	<p>£15,347  Calculation: based on the latest price of a Cantilever Shelter 5 Bus Bay at the time of comment.</p>		

			and would be directly benefiting residents of the future development.
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	<p>£15,000</p> <p>Calculation: The proposed measures are based on the desk assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per dwelling or per m2 tariff system. Estimated contribution breakdown by activity:</p> <ul style="list-style-type: none"> <li>• site surveys &amp; assessments 5%</li> <li>• habitat survey &amp; mitigation 5%</li> <li>• landowner negotiations 5%</li> <li>• Materials, contractor, plant &amp; equipment 60%</li> <li>• Legal processes e.g. temporary works closures, agreement payments 5-10%</li> <li>• Contract preparation &amp; supervision 5%</li> <li>• Admin costs 5%</li> <li>• Contingency/Follow-up repair works 5-10%</li> </ul>	To be delegated to officers	<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>There is expected to be an increase in numbers of residents and their visitors using the rights of way network in the vicinity of the site due to the proximity of the development. OCC Countryside Access is seeking a contribution to mitigate the impact of this increase in numbers of residents and their visitors accessing the network along these routes.</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>The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered.</p> <p><b>Fairly and reasonably related in scale and kind.</b></p> <p>The contributions are in scale with the development and would be directly benefiting residents of the future development.</p> <p>The proposed measures are based on the desk assessment of likely costs for the measures. The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims.</p>

			The contribution would be spent on improvements to the public rights of way in the vicinity of the development. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing etc.
<p>Obligation to enter into a S278 agreement to secure:</p> <ul style="list-style-type: none"> <li>- new site access bellmouth junction from Blackthorn Road, including 2m footway on east side</li> <li>- new 3m wide shared use footway/cycleway, approximately 75m long, and uncontrolled crossing of Blackthorn Road</li> <li>- new LTN 1/20 compliant cycletracks and side road crossings, and a parallel crossing of Blackthorn Road (unless previously delivered by application no.22/01976/OUT)</li> </ul>	To be delivered on and off site	To be delegated to officers	<p><b>Necessary</b> to provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p><b>Directly related.</b> This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p><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>
Secondary education capacity contribution and contribution towards secondary school land in Bicester	£432,081 towards secondary education capacity and £39,650 towards secondary school land contribution for secondary school places secondary school places in	To be delegated to officers	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>The scale of housing growth in Bicester requires another new secondary school, in addition to that recently opened at SW Bicester to meet the needs of already permitted development. Sufficient secondary</p>

	<p>Bicester to ensure adequate secondary school provision.</p> <p>Calculation:</p> <p>Number of secondary pupils expected to be generated = 13</p> <p>Estimated per pupil cost of a new 600-place secondary school = £33,237</p> <p>13 x £33,237 = £432,081</p> <p>Estimated per pupil cost of land for new secondary school (April 2023 prices) = £3,050</p> <p>13 x £3,050 = £39,650</p>		<p>school capacity to meet the needs of this site will be provided through the new secondary school planned as part of the southern section of the North West Bicester development. The school will be delivered in phases depending on the build out of the development. The first phase of at least 600 places is forecast to be required by the late 2020's, although this is subject to the speed of housing delivery. The proposed secondary school site is on land that forms part of the planning application reference 14/01641/OUT. This development would be expected to contribute proportionately towards the cost to the county council of acquiring this land.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development <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>
<p>Special School contribution to be spent on expansion of SEN school capacity</p>	<p>£26,922 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.</p> <p>Calculation:</p> <p>Number of pupils requiring education at a special school expected to be generated = 0.3</p> <p>Estimated per pupil cost of special school expansion, as advised by Government guidance "Securing developer contributions for education" (Nov 2019) = £89,741</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.</p> <p>Approximately half of pupils with Education Needs &amp; Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary</p>

	$0.3 \times \text{£}89,741 = \text{£}26,922$		<p>pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.</p> <p>The county council's Special Educational Needs &amp; Disability Sufficiency of Places Strategy is available at <a href="https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places">https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places</a> and sets out how Oxfordshire already needs more special school places. This is being achieved through a mixture of new schools and expansions of existing schools.</p> <p>The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation quoted above.)</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development <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>
<p>Contribution towards expansion and efficiency of Household Waste Recycling Centres.</p>	<p>£5,168  Calculation:  Space at HWRC required per dwelling (m<sup>2</sup>) = 0.18  Infrastructure cost per m<sup>2</sup> = £275  Land cost per m<sup>2</sup> = £247</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.  OCC is required to arrange for places to be provided at which residents may deposit household waste and for the disposal of that waste, and that these places</p>

	<p>Total land and infrastructure cost per m<sup>2</sup> = £522  £522 x 0.18 = £93.96 (cost per dwelling)  55 x £93.6 = £5,168</p>	<p>should be reasonably accessible to residents, available at reasonable times, and available to residents free of charge. These are referred to as Household Waste Recycling Centres (HWRC) and the network of sites within the county is no longer fit for purpose and is over capacity.</p> <p><b>Directly related.</b> Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 55 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 220 HWRC visits per year.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision based on build costs.</p>
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