

Case Officer: James Kirkham

Applicant: Bicester Sports Association

Proposal: Change of Use of agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2no training pitches with floodlighting, 2no match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works

Ward: Fringford and Heyfords Ward

Councillors: Cllr Ian Corkin, Cllr James Macnamara and Cllr Barry Wood.

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The current application seeks permission to change the use of an agricultural field to the south of the existing Bicester Sports Association (BSA) sports ground in Chesterton and construct a new two storey club house, single storey rifle and shooting range, and flood lit pitches with associated parking and landscaping. This is being put forward as a replacement facility for the BSA site in Bicester on Oxford Road which the BSA have sold and need to vacate.

Consultations

The following consultees have raised **objections** to the application:

- Chesterton Parish Council, Bicester Town Council, Weston-on-the Green Parish Council, Bicester Delivery Team, Oxfordshire Playing Fields Association, OCC Highways, CDC Landscape, CPRE

The following consultees have raised **no objections** to the application:

- Sport England (but raise some concerns in non-statutory capacity), CDC Lighting Consultant, CDC Environmental Protection, CDC Ecology, CDC Tree Officer, Natural England, OCC Lead Local Flood Authority, OCC Archaeology, Thames Water, CDC Rights of Way, Highways England, Ministry of Defence, National Air Traffic Safeguarding, Thames Valley Policy, Environment Agency, CDC Building Control, OCC Minerals and Waste, Historic England

The following consultees comment on the application:

- CDC Wellbeing, CDC Planning Policy,

47 letters of objection have been received and 199 letters of support have been received.

Planning Policy and Constraints

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Landscape and Visual Impact and Design
- Transport and Highways
- Residential amenity
- Ecology impact
- Archaeology
- Sustainable construction
- Flood risk and drainage
- Other matters

The report considers the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons

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1. The site is an inaccessible and unsustainable location to accommodate this scale of replacement or new sports provision to serve Bicester and the surrounding area. It would not reduce the need to travel or offer genuine choices for transport options and would not result in an accessible sporting facility.
2. The proposal would result in adverse visual effects on the character and appearance of the locality.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the south of Green Lane approximately 300 metres to the south west of the village of Chesterton. Little Chesterton is located to the south of the site and Bicester Hotel Golf and Spa to the north of the site.
- 1.2. The northern part of the site is currently used for sport pitches and is approximately 11.5 hectares in size. It is operated by Bicester Sports Association and includes two county level cricket pitches and associated pavilion, 12 rugby pitches of various sizes, 8 football pitches of various sizes, an outdoor shooting range, changing rooms and associated parking.
- 1.3. The remaining part of the site (to the south) forms part of a large open agricultural field and the land falls gently in a southerly direction.

2. CONSTRAINTS

- 2.1. There are records of Great Crested Newts and Badgers within proximity of the site. Public footpath 161/5/10 runs adjacent to the eastern boundary of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application is made by Bicester Sports Association (BSA) which is a private trust that makes sports land available for subsidised use by local amateur sports clubs. This includes Bicester United Football Club, Bicester Town Colts, Bicester Rugby Union Club, Bicester and District Rifle and Pistol Club, Bicester and North Oxfordshire Crick Club, Womens Oxfordshire First XI Cricket Team, Bicester Archers and others.
- 3.2. The BSA currently operate from two sites including the northern part of the application site and a further site on Oxford Road in the built limits of Bicester. The BSA have recently sold the Oxford Road site in Bicester and are required to provide vacant possession by no later than 31st May 2021.
- 3.3. The current application proposes to develop and expand the current site at Chesterton to accommodate the activities that currently take place at Oxford Road at Chesterton along with some further enhanced facilities to create a new sporting hub. The applicant states that this application is for replacement and enhanced facilities for the loss of the Oxford Road site and the proposals are therefore assessed on that basis. However, it is important to note that the current application does not proposed the change of use or redevelopment of the Oxford Road site in Bicester the lawful planning use of which would remain as existing.
- 3.4. The current application seeks to provide a modern multi-sports centre for Bicester and the surrounding area and in particular seeks permission for the following:
 - To change the use of approximately 13ha of land to the south of the existing site to sports fields including reorientation of existing rugby pitches and archery zone, 2 new training pitches with flood lighting (15m high) (1 football and 1 rugby union), 2 new match pitches (1 football and 1 rugby union), new flexible sports pitch and new rugby training grids
 - New 2 storey clubhouse with events space (1,175sqm total). The ground floor of this would largely accommodate changing rooms, plant and office space. The first floor would largely be a function space with kitchen and bar and would include an outdoor terrace. It would be constructed of blockwork at ground floor with a mix of timber cladding and metal cladding on the upper parts.
 - New indoor pistol and rifle range in the northern part of the site adjacent to the existing pavilion to be constructed of metal and timber cladding.
 - New storage and shelter buildings to be located adjacent to the new car park serving the club house.
 - Cricket scoreboard
 - Provision of car parking spaces and 4 coach parking spaces
 - Cycle parking
 - Revised access from Akeman Street and new emergency access points to east of the site on lane to Little Chesterton
- 3.5. It is proposed to provide new landscape screening to the boundaries of the site in particular to the eastern, southern and western boundary.
- 3.6. Several off-site highway works are also proposed to improve connectivity between Chesterton and Bicester. These are outlined elsewhere in this report.

3.7. *Timescales for Delivery*: The applicant/agent has advised that, in the event that planning permission is granted, they anticipate commencing development imminently as they have to vacate the Oxford Road site.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
CHS.264.89	Change of use from agriculture to use as playing fields and provision of sporting facilities.	Appeal Dismissed

This application also proposed to relocate the BSA Oxford Road facilities to the site. Application refused and dismissed at appeal due to visual and landscape impacts of large buildings (some 2 storey), flood lights and associated infrastructure on the rural character and appearance of the area.

CHS.10.92	Sports ground with ancillary changing, car park and new access	Appeal Dismissed
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Application refused and dismissed at appeal. The key issue here was the provision of a new dwelling. The Council had concerns of setting a precedent for future applications however this concern was not supported by the Inspector. However, the Inspector considered the provision of a grounds persons dwelling not to be appropriate or justified.

CHS.548.92	Development of sport ground with ancillary changing facilities, car parking and a new access	Refused
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CHS172.93	Development of sport ground with ancillary changing facilities, car parking and a new access	Approved
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This was the first approval for the use of land as a sports ground and relates to the western half of the current site. There was a condition stating the noise levels of the firing range should not exceed the ambient noise level from the closest property.

97/01954/F	Change of use from agricultural land to playing fields	Approved
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This related to the eastern part of the existing site. It included a condition that only allowed it to be used for rugby and mini-rugby to restrict the pressure for additional development on the site.

99/01585/F	Change of use to provide three football pitches and a training area. Construction of an all-weather surface as an additional training area and for hockey matches. New changing rooms and associated car parking.	Refused
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New driveway for access

This related to the northern part of the existing agricultural field to the south of the existing sports fields. The application was refused for being an intrusive form of development in the countryside, the proposal being remote from the catchment location and unsustainable in transport terms, and being premature.

08/01763/F

2no football pitches

Refused

This related to a small part of the existing proposed site (in the north west corner of the existing agricultural field). It was refused due to it the unsustainable location, the detrimental impact on the countryside and the lack of parking and sustainable transport options.

5. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00082/PREAPP	Redevelopment of BSA's Oxford Road site for retail led mixed use development, construction of new car park and new vehicular access from Oxford Road. Change of use of agricultural land and extension of existing BSA facility at Akeman Street, Chesterton for sports provision including new car park and club facilities

Council's advice: Oxford Road site – The retail element requires a sequential test and retail impact assessment. Site analysis required. Site opportunities and constraints plan required. Vision statement required. Detailed advice given on layout and design. Heritage assessment required. Archaeology assessment. Transport Assessment required. Footway/cycleway improvements and detailed highway proposals required. Loss of sports pitches a very significant constraint, including but not limited to comment that any playing field lost would need to be replaced with equivalent or better in terms of quantity, quality and accessibility. Flood Risk Assessment required. Chesterton site – The site is outside Bicester, would not directly serve the population of Bicester. Should the redevelopment of the existing BSA site be acceptable in principle then the replacement facilities should be located at Bicester.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **28/10/2019**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:

47 letters of objections

- Unsustainable location – Site is inaccessible apart from by car. Site is inaccessible apart from by cars due to lack of footpaths and distance. Inaccessible location would limit access to younger and more disadvantaged members of the community from participating in sport.
- Development is to meet the recreational needs of Bicester and should be located closer to Bicester to serve the residents and be accessible to all members of the community.
- The sports facilities should remain in Bicester to support the growing population.
- Rugby club has not committed to the location.
- Impact on the character of the area – Detrimental impact to setting of village. Site is a sensitive location in the open countryside. New buildings and flood lights visually intrusive and out of character with locality. Landscaping mitigation will have little impact on winter months. New buildings and flood lighting should be restricted to the north of the site. Coalescence between Chester and Little Chesterton.
- Environmental pollution – Light pollution from flood lighting in an open countryside location. Air pollution
- Impact on amenity – Increase in noise and disturbance from increased usage and light pollution to neighbouring properties and adjacent equestrian use. Noise pollution from rifle range
- Impact on highway safety – Increase in risk of accidents. Increase in traffic on local roads and through Chesterton. Increase in use of narrow road through Little Chesterton which is unsuitable. Other nearby roads such as The Hale are also narrow. Transport statement is inadequate and does not take account of all uses. The road network needs to be improved if the development is granted. Inadequate parking provision particularly given the extent of uses on the site particularly for larger events.
- Alternative sites – The use of other facilities such as Whitelands and Graven Hill should be given consideration. There is significant demand for the Oxford Road site.
- Loss of facilities – The proposal would lead to the loss of football ground that can accommodate a Step 5 club and there is not substance to the claims that the Oxford Road ground was erroneous in meeting the Step 5 ground criteria.
- Impact on wildlife and ecology from proposals including lighting. Badgers and otters are present near the site
- Other matters
- Electricity use for flood lighting is unsustainable and higher levels of sustainable construction should be sought.
- Loss of agricultural land.
- Flood risk and drainage concerns.

- Landscaping and drainage could impact on neighbouring land.
- Impact on archaeology.
- Similar applications have been refused before.
- Application needs to be considered in the context of the Great Wolf application nearby.
- Queries regarding the structure, legality and life span of the BSA as a private trust
- Many of the letters of support are not from Bicester or Chesterton.

199 letters of support

- Need – Good quality additional sports facilities are required in the area to support the rapid growth of Bicester. The proposal is needed to replace the Oxford Road facility.
- Benefits – The new facilities are a vast improvement on the existing site both in terms of quality and quantity. It would be good to have all the facilities in one place. Proposal would relieve some of the traffic impact in Bicester. The proposal supports clubs/sports which otherwise may not be supported.
- Design – Wheelchair accessible provision is supported. Proposals are well considered in design terms.
- Impacts – Users of the Oxford Road site already also use Chesterton so there would be no impact.
- Facility is well run and can only be good for the area.
- The objectives of the Trust should be supported, and the proposal would protect subsidised provision of sport. The BSA does not use public funds.

Bicester Rifle and Pistol Club supports the proposal advising the proposal is critical to their success and for the club to flourish. No alternative sites are available. The BSA are supportive of the objectives of the club. The new facilities will greatly benefit Bicester and grass roots sport.

Bicester and North Oxfordshire Cricket Club supports the application on the basis that it would support grass roots sport.

Bicester Rugby Club questions the proposal being treated as replacement facilities and Sport England being a statutory consultee as no development or being proposed on the Oxford Road site at the current time.

Full copies of the comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. CHESTERTON PARISH COUNCIL: **Objects.** The site is not accessible or sustainable other than by car with inadequate bus, walking or cycling facilities. It therefore does not reduce the need to travel as required by planning policy. Increase in traffic underestimated in the Transport Statement given the number of other uses as are the number of accidents. Increase in traffic on narrow local roads and increase in accidents would be unacceptable. Access by coaches would be inappropriate. The Hale needs widening, and a footpath introduced. The footpath now proposed is welcome and signs to deter the use of the lane to Little Chesterton are required at both ends if the application is approved. Any link through the Country park needs to be secured and lit. The submission indicates of further development in the future which will increase impacts.
- 7.3. Lighting impacts will be unacceptable and further investigation is required on heritage. Also concerns regarding air and noise pollution.
- 7.4. The Rugby Club have not committed to the site so the traffic impact could be higher.
- 7.5. BICESTER TOWN COUNCIL: **Objects.** Raise concerns regarding traffic and the geographically unsustainable location of the site only accessible by car. This could also limit access to sport to those with private transport. Cumulative effects with other proposed development would be unacceptable to the site and light pollution.
- 7.6. WESTON-ON-THE-GREEN PARISH COUNCIL: **Objects.** Unsustainable location only accessible by car and should be located within Bicester. Concerns regarding noise and visual intrusion (including light pollution) into the open countryside and leading to urban sprawl. The roads serving the development are not suitable for increased traffic.

CONSULTEES

- 7.7. CDC WELLBEING: **Comment.** The proposed development of pitches and facilities at the BSA site in Chesterton should be viewed in the context of losing the facilities centrally based in Bicester, off the Oxford Rd.
- 7.8. The proposals exceed the loss of pitch provision, in terms of area, however they do not mitigate the recognised Football Association ground grading of one of the pitches at Oxford Rd. An acceptable position has been found, in that the BSA have allowed for the future development of one of the pitches, so that if required, it could be upgraded / developed into a Step 5 FA standard facility.
- 7.9. Strategically, the additional football facilities are not required to service the future needs of Bicester. The 2018 Cherwell Sports Studies outline that future grass football pitch demand will be met through the expected provision on new strategic sites. However, new rugby pitches are required, with the sports studies outlining that Bicester RUFC requires a four pitch single site with access to a clubhouse.
- 7.10. Concerns remain over the sustainability of the operational model being proposed for the new facilities, however, having produced and submitted an indicative business plan, the wellbeing team conclude that this is a reasonable position for the BSA to take at planning application stage.
- 7.11. The Wellbeing team neither supports or objects to the application. Our comments are intended to provide some strategic context to the proposed sports facilities.

7.12. SPORT ENGLAND: **No objection.** The applicant has stated that the proposals are to mitigate the loss of the site at Oxford Road thus meeting Sport England's planning policy exception E4. The consultation with Sport England is therefore a statutory requirement. Sport England will oppose the granting of planning permission for any development which would lead to:

the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

7.13. The proposal is being assessed against three of Sport England's planning policy exceptions: E2, E3, E4 and E5.

Sport England Policy Exceptions	
E2	The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
E3	The proposed development affects only land incapable of forming part of a playing pitch and does not: <ul style="list-style-type: none"> • reduce the size of any playing pitch; • result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); • reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; • result in the loss of other sporting provision or ancillary facilities on the site; or • prejudice the use of any remaining areas of playing field on the site.
E4	The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: <ul style="list-style-type: none"> • of equivalent or better quality, and • of equivalent or greater quantity, and • in a suitable location, and • subject to equivalent or better accessibility and management arrangements.
E5	The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

7.14. Exception E2 - The increased car park and new car parking areas on the existing playing field is considered to meet planning policy exception E2, in that the car park is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches.

7.15. Exception E3 - The proposed footpaths to the north and west of the site are considered to be on land incapable of forming part of a playing pitch

7.16. Exception E4 - The Oxford Road site which is now sold, has a footprint of over 3.75 hectares of playing field and ancillary provision including buildings and car parking. The proposed new playing fields cover 12.38 hectares, a quantitative improvement. There would be a new clubhouse; however, there would not be a replacement facility for a FA step 5 club. As there is no step 5 club requiring such facilities, or step 6, it is not considered justifiable to insist that these are replaced on the current site. There is a need for step 7 facilities on this site which should be created in order to meet our exception E4. However, Sport England does require that the site can

accommodate a step 5 club in the future and the applicant in its letter dated 21st February 2020 have demonstrated that this would be possible in the future.

- 7.17. The quality of the pitches would need to be secured by a planning condition.
- 7.18. The location is a question mark being out of town. However, the applicant, the FA and RFU have all confirmed that the majority of the users access the existing Oxford Road site by car. It is noted that 19% of rugby users did walk. It is suggested that a travel plan condition is attached to ensure easy accessibility for walkers who require to access the new site. Whilst it is not ideal, on balance it could create more car users; a travel plan could reduce the overall car use by encouraging car share.
- 7.19. The management arrangements for both football and rugby will be no worse than the current one year rolling lease/licence arrangement, unless planning permission* is achieved then the clubs appear to be offered a 21 year lease/licence. Ideally Sport England would like to see at least a lease/licence which the cricket club have. As minimum a 25 year lease/licence for each club is required in order for the clubs to access public funds.
- 7.20. Exception E5 - The proposed rifle and pistol range is an indoor facility for sport and it is my opinion that the provision would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.
- 7.21. Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy subject tot conditions.

Non-Statutory Comments from Sport England

- 7.22. Sport England has significant reservations with the proposed business plan. As you are aware, we (Sport England) did have an independent specialist look at the submitted business plan and they have raised a number of issues some of which have not been fully addressed. The hire costs should be on par with the bench marked pitch hire/lettings costs within Cherwell. There should be transparency over the investments and day to day the site should be, at worst, generating a financial balance or better a basic financial surplus which can be reinvested into the site;
- 7.23. Sport England is concerned about the management of the site. There is no transparency on the election to the BSA Trust and there is concern that the clubs moving onto the site will not be able to influence any changes/future development to the site for sport; and
- 7.24. As mentioned above, the lease/licence arrangements for the new sports is a cause for concern. The lack of equity does need to be addressed.
- 7.25. If these items could have been reasonably covered within the statutory element of Sport England's role, we would have objected to the planning application. As it is we would like these comments to be noted and hopefully the BSA will address them moving forward in order to create a truly robust, sustainable and first rate sporting hub for the residents of Bicester.
- 7.26. CDC PLANNING POLICY: **Comments.** These form part of the officer assessment.
- 7.27. CDC BICESTER DELIVERY TEAM: **Objects.** Observations are confined to the principle of development here as it is this that needs to be addressed before any consideration of the detail of the application.

- 7.28. In order to meet the planning policy requirements alternative provision needs to be as good as or better than the facilities being replaced. It also needs to be suitably located. Others are better placed to comment on the quality of the facilities being provided.
- 7.29. It is the location of the proposed development together with the quantum proposed that is a cause of specific concern. Currently, access to the site by car is through narrow, rural roads and the proposed development will only serve to increase the amount of car borne traffic (plus coaches) through the surrounding rural road network. There is currently no public transport service to Chesterton and opportunities for safe cycling and walking to the site are poor. These circumstances coupled with the scale of development proposed mean that without mitigations, the development will cause an unacceptable impact on the character of the local area through the increased vehicular traffic accessing the site through local roads. Even if the proposed mitigations were to be put in place, there is some scepticism that they would significantly reduce vehicular traffic because of the nature of the uses being proposed which tend to encourage visitors by car / coach and also because of the distance of the site from Bicester and Bicester transport hubs, which will mean that non-car modes of travel are likely to be less attractive to users of the proposed facilities. Thus, the site cannot be considered a sustainable location for this use.
- 7.30. As such there is a fundamental concern regarding the principle of this development. Any consideration of the application details and potential benefits that the development could provide need to be carefully considered against the above concerns, including, if consented, CDC's ability to resist future intensification / expansion of the use in this location, as suggested by the application documentation.
- 7.31. OXFORDSHIRE PLAYING FIELDS ASSOCIATION: **Objects.** Consider it is vital for people of all ages to have easy local access to high quality outdoor open space for sport, play and recreation. Whilst this planning application does offer alternative playing field space, it does not adequately make up for the loss of the Oxford Road site. Bicester is growing and it is vital that good quality playing field space is provided in a more central location that can be easily accessed without having to resort to travel by car. The Cherwell Playing Pitch Strategy states that the Oxford Road site should be retained unless its loss is mitigated by the replacement of an equivalent site. OPFA would consider that the proposed replacement site is not an equivalent due to its location outside the town.
- 7.32. OCC HIGHWAYS: A number of comments have been received from the Local Highway Authority during the course of the application. This summary provides their final position. **Objects.** The proposed development is situated in a location that is inaccessible by sustainable modes of transport. There is no suitable public transport service in the vicinity of the site, the site is beyond a reasonable walking distance from any major residential area and there is a lack of suitable walking and cycle routes to the site. This is contrary to the NPPF, Local Plan and Local Transport Plan policies which require development to be suitably located to exploit opportunities for sustainable travel.
- 7.33. The level of car and cycle parking is considered acceptable being based on survey data from the existing site and adjusted to take account of the modal share. The site access is acceptable in terms of geometry, visibility and capacity.
- 7.34. The methodology for the trip generation and trip origins is considered acceptable and the peak time for the development is considered to be outside the highway network peak. The submitted information demonstrates that the development would

be unlikely to lead to any significant traffic impacts during the peak hours of the development or peak hours of the highway network.

- 7.35. The use of the road through Little Chesterton is not ideal however its use is likely to be limited given the accessibility of this route, trip distribution and other more attractive routes being available to users of the site who are familiar with the location.
- 7.36. Traffic accident data in the area indicates a number of incidents at the crossroads of The Hale / Akeman St / Green Lane / Little Chesterton over the past five years however these related to driver error and do not identify any highway defect.
- 7.37. Whilst the measures to improve pedestrian/cycle measures are welcome, they are unlikely to make any significant modal shift. If approved the footpath the footpath along The Hale and the proposals to improve pedestrian accessibility between the site and the PROW 161/1. The proposals to contribute towards measures to encourage safer cycling through additional / enhanced signage is welcomed and would be required to provide safer access to the site should the development be permitted. The signage to Little Chesterton to discourage traffic is also welcome. In regard to the link through the Country Park there is no certainty that a pedestrian and cycle link to link Chesterton to Vendee drive could be delivered as not all of the required land is within the control of the county council or Cherwell District Council. Any potential future link through the Country Park cannot therefore be relied upon to provide a sustainable transport link to the development site. The loss of the proposed link along Green Lane into Chesterton is also unfortunate.
- 7.38. Relocation of the BSA site from Oxford Road in Bicester to Chesterton on a speculative basis that is not planned for in Cherwell's Local Plan would not be making the best use of infrastructure, would not be supporting sustainable transport and would not be reducing the need to travel.
- 7.39. Given the lack of alternatives the most suitable measure to reduce single car occupancy trips to the site will be to encourage car sharing. The Travel Plan team has been consulted on the application and the draft Travel Plan that has been submitted with the application. The Travel Plan team has concluded that it would not be realistic to request a condition to secure the implementation of a Framework Travel Plan or Travel Plan Monitoring fees due to the location of the site which, as outlined above, dictates that the majority of site users would travel to the site by car.
- 7.40. The applicant has offered a minibus service for 5 years; however, this could not be secured in perpetuity and if the minibus service is withdrawn, the site would be entirely inaccessible by sustainable transport modes. Even with the minibus service (which the County Council accepts would be beneficial), the site remains beyond a reasonable walking distance from Bicester and the cycle route remains unattractive, taking in sections of unrestricted and unlit classified roads, and so the proposed development is therefore not well located for its intended use.
- 7.41. CDC LANDSCAPE OFFICER: **Objects**. Raises concerns over the local visual impacts of the development in the short term (i.e. first 15 years) particular in views from the road to Little Chesterton to the east of the site, views from the open space and properties in Vespasian Way to east of the site and the edge of Chesterton and from views around Grange Farm in Little Chesterton to the south of the site.
- 7.42. CDC LIGHTING CONSULTANT (DESIGN FOR LIGHTING): **No objections** subject to conditions. Documentation provided demonstrates that the lighting associated with the proposed development has been appropriately outlined and assessed, demonstrating that lighting could be implemented sensitively and no give

rise to significant neighbour amenity issues. A series of planning conditions are suggested to address outstanding issues.

- 7.43. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections.** Having visited the site and reviewed the information whilst there may be some glow noticeable in the sky from the proposed lighting this will not cause light nuisance to neighbouring properties. Request condition for EV charging points.
- 7.44. CDC ECOLOGY: Originally requested more information in regard to Ecological Reports and net gain in biodiversity. Further to additional information raises **no objection** subject condition including pre-commencement badger survey, full details of lighting scheme, biodiversity enhancement and a Construction Environmental Management Plan.
- 7.45. CDC TREE OFFICER: **No objection.** The proposal includes minimal tree loss and provides mitigate for any loss. The relevant protection measures should be conditioned.
- 7.46. OCC ARCHEOLOGY: Originally objected due to lack of field evaluation. Further to the submission of further information further to trial trenching raises **no objections** to the scheme subject to a condition securing a programme of archaeological investigation.
- 7.47. OCC LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to a condition securing a detailed drainage design and associated management and maintenance of the surface water.
- 7.48. NATURAL ENGLAND: **No objections.** The proposal would not damage or destroy the interest features for which the Wendlebury Meads and Mansmoor Closes SSSI is notified. Requests the drainage strategy is the FRA is conditioned.
- 7.49. CPRE: **Objects.** Loss of agricultural fields and open countryside between Bicester and M40. Unsustainable location and not served by public transport. Increase in traffic on rural roads and through villages. Flood lighting will not be compatible with dark skies and detrimental to wildlife.
- 7.50. CDC RIGHTS OF WAY: **No objections.**
- 7.51. HIGHWAYS ENGLAND: **No objections.**
- 7.52. MINISTRY OF DEFENCE: **No objections.**
- 7.53. NATIONAL AIR TRAFFIC SAFEGUARDING: **No objection**
- 7.54. THAMES VALEY POLICE: **No objection** but request Secured by Design is conditioned.
- 7.55. THAMES WATER: **No objection.** Surface water would not be disposed of into the public network. Sufficient capacity exists in regard to the foul water sewage network and water network to accommodate the development.
- 7.56. ENVIRONMENT AGENCY: **No objections.** Foul water should be connected to the main sewer.
- 7.57. CDC BUILDING CONTROL: **No comments.**
- 7.58. OCC MINERALS AND WASTE: **No comments.**

7.59. HISTORIC ENGLAND: **No comments.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Strategy
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built Environment
- ESD17: Green Infrastructure
- Policy Bicester 7: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure
- Policy Villages 4

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Minor roads
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Pollution control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Transport Plan 4
- Open Space, Sport and Recreation Strategies: Playing Pitch Strategy (2018)
- Sport England Playing Field Policy and Guidance (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006

- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Principle of development
- Landscape and Visual Impact and Design
- Transport and Highways
- Residential amenity
- Ecology impact
- Archaeology
- Sustainable construction
- Flood risk and drainage
- Other matters

Principle of Development

Policy Context

9.2. The current application is being put forward by the applicant as replacement and enhanced facilities to replace the loss of the Oxford Road site from where they currently operate. The application is therefore assessed on that basis.

9.3. Policy BSC 10 of the CLP (2015) states that the Council will ensure there is sufficient quantity and quality of, and convenient access, to open space, sport and recreation through protecting existing sites and through addressing deficiencies in provision through enhancement to existing sites or securing new provision. In determining the nature of new provision the Council will be guided by the evidence base and consult with parish and town councils. The supporting text notes that development which result in the loss of facilities will be assessed in accordance with the NPPF and will not be permitted unless the Council is satisfied that a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is provided in an agreed time period. Paragraph B.161 notes that sites for new provision will also be identified in the Local Plan Part 2 (now the review of the Local Plan). Policy Bicester 7 states that, as part of the measures to address current and future deficiencies in open space, sport and recreation, the Council will seek to protect the existing network of green spaces.

9.4. The NPPF advises that the social objective of sustainable development includes supporting well designed and accessible services and open spaces (paragraph 8). Paragraph 91 emphasises that planning decisions should aim to achieve healthy and inclusive places including through the provision of safe and accessible sports facilities. Paragraph 92 advises that planning decisions should guard against the loss of valued facilities, particularly where this would reduce the community’s ability to meet its day to day needs. Paragraph 96 advises access to a high-quality open space and opportunities for sport are important for the health and wellbeing of communities and planning policies should be based on robust and up to date assessments. Paragraph 97 states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 9.5. Sport England's Play Fields Policy (March 2018) outlines Sport England's approach when proposals lead to the loss of playing field. Generally, they will object to applications which lead to the loss of playing fields unless a relevant exception is made. In this case the most relevant exception is Exception E4. This states:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements*

- 9.6. Strategic objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and to increase opportunities for travelling by other modes. Policy ESD1 also aims to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars.

- 9.7. Policy SLE4 of the CLP (2015) has similar objectives where it sets out that: "*The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections... New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.* It goes on to state that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

- 9.8. Policy ESD1 seeks to guide development to mitigate the impact on climate change by delivering development which reduces the need to travel and which encourages sustainable transport options.

- 9.9. The Oxfordshire Local Transport Plan 4 (LTP4) at Policy 17 states that OCC will seek to ensure through co-operation with the districts and city council that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport. The LTP4 goes on to state that it is essential that planning applications for new developments are assessed in terms of their location, so that they reduce the need for travel and can be served by sustainable modes of travel other than the car. The Bicester Area Strategy states that there is a need for a significant increase in the proportion of trips to be made by

public transport, cycling and walking if the anticipated level of growth is to be accommodated. It is essential to provide high quality access to key locations by walking and cycling and the public transport network.

- 9.10. The transport impacts of the development must be considered against these policies and the requirements of Section 9 of the NPPF.
- 9.11. Paragraph 103 of the NPPF states that: *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*
- 9.12. Paragraph 108 of the NPPF states that: “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Assessment

(a) Is it a replacement facility?

- 9.13. During the course of the application the applicant has been asked to clarify whether the proposal is being put forward as a replacement facility to the Oxford Road site sports provision, which the BSA has sold but which has not been redeveloped and whose lawful use remains that of sport and recreation. The applicant states the current application is proposed as a replacement facility and as such, and while this is not straightforward, officers have assessed the application *principally* on this basis and having regard to the policies and guidance relating to replacement facilities.
- 9.14. Like third parties, officers do have some reservations regarding whether the proposals can truly be regarded as replacement facilities as there are no current proposals to redevelop the Oxford Road site and the Oxford Road site is no longer within the BSA’s ownership. Therefore, the BSA has no control over whether or not the Oxford site is redeveloped, which impacts on the link between the two sites and therefore the matter of whether or not the current proposal is really a replacement facility.
- 9.15. This matter has also been discussed with Sport England (“SE”) which has considered the application as a replacement facility on the basis, SE advises, that it would always wish to see the replacement facilities provided prior to the loss of the existing facilities. Whilst there is no current planning application to redevelop the Oxford Road site, SE indicates that if the current proposal was fully delivered at Chesterton SE would consider it to be acceptable replacement facilities and would not object to future redevelopment of the Oxford Road site.
- 9.16. Clearly, there would be no duty on the applicant to deliver all the facilities in one go, and it is a fundamental principle of planning that one cannot require a development

to be completed. Importantly, if the current proposals were only partially delivered, SE reserves its right to object to any future planning application which resulted in the loss of the Oxford Road site for sport and recreation. Officers consider that SE's assessment (i.e. as a replacement facility) to be appropriate and that there are relevant safeguards in place. It does, however, mean that if the Planning Committee were to conclude that the proposals were acceptable replacement facilities then *this would be a significant material consideration in determining any application for the future redevelopment of the Oxford Road site.*

- 9.17. The applicant also states that the Oxford Road site would be lost as playing fields even if the current application is not permitted, because the BSA has sold the site. The Oxford Road site is listed as an Asset of Community Value, which also demonstrates it is a valued facility to the local community and this is a material consideration in the determination of any planning application.
- 9.18. The applicant has provided a letter from the new owner of the site, Oxford Road Holdings Limited ("ORHL"), who have stated that at the current time it has no plans for the site, but that it anticipates engaging in the emerging Local Plan process. ORHL also states the BSA lease expires at the end of May 2021 and at that time ORHL will obtain vacant possession of the site. It is ORHL's intention that the site remains vacant until a future use has been determined. As such ORHL's intention for the future use of the site is currently unclear. The ORHL's future aspiration for the Oxford Road site is only given limited weight by officers.
- 9.19. Importantly, the lawful use of the site will remain as playing fields and any material change of use of the land would require planning permission, which would need to be assessed against the Development Plan and in light of other material considerations.
- 9.20. Whilst there is the potential that ORHL would cease to allow the site to actively be used by sporting clubs, in officers' view this cannot be given significant weight in favour of the current proposal. To give this matter elevated weight would undermine the policy objective to protect playing fields from loss and result in the policy having little application in land use terms as it would be purely governed by the intentions of owners. Officers consider it is the lawful use of the land that needs to be considered and given primacy rather than any future intentions of the landowner.

(b) Is it in accord with the Council's Strategy?

- 9.21. The Council has had a Playing Pitch Strategy (2018) undertaken as part of the evidence base for the review of the Local Plan. In summary, in relation to Bicester, it states that the Oxford Road site should be retained unless a suitable replacement is provided. In relation to football it states a replacement Step 5 stadia pitch (to meet the ground grading requirement of the Football Association) should be provided if the Oxford Road site is lost to development.
- 9.22. It also identifies that there is not currently a deficiency in grass football pitches in the Bicester area and states that between 5ha to 8ha of additional playing fields needs to be provided to meet the needs up to 2031. The Council's Wellbeing Team states this requirement will be met by the new strategic development around Bicester.
- 9.23. In terms of Rugby Union the Playing Pitch Strategy (2018) focuses more on club level needs. It highlights the long-term objective of Bicester RFC to operate from a single site (the Club currently plays from both Chesterton and Oxford Road) but goes on to highlight the concerns the Council has previously had regarding the sustainability of the Chesterton site, as shown in the planning history of refusals. It states the Rugby Club will require the equivalent of 4 pitches plus clubhouse

facilities to generate revenue. There is currently no identified alternative single site to which the Bicester RFC can move. Until a single alternative site is identified and secured, and the replacement facilities and pitches provided, it advises that the existing pitches and clubhouse at Oxford Road will need to be retained. These matters are not determinative as to the acceptability or otherwise of the current proposal, but officers consider the above to be material to the current application.

9.24. Turning to the matter of whether the proposed development would be appropriate replacement facilities there are a number of matters to consider. The policy requires the replacement facilities to be equivalent or better provision in terms of quantity and quality and also for an assessment to be made of whether they are in a suitable location. Case law (*R (Turner) v. Secretary of State for Communities and Local Government* [2015] EWHC 375) indicates that it is not necessary in all cases for the provision of at least equivalent standard in terms of both quantity and quality and a balanced judgement needs to be made having regard to the specifics of the case. Therefore, the enhancement of one element may outweigh the loss of a different element.

9.25. First, in terms of quantity, the proposed development would clearly lead to an overall increase in the amount of sporting provision and supporting infrastructure when compared to the Oxford Road site. The below table provides a comparison between the existing and proposed overall playing field areas:

Site	Playing Field Area		
	Now	Future	Difference
Oxford Road	10.3 acres/ 4.2 ha	0	0
Chesterton	28 acres/ 11.4 ha	60 acres/ 24.5 ha	+32 acres/ +13.1 ha
Total	38.3 acres/ 15.6 ha	60 acres/ 24.5 ha	+21.7 acres / +8.9 ha

9.26. As can be seen there would be an 8.9ha increase in area. This would include the provision of (but not limited to) the following additional proposals:

- Increase in size of rugby training pitch from three-quarters to full size pitch and improved floodlighting
- 1 additional full size football training pitch with floodlighting
- 1 additional full size flexible pitch for rugby or football
- Addition of rugby training pitches (floodlit)
- Additional changing rooms for officials (3 additional), football team (2 additional) and 1 accessible changing room, which would all be DDA compliant and meet the sporting bodies guidelines.
- Larger function and bar space for clubs
- Replacement 25 rifle range with 2 additional firing points and 10m indoor pistol range

9.27. Overall it is considered that there would be an increase in the quantity of facilities at the site, which may help meet some of the rugby needs identified in the Playing Pitch Strategy (2018). It is, however, noted that the needs of the Rugby Club, who

are a key element of the Playing Pitch Strategy recommendations, which is club-specific, have remained neutral on the current application and have residual concerns, and it is not been demonstrated that the Rugby Club would move to the current site. This tempers the benefits that can be attached to the provision of the proposed facility. Furthermore, the development would be providing for the sporting needs of the growth town of Bicester on a site which is located outside of Bicester and is relatively inaccessible to the residents of Bicester.

- 9.28. In terms of quality of provision, the applicant argues that the condition and quality of the pitches and supporting infrastructure (such as changing rooms etc) at the Oxford Road site is poor and not suitable for the BSA or clubs' requirements. The applicant states that the pitches and building need approximately £500,000 spent on them to bring them up to an acceptable standard. Whilst it is accepted a level of investment is required to bring the site up to a better standard, it is not clear why such management and maintenance of the site was not undertaken by the BSA to maintain the site to a good standard which, until recently, owned the site for a number of years; therefore this matter is not given significant weight.
- 9.29. Furthermore, the BSA no longer owns the site so such investment would be unlikely to be undertaken by them and should have been reflected in the price paid for the site by the new owner.
- 9.30. However, it is accepted that the new facilities at Chesterton would provide an improved quality of facility being a largely new build development (e.g. DDA compliant changing rooms) and pitches to a modern standard and this could be secured by a relevant planning condition. It is further noted that Bicester Rifle and Pistol Club and the Cricket Club both support the current application.
- 9.31. The main concern regarding whether the site is of equivalent or better quality relates to the loss of a stadia-accredited football pitch at the Oxford Road site. The football pitch at the Oxford Road site has been classified by Sport England/The Football Association as one that meets the requirements of hosting football matches at the Step 5/6 level (this relates to the competitive level of the football can be played at the site – Step 1 being the highest). The Oxford Road site secured this when Bicester Town FC played at the site some years ago in a higher league. The club that now plays at the site, Bicester United, play at Step 8 level and the new replacement football facility has been designed to meet their requirements. The applicant also states that when assessed against the relevant criteria in the FA's standards the Oxford Road site does not meet the requirements of hosting matches at Step 5/6 level and the facilities are deficient, particularly in terms of changing provision and spectator accommodation.
- 9.32. During the course of the application extensive discussions have taken place between the applicant, SE and the Council's Wellbeing Team. Whilst the loss of a facility for a Step 5 club is regrettable, and in conflict with the recommendations of the Playing Pitch Strategy (2018), on balance SE and the Council's Wellbeing Team have not raised any objection in this particular regard. The concerns regarding the quality of the existing Step 5 facility at Oxford Road are noted and SE advises that, as there is currently no Step 5 club requiring such facilities (or Step 6), in its view it would not be justifiable to insist they are replaced on the current site. There is a need for a facility to accommodate a Step 7 club and SE confirms that the current proposal would achieve this. The applicant has also provided information to demonstrate to SE's satisfaction that the site has been laid out to accommodate the upgrading to a Step 5 club in the future if it is required and viable at the time (albeit this would be likely to have further visual impacts (such as spectator stands, further flood lighting and fencing)) and also subject to the approval by the BSA.

- 9.33. On balance, in light of the above including SE's view on this matter as a statutory consultee, and that of the Council's Wellbeing Team, and the other improvements to provision outlined above, the fact the site does not include a facility capable of accommodating a Step 5 club is considered not to justify refusal of the application.
- 9.34. In addition to the enhanced quantitative provision outlined above the proposal would have some qualitative improvements associated with it. This includes the improved changing and social provision for clubs, and the pitches being constructed to appropriate standards with modern drainage (which will improve playing surfaces and reduce the number of cancellations) which could be controlled by condition. The new site also offers the potential for further potential expansion in the future such as the provision of 3G Artificial pitches (if which the Playing Pitch Strategy indications there is a need) whereas the Oxford Road is more constrained in size.
- 9.35. SE considers the proposed parking areas on the existing parts of the site to be acceptable as they are for ancillary facilities supporting the principal use of the site as a playing field, and do not affect the quantity or quality of playing pitches. Furthermore, SE advises the access proposed to the north and west of the site is on land incapable of forming part of a playing field.
- 9.36. Whilst SE raises no objection to the application in its statutory capacity, it does still have concerns regarding the proposed business plans, and it raises concerns over the proposal's longer term sustainability, and notes the day to day running of the site should at worst generate a financial balance and at the current time the SE is not convinced of this. Many of these issues remain outside of the scope of the consideration of the planning application, such as the election to the Trust of the BSA, its governance structures, the lease/licence arrangements and the ability of clubs to be able to influence any changes at the site. However, these matters do raise concerns over the future benefits of the site and whether the current proposals are sustainable in the long term, and it is impossible to say that, if the BSA does move to the application site, the same arguments would not be made in support of another site in the future.

(c.) Is it a suitable location?

- 9.37. In this respect officers have very significant concerns regarding the geographical sustainability and accessibility of the site, having regard to the scale of the proposal. It is accepted that the site at Chesterton is already used for sports by the BSA and that many of the BSA members already use both sites (albeit the dance classes, cheerleaders, line dancers, etc. only use the Oxford Road site).
- 9.38. However, the current proposal would lead to a significant intensification of the use at Chesterton with the relocation of all activities to this site and also the likely future potential to attract further clubs/uses in the future attracting further trips. These relocated activities (which are significant in number and are detailed in Table 3 of the applicant's Sporting Need Document accompanying the application) would all result in further trips to the site and users of the site have little option but the drive to the Chesterton site.
- 9.39. Whilst it is noted that SE has not objected to the application on this ground its remit is understandably limited in focus, and it is the role of the Local Planning Authority to assess the sustainability of the site when viewed in the context of the Development Plan as a whole and various other consultee share the concerns of Officers.
- 9.40. The application site is located approximately 300m to the south west of Chesterton in an open countryside location. It is separated from the village of Chesterton by open fields and currently no footpath connections exist between the village and the

existing site. The site is located over 1.2km (as the crow flies) from the closest edge of the new built limits of Bicester (Vendee Drive) and in excess of 3km from the town centre. These distances are increased when travel by road is taken into account. The distance to some other residential parts of Bicester is significantly greater.

9.41. The roads between the application site and the town are not considered to be attractive for cyclists or pedestrian with significant elements being unlit, not accommodating footpaths and being 60mph speed limits. There is extremely limited public transport serving Chesterton with 1 single service morning bus service on Monday to Friday at 07:25 and no return service. This would therefore be of no use to the users of the proposal. Therefore, it is considered that there are extremely limited opportunities to encourage sustainable forms of travel, such as walking and cycling, between the site and the wider built up limits of Chesterton and Bicester at the current time given the distance and quality of the routes.

9.42. The application includes the provision of a number of off-site highways works in order to attempt to improve pedestrian and cycle connections between the site, Chesterton and Bicester and also other measures to reduce car use. These include:

- *Provision of a new continuous footpath along the eastern part of The Hale to link the site to the new footpath to the northern end of The Hale which was delivered as part of the Taylor Wimpey scheme at The Paddock.* This would provide a more direct walking route to the A4095 through Chesterton although it is noted that the footpath would not be ideal in terms of width reducing to approximately 1 metre in places. It is not clear if this would have street lighting.
- *Works to the A4095 to provide crossing points and a small area of additional footpath to provide better connections for pedestrians to link the public right of way (161/1), which runs through fields (unpaved and unlit) to the north of Chesterton and links back to the outskirts of Bicester.* The proposals originally included pedestrian islands on the A4095. However, the LHA advises that islands are not needed or deliverable due to the width of the road.
- *Contributions to improved signage for along the A4095 to Vendee Drive to improve cycle connections*
- *Implementation of a Framework Travel Plan which seeks to encourage car sharing and appointment of a Travel Plan Co-ordinator*
- *Provision of cycle parking and changing and shower facilities*
- *Provision of a bespoke minibus service as part of the Travel Plan. The effectiveness of this would be reviewed on an annual basis and either continued or ceased depending on its success.* The applicant has now stated that it would provide the facility for a minimum of 5 years. It is proposed that the BSA would make available a minibus for clubs to hire at a cost. The clubs that wish to use the minibus would have to arrange use of the bus from the BSA and then have to arrange a minibus shuttle bus service to a designated local pick up /drop off point for their members. The BSA would have the final say over who is able to use the minibus.

9.43. The applicant originally suggested that some links may be provided to the east of the village along Tubbs Lane and through the new country park which is proposed between the Vendee Drive and Chesterton (19/01351/CDC). However, there is no current plan for such a link to be provided and it is understood that it would rely on third party land. Therefore, this is not considered to be a matter that can be given any weight in looking at the connections to the site. The applicant has offered a

financial contribution toward the creation of a future link; however, given the above conclusion it is not considered this would pass the relevant legal tests.

- 9.44. The applicant also originally proposed a new 2m wide footway along the southern part of Akeman Street/ Green Lane to connect the site to the footpath in Chesterton village to the east at Vespasian Way. However, given the applicant is now proposing a footpath along The Hale it has withdrawn this offer and considers the access along the Hale to serve a similar purpose. This is unfortunate as it would mean residents living in the southern part of the village who wish to access the site would need to take an indirect and inconvenient route to access the site on foot and some may choose to walk along the carriageway leading to safety issues. Officers therefore consider this weighs further against the accessibility of the proposals.
- 9.45. The proposed development is likely to generate significant levels of trips at peak times during its use, and it is of a scale that seeks to provide substantial levels of sporting provision at the site to serve the residents/clubs of Bicester and the wider area. The postcode data of BSA members identified a high number of their current users come from the built up area of Bicester.
- 9.46. Although the above measures to improve the accessibility of the site are welcome, officers consider they are unlikely to result in any meaningful level of modal shift away from the private motorcar due to the location of the site (i.e. distance from Bicester and public transport) and the poor quality of the routes and connections for walking and cycling.
- 9.47. The site is considered to be beyond a reasonable walking distance from major residential areas. The applicant's own evidence suggests that virtually all trips to the existing Chesterton site are made by private car (97%) and it is considered that even with the proposed improvements the proposed expansion would lead to a very high level of access by private car and not provide genuine other opportunities to travel to the site.
- 9.48. Whilst the proposal for a mini-bus service is positive it is not considered to result in a convenient or acceptable alternative to suitable public transport and convenient walking/cycle routes to overcome the issues with the accessibility of the site. The operation of the service is likely to be administratively complex and the complex mix of users of the site and likely different training time etc are not likely to make it a convenient or attractive alternative which is likely to discourage use. Furthermore, it would not be secured in perpetuity and would be reviewed on annual basis after 5 years. It is therefore not considered to overcome the central concern regarding the inaccessible location of the site.
- 9.49. The Oxford Road site is much more accessible than the proposed expanded site in Chesterton and has numerous walking routes, public transport opportunities and is in proximity of the town centre and residential areas. Whilst the level of trips to the existing Oxford Road site by means other than car may not be ideal at the current time (according to the applicant's survey 21% of trips made by non-car modes at the Oxford Road site) there are at least viable and attractive opportunities to access the site by means other than private car which people visiting the site could use.
- 9.50. The planning system cannot require people to use non-car methods of travel. However, it does require that planning policies and decisions seek to guide development to reduce the need to travel by car and that development is planned to provide genuine options to reduce the need to travel by placing new development in accessible and sustainable locations.

- 9.51. The social objectives of the NPPF also require facilities to be located in convenient and accessible locations to allow access to all parts of the community. The proposal to relocate the sporting facilities to Chesterton would be a in a significantly less accessible location for the residents of Bicester and the surrounding area, which the development is intended to serve and many of the users of the site come from.
- 9.52. In officers' view this weighs significantly against the development and results in the development being an unsustainable form development even when weighed against the sporting benefits. Officers consider the site is not an appropriate location for this scale of sporting facilities which is intended to meet the needs of the communities of Bicester and surrounding area, and that – as stated by national and local planning policy – development of the nature and scale proposed here should be directed to a more sustainable location, which is conveniently accessible by a variety of sustainable forms of travel both in terms of providing social access to the sports facilities as well as reducing the need to travel and mitigating the impacts on climate change

(d.) Would there be the same concerns if the proposal was treated as additional sporting provision rather than a replacement facility?

- 9.53. Officers have given this consideration because of the concerns set out earlier in this report as to whether the proposals should be treated as replacement facilities. Officers consider the significant weaknesses to the accessibility and sustainability of the location would remain and therefore a planning application would not be supported on this basis whether the facilities were additional or replacement.
- 9.54. Officers acknowledge that the Council does not currently have any sites allocated to meet the needs of the Rugby Club in the relatively new Playing Pitch Strategy. However, this is part of the evidence base that will inform the plan making process of the review of the Local Plan. It has not yet been subject to examination and whilst it is accepted that the proposal may have sporting benefits in meeting some of the identified needs this is not considered to outweigh the harm arising from the proposal.

Conclusion

- 9.55. The proposed development has been put forward as replacement facilities for the Oxford Road site. Officers consider that the quantity of provision is acceptable and would lead to an increase in sporting provision, and would potentially meet some of the needs for rugby highlighted in the Playing Pitch Strategy; however, this is tempered by the rugby club not actively supporting the proposal. In terms of the quality of the provision, on balance, this is also considered to be acceptable although the loss of the facility to accommodate a Step 5 football club is regrettable, but when weighed against the other matters is considered acceptable.
- 9.56. Officers' main concern, however, relates to whether the proposal would be a suitable location for this scale of sports provision which is being provided to meet the needs of Bicester. In this respect, given the site's poor accessibility and the lack of sustainable transport opportunities to the site, the proposal fails to accord with Policy ESD1, SLE4 and BSC10 of the Cherwell Local Plan Part 1 and Government guidance in the NPPF, which seeks to reduce the need to travel, provide genuine choices on transport and plan new recreation and sports provision in accessible locations. The site's location weighs heavily against the proposal.

Design and landscape and visual impact

Policy Context

- 9.57. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.58. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 9.59. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 9.60. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.61. National Planning Policy Framework, Section 12 'Achieving well-designed places', paragraph 127 states that planning decisions should:
- (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) be sympathetic to local character and history, including the surrounding built environment and landscape setting,
 - (d) establish or maintain a strong sense of place.
- 9.62. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Assessment

- 9.63. The application is supported by a Landscape Visual Impact Assessment. This assesses the predicted effects on landscape features and character and on views resulting from the proposed development and then seeks to identify the significance of these effects.
- 9.64. The site is not located in a designated landscape and it is not considered that it can be regarded as a 'valued' landscape as outlined in paragraph 170 of the NPPF on which there is significant caselaw. However, that is not to say the landscape is not attractive or the landscape or visual impacts and impact on character and appearance of the area can be ignored. The site lies within the open countryside to the west of Chesterton and is separated from the village by open fields. To the

south of the site is Little Chesterton and to the west of the site is open fields and the M40 motorway. To the north of the site is Bicester Golf Club. There are several public rights of way in the vicinity of the site including footpath 161/5/10 immediately to the east of the site and footpath 161/4/10, which links Little Chesterton to Chesterton to the east of the site. There are also footpaths to the west of the site on the opposite side of the motorway. The site is broadly level. The site consists of two elements: The existing sports ground to the north with single storey ancillary structures and an arable agricultural field to the south.

- 9.65. In terms of landscape character at a local level the site is split between two Landscape Types: Wooded Estatelands, which includes the majority of the Site; and Clay Vale, which includes the south-eastern tip of the Site as outlined in the Oxfordshire Wildlife and Landscape Study (OWLS). The key characteristics of the Wooded Estatelands Landscape Type relevant to the site include regularly-shaped field patterns dominated by agriculture and the reference to the vernacular character of villages. The landscape character guidance focuses on the reinforcement of the landscape pattern by restoration of hedgerows and vegetation flanking watercourses. The key characteristics of the Clay Vale Landscape Type relevant to the site, include dense, tree-lined streams and a flat, low-lying landform, and mixed land uses. Again, the character guidelines focus on strengthening vegetation patterns.
- 9.66. The proposed development seeks to provide a 10 metre wide area of new roadside trees and understorey planting to the eastern boundary of the southern field (currently this is open with no hedgerow or planting) and also further planting to the southern boundary which is also currently relatively open to the fields and Little Chesterton to the south. Additional planting is also proposed to the western boundary of the southern field. The idea behind the planting is to screen the development in from views outside of the site.
- 9.67. The Landscape Officer has reviewed the LVIA and agrees with its assessment in terms of the impact on landscape features and landscape character. This concludes that in relation to landscape features there would be a minor beneficial impact to ditches and hedgerows/trees as a result of the proposed landscaping at year 1 which would be moderate beneficial at year 15 given the establishment of the new planting on the boundaries which is a feature of the landscape. There would, however, be moderate adverse impact as a result of the loss of the agricultural field being replaced with amenity grassland and supporting infrastructure which would change the character of the land use.
- 9.68. In terms of visual impacts, the northern boundary of the wider site and the existing sports fields already have a larger degree of visual containment in the wider landscape given the existing planting on the boundaries. However, views of the buildings and infrastructure are available from the surrounding particularly in the winter months and from the site entrance. The southern field, which is currently in agricultural use, is much more open to views in the surroundings given the limited screening particularly to the eastern boundary with the narrow lane to Little Chesterton and southern boundary with Little Chesterton. The Landscape Officer agrees with many of the findings in the applicant's LVIA that there would be minor or negligible impacts from view points to the north and west of the site. However, the Landscape Officer does raise concerns regarding some of the localised visual impacts to the south and west of the site.
- 9.69. It is considered that the most significant impact would be on users of the narrow road immediately to the west of the site and these are considered to be Major Adverse in the context of the LVIA particular prior to the new landscape features becoming established which is likely to take a number of years. People using this

route include drivers and walkers who focus on the landscape. The openness of the southern part of the site (the arable field) currently provides an attractive and pleasant route which is experienced whilst walking along the road. The proposed development, including the club house, flood lighting and car parking, would be clearly visible from this route and would result in a significant adverse change. Whilst views from this area would diminish over time with the growth of the boundary treatment, they would remain prominent and adverse for a number of years.

- 9.70. Medium adverse impacts are also considered to exist to the south of the site from Little Chesterton, around Grange Farm where views of the proposals would be apparent. There are also likely to be partial views of the proposal through parts of Little Chesterton at night which would be more prominent due to the floodlighting and the fact that the village currently has a very rural and isolated character.
- 9.71. The Landscape Officer also states that the views of the club house and infrastructure from the public open space and properties in Vespasian Way are also likely to be higher than outlined in the LVIA and result in major medium significance of effect. It is considered these views would be harmful particularly prior to the proposed landscaping on the eastern boundary becoming established. At year 15 it is predicted, with the growth of the landscaping, that the club house would be largely screened, from ground level viewing points; however, the tops of the flood lights are still likely to be visible and prominent especially when in operation and in the context of the open countryside location.
- 9.72. As outlined elsewhere in this report the lighting scheme has been designed to reduce the impact on neighbouring properties and reduce glare and skyglow. However, the proposal would still lead to the introduction of new significant light sources in the form of 2 flood lit pitches (with 15 metre high flood lights) and street lighting serving the car park and access (6 metres height) which would be visible from the surrounding area. These light sources are spread across the site and include one flood lit pitch in the northern part of the site and one in the south. This would further exacerbate their visual impact.
- 9.73. Whilst it is accepted there are other sources of light in the locality such as Bicester Golf Club, the proposal would introduce a further, more significant source of light and would result in the introduction of a series of blocks of light in an open countryside location. This would be detrimental to the rural character and appearance of the locality and would harm the visual amenities of the area. Views of the lighting are likely to be particularly prominent from the east and south of the site where more views are available and are considered to appear incongruous. The proposed landscaping would help to reduce some of these views, albeit not eliminate them, and would take a number of years to have any real impact.
- 9.74. The landscape officer has had a number of discussions with the applicant with the objective of achieving a robust landscaping strategy and has no objection to the detailed landscaping scheme now proposed. However, the landscaping would take years to fully establish and provide significant levels of screening to the site and the shorter to medium term harm cannot be discounted in making the assessment. Even with the landscaping in place the visual impacts of the development would still lead to some adverse impacts on the locality.
- 9.75. In terms of the buildings the proposed new club house building would be a relatively large, two-storey building located to the centre of the wider site (to the north of the field currently in agricultural use). A large parking area would be located to the north of this. The building would be externally faced in blockwork on the ground floor (bathstone coloured) and a mixture of timber cladding and insulated metal panels to

the first floor and roof. It would accommodate a first floor external terrace area for outdoor seating and recreation and an external metal stair case.

- 9.76. The siting of the club house is designed to be central to the site to allow all the pitches to surround it which is logical in an operational sense. However, the two-storey scale of the building (compared to the existing buildings which are all single storey) and its central location away from the existing buildings on site and within the more open and visually exposed part of the site would exacerbate the visual impacts of the development as outlined above.
- 9.77. The applicant contends that the design approach references agricultural buildings which might be found in the surroundings. However, officers consider that, whilst the materials may reference such buildings, its location – alongside the complexity of some of the design elements such as the first floor external terrace, external staircases and fenestration – all result in a building which would appear incongruous and dominant in the rural surroundings.
- 9.78. The other elements of the scheme such as the parking and additional buildings would also result in an urbanising impact on the site to a lesser degree.

Conclusion

- 9.79. Overall, therefore, the proposal is considered to lead to harm to the rural character and appearance of the area and result in an urbanisation of the site. The short to medium term (first 15 years) visual impacts of the scheme are considered to be greatest and of significant weight against the proposal. Whilst the landscape and visual impacts of the development, including the flood lights and club house, would reduce over time with the long term establishment of the new planting, there would remain adverse visual impacts which would be harmful to the rural character and appearance of the area. The proposed development is therefore considered to be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C8 and C28 of the Cherwell Local Plan 1996 and advice in the NPPF which seeks to promote development which is sensitive to the character of an area and recognises the intrinsic character and beauty of the open countryside.

Transport and highways

Policy Context

- 9.80. Policy SLE4 of the CLP 2015 states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Paragraph 109 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Access and traffic impact

- 9.81. The current application seeks to enlarge the existing site access and provide internal access roads to accommodate the increase in vehicle traffic and coaches using the site.
- 9.82. The application is accompanied by a Transport Statement which has been considered by the Local Highway Authority (LHA). Originally queries were raised regarding the traffic impact analysis and the peak hour used in the assessment not reflecting the peak hour on the surrounding highway network. This has since been addressed by the applicant and the LHA is satisfied that the level of assessment

within the submitted documents is adequate to make a robust assessment of the traffic impacts.

- 9.83. The LHA considers the enlarged vehicular access to the site and visibility splays would provide a safe and suitable means of access to accommodate the increase in traffic including coaches and vehicles. It is noted that all vehicles would be able to enter and leave the site in a forward. The junction capacity assessment which has been provided also demonstrates that the site access would operate comfortably within capacity in future years and queuing and congestion are unlikely.
- 9.84. In terms of trip generation this has been estimated based on the sum of two-way trips to both the Oxford Road and Chesterton sites with a proportional uplift applied to the existing Oxford Road survey data to take account of the higher number of people likely to travel to the Chesterton site by car (assumes 97% car mode share). The traffic surveys were undertaken at the BSA Oxford Road site and the existing BSA Chesterton site during busy periods of a weekday and a weekend with the surveys coinciding with a rugby match at the Oxford Road site and a weekday training session and weekend cricket match at the Chesterton site. At peak times for the development it is expected to generate around 109 two-way movements during the busiest weekday hour which would be between 18:30 and 19:30. This does not correspond with the highway network peak which is typically 17:00 – 18:00. The LHA notes the third party comments that have been made regarding the robustness of the traffic impact but is satisfied with the methodology used which included monitoring the existing sites and the distribution of trips which is based on the postcode data for members of the BSA.
- 9.85. The LHA has considered the information submitted in the TS and subsequent additional information and does not consider that the proposed development would lead to a severe traffic impact. This is a high threshold for traffic impacts and is the test outlined in the NPPF and which must be used to assess the application against. Therefore, based on the technical advice provided the proposal is considered to be acceptable in terms of highway capacity and traffic impact. The LHA has also reviewed the accident data for the surrounding area, in particular the crossroads to the north east of the site and considers the proposal would not result in highway safety concerns. In light of this officers have no objection on this basis.
- 9.86. The LHA has considered the concerns that have been raised regarding the use of the route from the A41 through Little Chesterton, which is a narrow single track access that would not be suitable for significant increases in amounts of traffic. The applicant has stated that the use of this route would be limited as it is narrow and there are more attractive routes available. However visiting teams who are unfamiliar with the local highway network may be directed to travel this route as certain Satnav systems show this route. Due to the fact that the Little Chesterton road is only accessible from the northeast bound carriageway of the A41, this route would only potentially be used for arrivals to the site from the southwest (A34 / M40) and is unlikely to be used for any departures.
- 9.87. The traffic distribution exercise undertaken indicates that c.30% of trips to the site are expected to originate from the southwest direction (A34 / M40). However, the actual percentage of arrivals using the route through Little Chesterton is likely to be much lower as not all visitors arriving from the southwest would choose this route. For instance, members of the BSA who frequently travel to the site are more likely to avoid this route, being more aware of the local highway network. The applicant has also offered a contribution to provide signage to discourage the use of this route where it meets the A41 such as a sign stating: 'No access to Bicester Sports Association'. The LHA therefore considers that while the development does have the potential to increase traffic flows through Little Chesterton, this increase in traffic

flow is likely to be small, even during the development's peak hours, and therefore would not be considered severe.

Parking

- 9.88. The proposal includes the provision of 267 parking spaces across the site and 4 coach parking spaces. The level of parking provision is based on parking accumulation surveys undertaken on busy days at the existing Oxford Road BSA site and Chesterton BSA site. The figures have been adjusted and uplifted to reflect the higher car mode share of trips that would likely to be generated from the Chesterton site compared to the existing site at Oxford Road. The LHA has examined this and accepts the methodology and the level of parking proposed and on this basis officers consider the level of parking to be acceptable to serve the needs of the development.
- 9.89. The proposal also includes 66 cycle parking spaces which are located next to the buildings on site and this is considered to be acceptable to serve the development.

Conclusion

- 9.90. The proposal is therefore considered to accord with Local Plan Policy ESD15 and Government guidance in the NPPF in this regard.

Residential Amenity

Policy Context

- 9.91. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development. Local Plan Saved Policy ENV1 states development likely to cause materially detrimental levels of noise, vibration or other types of environmental pollution will not normally be permitted.

Assessment

- 9.92. The application has been accompanied by an Environmental Lighting report which sets out the broad strategy for the lighting of the site and looks at the impact of on the residents and users of the locality. This includes consideration of the flood lighting to the sports pitches (15m high) and the lighting serving the access and parking areas serving the development. This concludes that the proposed development would be acceptable and no give rise to undue intrusion to neighbouring properties which are some distance from the site and any intrusion would be within acceptable limits. The lighting report has been assessed by both the Council's Environmental Protection Officer and an external consultant employed by the Council who have raised no objection to the scheme subject to appropriate conditions including a fully detailed lighting scheme. Whilst it is accepted that the lighting will be visible from neighbouring properties this in itself is not a reason for refusal on residential amenity grounds. Therefore, the proposed development is considered to be acceptable in this regard.
- 9.93. The proposal would lead to an increase in vehicular traffic through Chesterton. From the trip distribution outlined in the Transport Statement the peak this is predicted to be Saturday morning. Outside of this peak the traffic associated with the development would be significantly less and for much of the time there would be little impact. Whilst the increase in traffic would increase noise and disturbance to some degree it is not considered that a reason for refusal could be sustained on residential amenity matters as the roads are already in use and any increase in noise and disturbance is not considered to be significant.

- 9.94. The site is located some distance from residential properties and whilst the increase use of the site for sport and recreation would raise further noise and disturbance this is not considered to result in significant impacts to neighbouring properties and no objection has been raised by the Council's Environmental Protection Officer in this respect. Furthermore, full details of the noise and mitigation measures from the indoor riffle range could be secured by condition as could hours of use of the sports ground and flood lighting.
- 9.95. Overall, therefore, the impact on residential amenity is considered acceptable and to accord with Local Plan Policy ESD15 and Government guidance in the NPPF in this regard.

Ecology Impact

Legislative context

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

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

Policy Context

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

9.102. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.103. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.104. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

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

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

Assessment

- 9.107. The application site contains large areas of undeveloped land with hedgerows and also other features of interest. The application is therefore supported by a detailed Ecological Appraisal and various updates to ensure the surveys remain up to date.
- 9.108. The Ecological Appraisal included an extended Phase 1 Habitat survey and then additional further surveys for protected species and habitats including bats, dormice, great crested newt, badger and breeding birds. The additional surveys found presence of small populations of great crested newts to the north of the site but given the low suitability of the habitat and distance they are not considered to be significantly impacted. There were no records of bats roosts within the site and levels of bat activity were relatively low. Presence of breeding birds was restricted to the hedgerows and largely consist of species common in Oxfordshire. The reports include a number of recommendations including the retention of hedgerows, provision of new semi-improved grassland, additional hedgerow and tree planting and provision of bird and bat boxes on the site.
- 9.109. The Councils Ecologist (CE) is satisfied with the scope and level of information provided. However, a number of records of badger have been reported to the south of the site and therefore the CE recommends a re-survey for badgers not more than 6 months prior to the commencement of the development to ensure badgers do not need to be further considered in terms of mitigation. The CE has also requested conditions for a Construction Environmental Management Plan (CEMP) to outline reasonable avoidance measures during construction relating to great crested newts and other biodiversity.
- 9.110. A concern has been raised by a local resident that there are Otters near to the site which could be impacted by the proposed development. However, the CE advises that the site does not have suitable habitat to support Otters but may be used by Otters to access other watercourses. Subject to the CEMP the CE is satisfied there would be no adverse impact on Otters.
- 9.111. The CE is satisfied with the proposal to achieve a marginal net gain in biodiversity on the site but requests further enhancements on the site through the provision of bat and bird box provision integrated into the buildings on site and a number of other measures which can be controlled by condition. The CE raises some concern regarding the lighting in the north eastern corner of the site given that bat activity is likely to be concentrated along this eastern edge. Full details of the lighting scheme could be controlled through condition.

Conclusion

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

Archaeology

- 9.113. Policy ESD15 states that proposals that affect non designated heritage assets will be considered taking account of the scale of any harm or loss. It states where archaeological potential is identified applicants should include appropriate assessments and field evaluation where necessary. The NPPF advises that heritage assets are irreplaceable and should be conserved and given significant weight in any planning decisions.

9.114. In this case the site lies in an area of significant archaeological potential with the proposed site being located south of the Roman Road of Akeman Street. Furthermore, the field immediately to the west of the site contain crop-marked features of a trackway, enclosures and possible buildings which is thought to represent a Roman settlement. A crop-marked Bronze Age ring ditch is also visible immediately to the south west of the proposed site. A hoard of Roman coins has been found in the locality and it is thought likely that this represents the presence of a Roman villa somewhere in the vicinity.

9.115. The application was originally submitted with an Archaeological Desk Based Assessment and a Geophysical Survey. This concluded that further information from field observation will be required to establish the archaeological potential of the site. The County Archaeologist (CA) therefore originally objected to the application stating that insufficient information existed to make an informed judgement on the impacts on underground heritage assets.

9.116. During the course of the application the applicant has undertaken trial trenching at the site to further explore the archaeological potential. This largely focused on the southern part of the site which is currently in agricultural use and found little in the way of archaeology. The CA has considered this information and has noted that the northern section of the site (the existing playing fields) that were excluded from the fieldwork and are closest to the Roman road have the highest archaeological potential for prehistoric and Roman deposits which could be disturbed by the proposed works. As such the CA requests a further programme of archaeological investigation will be need prior to the commencement of development but is satisfied this can be secured by a planning condition.

9.117. In conclusion, having regard to the information provided and the CA's advice, officers are satisfied the proposal would not have an unacceptable impact on archaeological interests.

Sustainable construction

9.118. Local Plan Policy ESD1: Mitigating and Adapting to Climate Change requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. ESD1 contains the requirement to reduce the need to travel and encourage sustainable travel options including walking, cycling and public transport. It also promotes the use of decentralised and renewable or low carbon energy where appropriate.

9.119. Policy ESD2 of the Local Plan requires developments to achieve carbon emissions reductions by use of an energy hierarchy as follows:

- Reduce energy use, in particular by the use of sustainable design and construction measures
- Supplying energy efficiently and give priority to decentralised energy supply
- Make use of renewable energy
- Make use of allowable solutions

9.120. Local Plan Policy ESD3 relates to Sustainable Construction. It requires developments to achieve BREEAM level Very Good and to maximise both energy demand and energy loss, passive solar lighting and natural ventilation and resource efficiency. Local Plan Policy ESD4 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to

all new developments. ESD5: Renewable Energy states that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily.

9.121. The application includes an Energy Statement which outlines that the Club House building and the rifle range would be constructed to BREEAM 'very good' standard in accordance with Policy ESD3 of the Local Plan.

9.122. The applicant has also undertaken a feasibility assessment of the use of low and zero carbon technologies for the site; however, given the expected intermittent occupancy the buildings are likely to have (mainly at weekends and evenings) and seasonal variance in occupation the power and heat loads are expected to be intermittent which reduced the viability of these. Therefore, no low or zero carbon technologies are proposed in the scheme. Officers' consider further discussions could take place with the applicant to encourage the use of Solar PV or Solar Thermal technologies if the development were considered to be acceptable in other regards. Discussions could also take place regarding the provision of electric vehicle charging points in the car park.

Flood risk and drainage

9.123. A Flood Risk Assessment and drainage strategy is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the NPPF. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.

9.124. The site is located in Flood Zone 1, which has the lowest probability of flooding and is considered to be appropriate for such facilities. The site is currently drained by a number of on-site ditches collecting water and discharging it to the south east. Parts of the site are subject to higher risk of surface water flooding, but these areas are intended to be used for pitches rather than buildings.

9.125. The site is currently largely undeveloped so the provision of new buildings and hardstanding will include the impermeable areas on site. Infiltration testing at the site indicated that shallow infiltration devices, such as swales and permeable paving, will be suitable for the treatment of surface water drainage from the development. The outline drainage strategy includes a number of SUDs including soakaways, permeable paving and swales. In the southern part of the site the strategy has been designed to store some of the surface water from the car park and building in a new storage pond which would then be used to irrigate the sports pitches when required. The drainage system is to be designed to cater for 1 in 100 year storm events with 40% allowance for climate change. This information has been considered by the Lead Local Flood Authority which raises no objection to the proposals subject to a condition requiring a detailed drainage strategy with further considers some SUDs techniques.

9.126. In regard to foul water drainage the proposal seeks to discharge to the existing pumping station to the north of the development site. Thames Water have been consulted and have raised no objection to the proposal on this basis.

9.127. Overall, given no objections are raised by the statutory consultees in regard to flood risk and drainage, officers considered these matters can be satisfactory addressed by condition.

Other matters

- 9.128. The proposed development will lead to some economic benefits and the applicant states that the proposal represents a £7.8m investment. There will be some short term economic benefits associated with the construction phase and some modest economic benefits in the longer terms in relation to the provision of jobs. The BSA also state that moving to a single site would also make the BSA trust more financially sustainable and reduce costs however this is largely a private benefit.
- 9.129. The site is identified largely as Grade 4 agricultural land so is not best and most versatile land and therefore its loss is not considered to represent an objection to the proposal.
- 9.130. Concerns have been raised over legal matters to do with the BSA being a Private Trust. These matters, however, relate to other legal processes or requirements which fall outside the scope of the planning application and which are not material in the determination of the current application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Planning law requires that development proposals are determined in accordance with the Development Plan unless material consideration indicate otherwise. The NPPF is a material consideration and states that the purpose of the planning system is to contribute to the achievement of sustainable development with 3 overarching objectives which are interdependent and need to be pursued in mutually supportive ways. This include an economic objective, a social objective and environmental objective. Paragraph 11 of the NPPF states that planning decisions should apply the presumption in favour of sustainable development which in this context means approving development proposals that accord with an up to date development plan without delay.
- 10.2. The proposal is being considered as a replacement facility for the loss of the Oxford Road site and on balance the proposal is considered an acceptable replacement provision in terms of quantity and quality. In this case the proposal would bring provide some sporting provision to the district for use by residents and clubs and may go some way to addressing some of the needs identified in the Councils Playing Pitch Strategy (2018) and resulting in the potential closure of the site at Oxford Road in Bicester albeit the lawful use of the Oxford Road site would remain as playing fields. Whilst occupied by the BSA it is also likely to include the provision of subsidised pitches and facilitates This is a social benefit which weighs in favour of the development. The proposal would also result in some modest economic benefits in terms of construction phases and the provision of a limited number of jobs and some marginal biodiversity net gain.
- 10.3. However, the proposal would result in detrimental environmental and social impacts through the site being located in an area which is not considered to be conveniently accessible by means other than by private car to serve the needs of the residents of Bicester and the surrounding area. It would not reduce the need to travel of provide and accessible recreational space. The mitigation measures proposed are not considered to overcome this matter for the reasons outlined above. This would conflict with Policies SLE4, ESD1 and BSC10 of the Cherwell Local Plan Part 1. The proposal is also considered to result in further environmental harm to the character and appearance and visual amenities of the area through the detrimental visual impacts arising from the development. This would be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan and Saved Policy C8 and C28 of the 1996 Local Plan.
- 10.4. When considered in the context of the Development Plan as a whole the proposed harm is considered to outweigh the benefits of the scheme and there are not

considered to be any other materials considerations which would outweigh the harm. It is therefore recommended that planning permission be refused.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

1. The proposed development would result in the creation of a significant replacement recreation facility to serve Bicester and the surrounding area in a geographically unsustainable location. It has no access via public transport and poor walking and cycling routes and would not reduce the need to travel or be accessible or offer a genuine choice of alternative travel modes over the private motor vehicle. The site would therefore not be an appropriate location for this scale of development whether considered as a replacement facility or a new facility. The proposal therefore conflicts with Policies SLE4, ESD1 and BSC10 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.
2. The proposed development would detrimentally impact on the rural character and appear of the area by virtue of being a prominent and visually intrusive form of development in an open countryside location. The proposal is therefore contrary to Policy ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Saved Policy C8 and C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

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