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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 16 January 2025

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor Barry Wood (Chairman)

Councillor Rebecca Biegel
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Grace Conway-Murray
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Rob Parkinson
Councillor Les Sibley

Councillor Amanda Watkins (Vice-Chairman)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Substitutes

Councillor Nick Cotter
Councillor Harry Knight
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor Dorothy Walker
Councillor Douglas Webb

Councillor Andrew Crichton
Councillor Andrew McHugh
Councillor Lynne Parsons
Councillor Edward Fraser Reeves
Councillor Linda Ward
Councillor John Willett

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chairman to report on any requests to address the meeting.

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting. Addresses can be made virtually or in person.

4. **Minutes** (Pages 5 - 7)

To confirm as a correct record the Minutes of the meeting of the Committee held on 5 December 2024.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

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

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

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

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

Planning Applications

8. **Land Opposite Hanwell Fields Recreation Adjacent to Dukes Meadow Drive, Banbury** (Pages 10 - 43) **24/02514/OUT**

9. **Dewey Sports Centre, Barley Close, Bloxham, OX15 4NJ** (Pages 44 - 63) **24/01906/F**

10. **Playground, Morton Close, Kidlington** (Pages 64 - 84) **24/02712/F**

11. **Bicester Gateway Business Park, Wendlebury Road, Chesterton** (Pages 85 - 130) **24/01372/F**

12. **Cherwell District Council, Lock 29, Castle Quay, Banbury, OX16 5UN** (Pages 131 - 136) **24/03319/NMA**

13. **Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester** (Pages 137 - 141) **24/03197/DISC**

14. **Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA** (Pages 142 - 148) **TPO 21/2024**

Review and Monitoring Reports

15. **Appeals Progress Report** (Pages 149 - 161)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber or joining virtually, you are consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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Queries Regarding this Agenda

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

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 8 January 2025

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 5 December 2024 at 4.00 pm

Present:

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

Apologies for absence:

Councillor Grace Conway-Murray

Officers:

Paul Seckington, Head of Development Management
Katherine Daniels, Principal Planning Officer
Rebekah Morgan, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

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Declarations of Interest

9. Playground, Morton Close, Kidlington 24/02712/F

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

Councillor Fiona Mawson, Other Registerable Interest, as Leader of Kidlington Parish Council.

83 **Requests to Address the Meeting**

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

84 **Minutes**

The Minutes of the meeting held on 7 November 2024 were agreed as a correct record and signed by the Chairman.

85 **Chairman's Announcements**

There were no Chairman's announcements.

86 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

88 **Dewey Sports Centre, Barley Close, Bloxham, OX15 4NJ**

The Committee considered application 24/01906/F for front and rear extensions and alterations to the Dewey Sports Centre, installation of 12no sports lighting columns, 5no netball/tennis courts, 1no artificial cricket wicket, 1no replacement long jump pit, 1no storage container, improvements to existing access and car parking, provision of additional car parking, associated drainage, renewable energy and sustainability measures, hard and soft landscaping and biodiversity enhancements, at Dewey Sports Centre, Barley Close, Bloxham, OX15 4NJ, for Bloxham School.

It was proposed by Councillor Hingley and seconded by Councillor Brant that consideration of application 24/01906/F, due to the planning history and potential impact on the surrounding area, be deferred for one planning cycle to allow for a site visit before the application was considered by the Committee.

Resolved

That consideration of application 24/01906/F be deferred for one planning cycle to allow for a site visit.

89 **Playground, Morton Close, Kidlington**

The Committee considered application 24/02712/F for the erection of 6 no. dwellings, with associated open space, landscaping, parking and other associated works, at Playground, Morton Close, Kidlington, for Ede Holdings Ltd

It was proposed by Councillor McLean and seconded by Councillor Parkinson that consideration of application 24/02712/F, due to objections from the parish council and local residents regarding proximity to neighbouring properties and potential parking issues, be deferred for one planning cycle to allow for site visit before the application was considered by the Committee.

Resolved

That consideration of application 24/02712/F be deferred for one planning cycle to allow for a site visit.

90 **Appeals Progress Report**

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

Resolved

(1) That the position statement be accepted.

The meeting ended at 4.13 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 16 January 2025

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

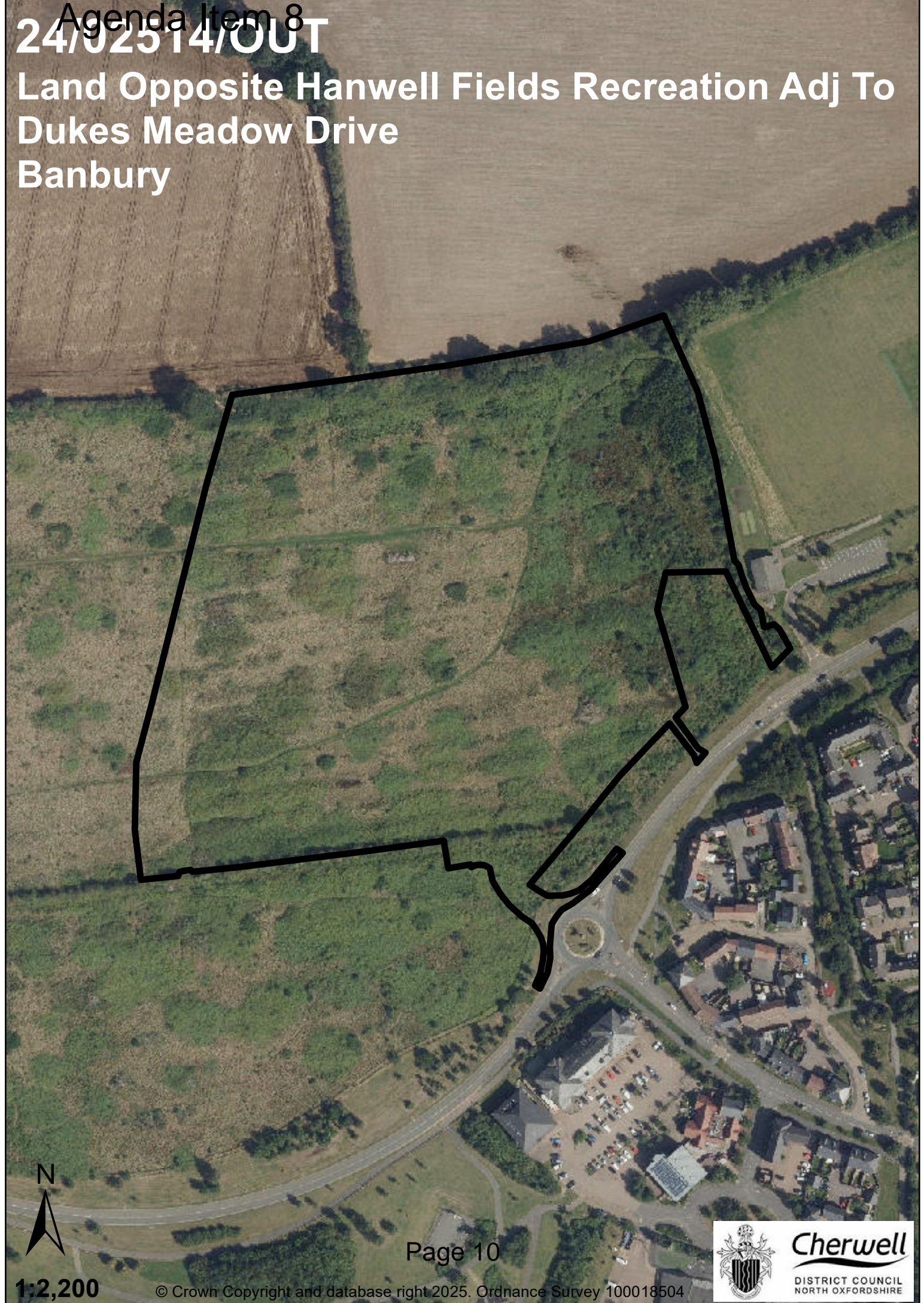
Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land Opposite Hanwell Fields Recreation Adjacent to Dukes Meadow Drive, Banbury	24/02514/OUT	Banbury Hardwick Cropredy, Sibfords & Wroxton	Approval*	Lewis Knox
9	Dewey Sports Centre, Barley Close, Bloxham, OX15 4NJ	24/01906/F	Adderbury, Bloxham and Bodicote	Approval*	Katherine Daniels
10	Playground, Morton Close, Kidlington	24/02712/F	Kidlington East	Approval*	Rebekah Morgan
11	Bicester Gateway Business Park, Wendlebury Road, Chesterton	24/01372/F	Fringford and Heyfords	Approval*	Carlos Chikwamba
12	Cherwell District Council, Lock29, Castle Quay, Banbury, OX16 5UN	24/03319/NMA	Banbury Cross and Neithrop	Approval*	Michael Sackey
13	Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester	24/03197/DISC	Bicester South and Ambrosden	Approval	Hansah Iqbal
14	Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA	TPO 21/2024	Adderbury, Bloxham and Bodicote	Confirm Tree Preservation Order	Iain Osenton

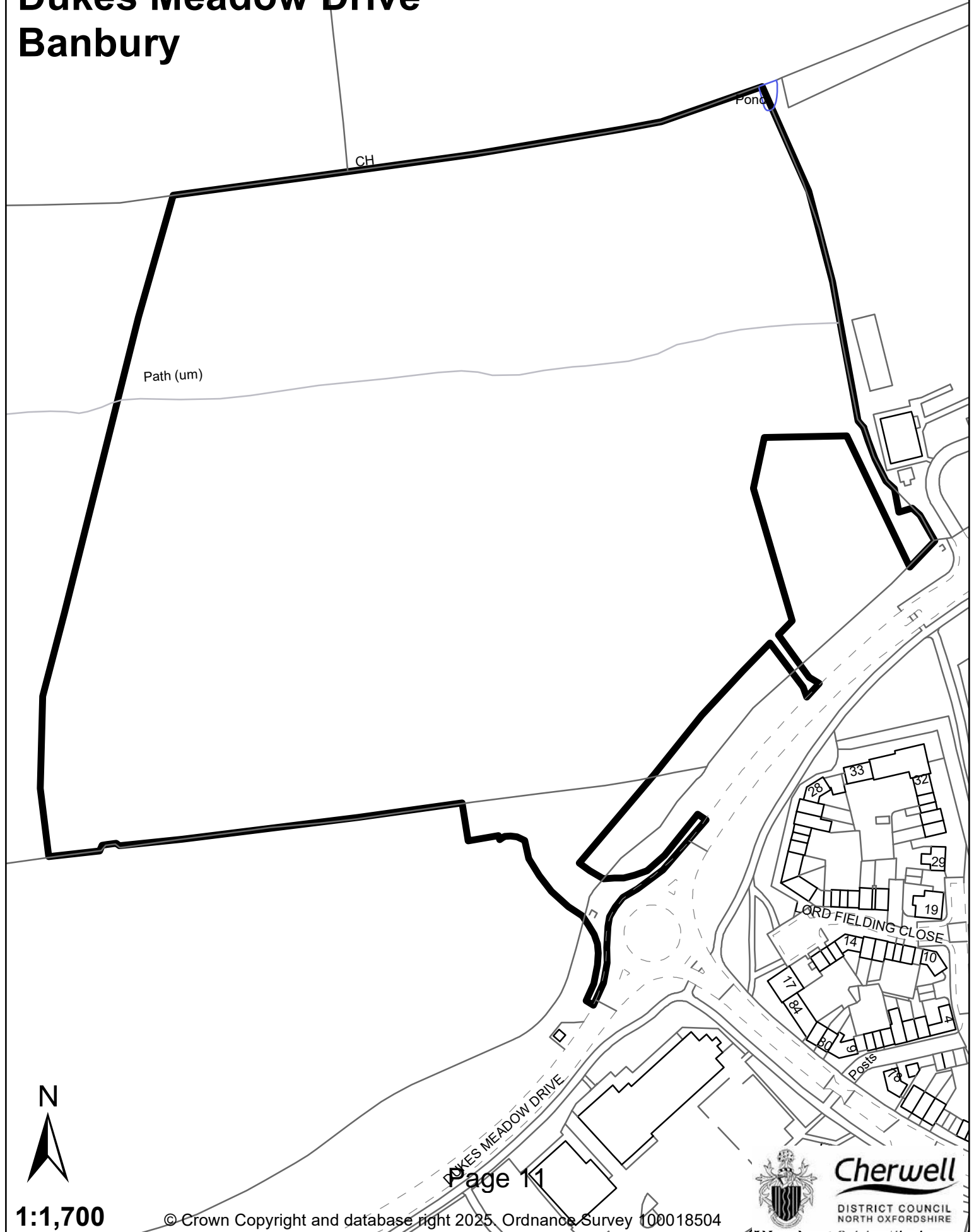
*Subject to conditions

Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



24/02514/OUT

Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury

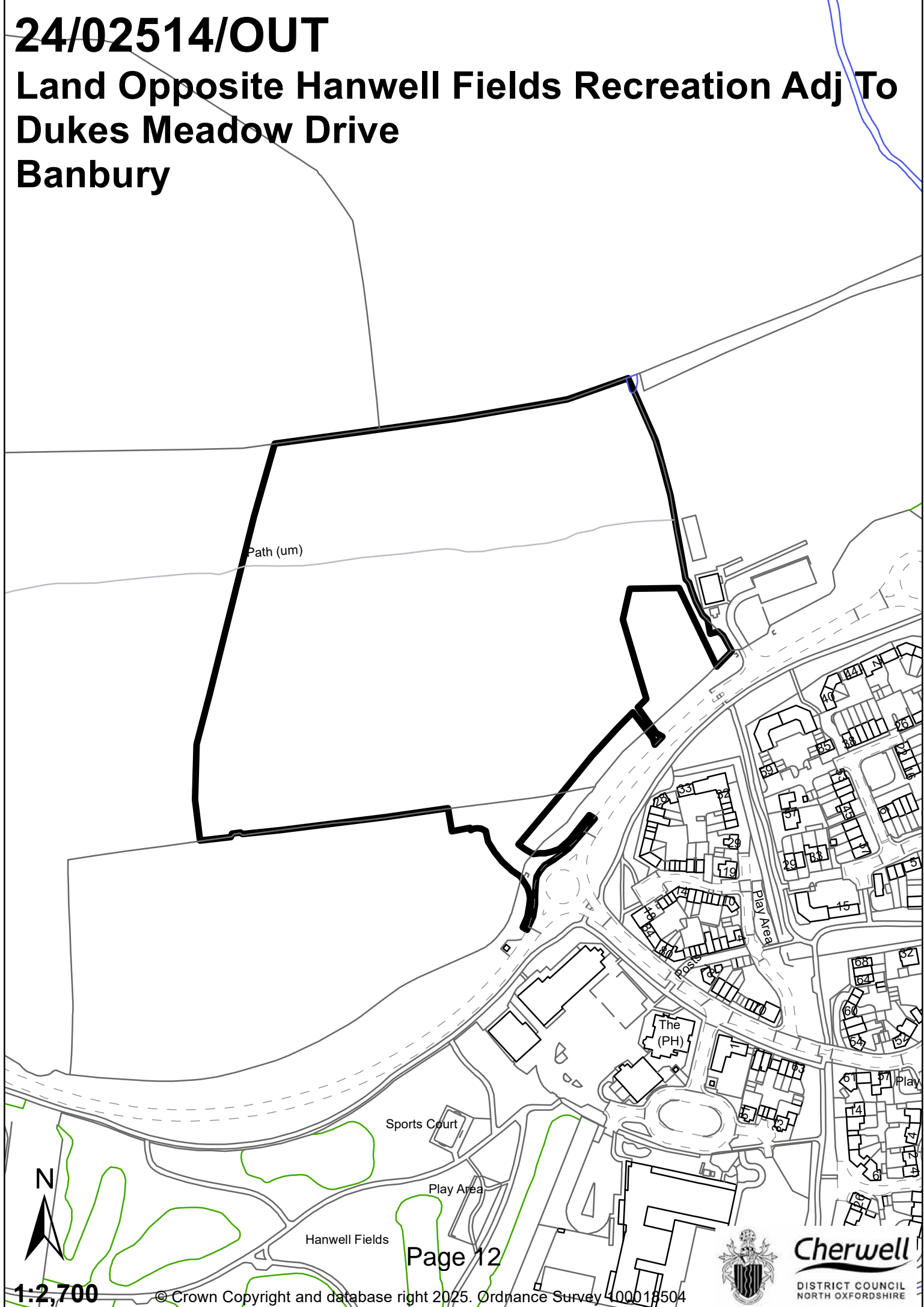


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24/02514/OUT

Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



Case Officer: Lewis Knox

Applicant: Mr & Mrs Donger & Manor Oak Homes

Proposal: Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access - re-submission of 23/03366/OUT

Ward: Banbury Hardwick
Cropredy, Sibfords & Wroxton

Councillors: Banbury Hardwick – Cllr Besmira Brasha, Cllr Andrew Crichton, Cllr Dr Kerrie Thornhill
Cropredy, Sibfords & Wroxton - Cllr Chris Brant, Cllr Phil Chapman, Cllr Douglas Webb

Reason for Referral: Major development of 10+ dwellings/Significant departure from adopted development plan

Expiry Date: 25 December 2024

Committee Date: 16 January 2025

SUMMARY RECOMMENDATION:

GRANT PERMISSION SUBJECT TO CONDITIONS AND THE PRIOR COMPLETION OF A S106 LEGAL PLANNING OBLIGATION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located north of Dukes Meadow Drive and extends to approximately 8.6 hectares of fallow agricultural land. It comprises the eastern extent of a larger parcel of undeveloped land to the north of Dukes Meadow Drive, opposite the school, shops and community centre. It has been resolved previously to grant the same applicant outline planning permission for the erection of 78 dwellings immediately to the south of the site (Ref: 21/03426/OUT) adjacent to Dukes Meadow Drive. This application seeks consent for a further 114 dwellings (previously 176 dwellings) and is described within the application submission as 'Phase 2'.
- 1.2. The southern, eastern and northern boundaries are defined by mature hedgerows but is open to the elevated plateau land to the west. The site slopes upwards from Dukes Meadow Drive (rising from both east to west and from south to north) and the higher ground is open and exposed in views from the south and east. The Hanwell Fields Recreation Ground and pavilion lies immediately to the east of the site and the Hanwell Fields Community Centre, school, dental surgery, pub and shops all lie immediately to the south, on the opposite side of Dukes Meadow Drive, at its junction with Lapsley Drive.

2. CONSTRAINTS

- 2.1. The application site comprises Grades 2 and 3 agricultural land and the Neithrop Fields Cutting SSSI is located within about 1km of the site. Site investigations have identified that the site could potentially contain Priority Grassland Habitat and also Oxfordshire Protected and Notable Species.
- 2.2. On the plateau land to the west of the site is a network of Public Rights of Way (PRoW) linking Hanwell village to the north with the northern edge of Banbury. In addition to the nearby PRoW, there is clear evidence of informal pathways across parts of the application site.
- 2.3. The site is in flood zone 1 although site investigations have identified that surface water pooling can occur at the bottom of the slope, in the southeast corner of the site, abutting the eastern edge boundary with the Recreation Ground.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the erection of a further 117 dwellings, described in the application as Phase 2 of the previously approved development of 78 dwellings north of Dukes Meadow Drive. All matters are reserved except for access.
- 3.2. Vehicular access to the site is proposed via a new northern spur to the existing Dukes Meadow roundabout junction with Lapsley Drive, which was previously agreed as the new access to serve the Phase 1 development. The design and layout of the access would be unchanged from that previously approved under the Phase 1 development (Ref: 21/03426/OUT).

4. RELEVANT PLANNING HISTORY

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

21/03426/OUT – Outline permission consented for up to 78 dwellings subject to prior completion of a Section 106 planning obligation agreement (referenced as Phase 1).

21/03484/SO – Screening Opinion to the above outline – EIA not required.

- 4.2. It was resolved to grant the outline planning permission for the 78 dwellings under 21/03426/OUT on the grounds that the site was close to very local amenities, it formed a natural bowl at the base of the slope, and any harmful landscape impact would not outweigh the benefits of the proposal having regard to the fact that the Council could not demonstrate a five-year housing land supply at the time of the determination.

22/03064/OUT - Outline planning application for up to 176 dwellings and associated open space with all matters reserved other than access – Application Withdrawn.

23/03366/OUT - Outline planning application for up to 117 dwellings and associated open space with all matters reserved other than access – Application Refused and an appeal against that refusal currently held in abeyance by PINS pending resolution of this new application for 114 dwellings on the same site.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **31 October 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:
- Harmful increase to traffic levels in and around Hanwell;
 - Erosion of gap to Hanwell village;
 - Loss of greenness and openness of countryside;
 - Visually prominent site, particularly from the east;
 - Impact on heritage and Hanwell Conservation Area;
 - Flood risk;
 - Contrary to CLP 2015;
 - Contrary to HELAA assessment;
 - Beyond built up limits of Banbury;
 - Impact on climate change; and
 - Lack of additional local facilities proposed.
- 6.3. The comments received can all be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. HANWELL PARISH COUNCIL: **Objects strongly** and considers that the application should be refused as follows:
- Not allocated for housing and therefore contrary to Development Plan;
 - Site recently assessed by the CDC 2018 HELAA (Site 036) as not suitable for development;
 - Contrary to Policy ESD13 as would cause undue visual intrusion into open countryside and cause harm to important natural landscape features and topography;
 - Would have seriously harmful impacts on the local area which Local Plan policies aim to prevent, namely significant urban extension not in the adopted CLP – BSC2, ESD1, piecemeal development on open countryside (saved policy C8) and loss of important landscape feature (ESD13);
 - Would set a precedent for further urban development north of Dukes Meadow Drive, adversely affecting setting of surrounding villages, notably Hanwell. This is further demonstrated by previous approval 21/03426/OUT. Damaging

precedent for greater coalescence of Banbury and Hanwell (saved policy C15);

- Future housing should be identified in formal updates of housing land supply through CLP for example, the balance between greenfield and previously used land as well as sustainability issues, so they can be considered in a comprehensive fashion;
- Site is not sustainable in all other respects as claimed by the submission as loss of an important and prominent landscape feature (C13, ESD13); loss of important open vistas (saved policy C33 & ESD13); loss of informal open space for residents of Hanwell Fields (BSC11); adverse impacts on environment and biodiversity (ESD10), does not enhance the area (ESD10); adverse impact on local road networks, poor public transport (TR7, SLE4, ESD1, ESD15) and lack of further community facilities to serve the development (saved policy R14 and BSC12);
- Notional benefits of the development are outweighed by the harm;
- After COP26 must be more emphasis on overall sustainability of future development if we are to combat global warming, which can only be achieved through robust national and local planning framework, not piecemeal developments;
- Is Grade 2 and 3 best and most versatile arable land;
- Impacts on Hanwell Village include, but not limited to: increased traffic through the village; light pollution including impact on the observatory; further erosion of green buffer which conveys Hanwell's integrity as a village;
- Over the years this area has absorbed thousands of new homes and there is simply not the local infrastructure either in Hanwell or Banbury to support such over-development; enough is enough; and
- Any future additional housing provision for the Banbury area must be assessed through the Cherwell Local Plan review process, so that proper consideration can be given to all the key planning issues and all potential housing sites.

7.3. BANBURY TOWN COUNCIL: **Objects** to this development as being premature pending the outcome of the emerging Cherwell Local Plan 2021-2042.

7.4. By reason of its scale and siting beyond the built-up limits of the settlement, and within the countryside, the proposal would result in development of a greenfield site that contributes to the rural character of the approach into Banbury and is important in preserving the character of this edge of Banbury and would be unduly prominent in the landscape. This concern is considered to outweigh any tilted balance that would exist if the land supply were deemed to be insufficient after the outcome of the Local Plan examination and inspectors report. The proposal is therefore considered to be unacceptable in principle and contrary to Policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C33 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

OTHER CONSULTEES

7.5. OCC HIGHWAYS: Raised **objection** on the grounds the information initially submitted was out of date and as such did not give a realistic assessment of existing traffic – It should be noted that the requested update documents were subsequently submitted by the Applicant and that this is virtually the same scheme which was applied for last year in respect of access and no objections were raised during that application by the Local Highway Authority.

- 7.6. OCC LOCAL LEAD FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.7. OCC EDUCATION: **No objection** subject to S106 contributions.
- 7.8. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.9. OCC WASTE MANAGEMENT: **No objection** subject to S106 contributions.
- 7.10. CDC LANDSCAPE SERVICES: No comment received.
- 7.11. INDEPENDANT LVIA ASSESSMENT BY LANPRO: Subject to appropriately worded landscape conditions, it is considered that the development as proposed would, in time (fifteen years), suitably mitigate any potential landscape harm and thus would accord with both national and local policies in this respect.
- 7.12. CDC ECOLOGY: Comments in respect of ecological mitigation measures and suggested conditions in the event of any possible approval.
- 7.13. BBOWT: **Object** Potential impact on Hanwell Brook Wetland including hydrological impact, and recreational impact. Potential impact on existing grassland with Adder's-tongue fern. Application does not provide adequate evidence of a net gain in biodiversity; the importance of a net gain in biodiversity being in perpetuity. Buffer zones and management of hedgerows needed in order to achieve any biodiversity net gain. Application does not provide evidence that it will help to achieve the aims of the Conservation Target Area.
- 7.14. NATURAL ENGLAND: No comments received.
- 7.15. CDC PLANNING POLICY: No comments received.
- 7.16. CDC STRATEGIC HOUSING: **No objection** in principle subject to affordable housing mix being agreed.
- 7.17. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions.
- 7.18. CDC RECREATION AND LEISURE: **No objection** Seek S106 contributions towards community hall facility enhancement, outdoor and indoor sport, public art, community development worker and community development fund towards enhancement of existing facilities within the locality.
- 7.19. BOBICB: Seek S106 local health service enhancement contributions.
- 7.20. THAMES VALLEY POLICE: Seek S106 policing contributions.
- 7.21. CDC BUILDING CONTROL: No comments received.
- 7.22. **Officer comment:** - *Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*
- 7.23. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential*

for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- Policy SLE4: Improved Transport and Connections
- Policy PSD1 – Presumption in favour of Sustainable Development
- Policy BSC1: District Wide Housing Distribution
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing mix
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC11: Local Standards of Provision – Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policies ESD1-5: Mitigating and Adapting to Climate Change
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996):

- Policy H18: New dwellings in the open countryside
- Policy C7: Landscape Conservation
- Policy C8: Sporadic development in the open countryside
- Policy C28: Layout, design and external appearance of new development
- Policy C30: Design Control

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- CDC adopted Residential Design Guide SPD 2018
- CDC Planning Obligations SPD 2018
- National Design Guide
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Landscape Impact
- Heritage impact
- Site Layout and Design Principles
- Highways and Vehicular Access
- Housing Mix and Affordable Housing
- Ecology and Biodiversity
- Flood Risk and Drainage
- Sustainability
- Section 106

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.1. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.2. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 9.3. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.4. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.5. Paragraph 12 advises, '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'
- 9.6. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, '*To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*'
- 9.7. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).

Assessment

- 9.8. Following the publication of the revised NPPF in December 2024, the LPA can no longer demonstrate a 5YHLS. At the time of writing, the LPA cannot confirm the exact housing land supply position. However, this is currently being calculated and will be included in the updated Annual Monitoring Report which is due to be published in February 2025. It is therefore considered that the NPPF paragraph 11 d) 'tilted balance' should apply when considering housing developments such as is proposed

in this application. The delivery of homes across the district remains an important material consideration, particularly at the largest and most sustainable settlements.

- 9.9. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 114 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Banbury and the Hanwell Fields development and is therefore in open countryside. It is however noted that the parcel of land adjoining the site to the southwest has already been granted outline consent for 78 dwellings with a reserved matters coming forward in due course. Given this, it is considered that the site would be connected to the built form of Banbury and would not appear as a standalone development within the open countryside.
- 9.10. The development would not be in accordance with the development plan's allocations, however given the current housing land supply within the district it is considered that the tilted balance is engaged. The overall goal of the Cherwell Local Plan 2031 is to direct housing towards the most sustainable metropolitan areas such as Banbury, Bicester and Kidlington. It is considered that the proposed development would be located in a sustainable location on the edge of Banbury close to a wide range of facilities including schools, shops, community centres and has good transport links into the town centre and beyond through cycle routes and bus services.
- 9.11. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of, the proposed development would create jobs both directly and indirectly. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of ecological habitats available for wildlife and the setting of the site. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. These aspects are explored in greater detail through the coming paragraphs.

Conclusion

- 9.12. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.
- 9.13. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years as such the 'tilted balance' is engaged and therefore a presumption is in favour of sustainable development. The site is located on the edge of one of the most sustainable settlements within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there may be some impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, Officers accept the applicant's assessment within the submitted LVIA that the proposed mitigation would, in time, be acceptable and sufficiently reduce any harm. It is considered that the harmful impact would be mitigated and would be outweighed by the benefits of the additional housing, which would boost the housing land supply within the district at its most sustainable settlement. The provision of affordable housing, the sustainability of the location and the long term socio-economic benefits which additional housing and population would bring render this proposal acceptable.

- 9.14. Overall, it is considered that the development would boost the local housing supply in a sustainable way and therefore would comply with the goals of both the Local Plan and NPPF.

Landscape Impact

Policy Context

- 9.15. Policy ESD13 of the adopted CLP 2015 requires landscape protection and enhancement opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity.
- 9.16. Paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton. The site comprises open and prominent steeply rising ground (rising from east to west) and from Dukes Meadow Drive with the northern boundary of the site being located on the brow of the hill. The site consists of open, agricultural land which is classified Grades 2 and 3 with field hedges and trees that contribute to its rural character. The site is visible from the adjacent public right of way network.

Assessment

- 9.17. The site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (site HELAA036) – It concluded as follows: *Greenfield site outside the built-up limits. The site is considered to be unsuitable for development in this location would be prominent in the landscape, particularly when viewed from the east, on one of the highest points in the vicinity. It would lead to the loss of greenfield land and informal recreation resource for local people which is in close proximity to the existing Hanwell Fields development.*
- 9.18. The application site forms part of a parcel of land assessed by the Landscape Sensitivity Capacity Assessment prepared to inform the emerging Cherwell Local Plan Review. Although a much wider parcel of land was assessed, including the higher plateau land to the west, the Study concluded that the assessment unit had moderate-high sensitivity for residential and commercial development. The sensitivity to logistics development was considered high. This sensitivity arises from the physical character including the undulating valley slopes and openness of the assessment unit to views from the north and north-east. Observations from the top of the plateau showed that Grimsbury Reservoir was clearly visible as was the M40, Southam Road and Little Bourton. There was no intervisibility with Hanwell village to the north.
- 9.19. In describing the landscape setting of Banbury, the September 2013 Banbury Green Buffer Report (paragraph 3.1.1) states; *'The town itself is strongly contained by landform, with the River Cherwell and its floodplain located on the eastern side of the town and the Sor Brook and its tributaries to the west. The rounded ridge-line located to the west and south west of the town, between the Sor Brook and Cherwell, marks the edge of development to the town, whilst to the east and north, a series of*

undulating hills and valleys beyond the River Cherwell create a sense of enclosure in the wider landscape.

- 9.20. It is noted that the site will be visible from several vantage points around the town, particularly from the east. It is further noted that there are panoramic views of parts of the development site from some of the higher ground to the west which would restrict building heights on the western part of the site.
- 9.21. The application submission and the submitted Landscape Impact Assessment has been assessed by an independent Landscape consultant on behalf of the Council.
- 9.22. The consultant noted that neither the site nor the surrounding context is designated in landscape, ecological or historical terms. The consultant concluded that in landscape terms the retention and enhancement of existing boundary vegetation; together with new planting as illustrated on the Landscape Strategy Plan (drawing 5982/LSP/ASP4) provides a suitable quantum and approach to mitigation of the development. The placement of development away from the northern and northwestern edges of the site as shown on the Landscape Strategy Plan contained within the LVIA helps to reduce landscape effects on site and associated harm creating a compact development form. Along the eastern boundary the retention of existing vegetation and proposed SuDS attenuation creates embedded mitigation by restricting development here. Ideally, the regeneration of the poplar trees should be retained and would allow a natural and defined boundary to the east of the site where visibility for transport receptors travelling east to west along Dukes Meadow Drive is possible, with the site visible below the centre of the principal view. Such vegetation would form a large vertical form over time and would reinforce the character of Hanwell Brook and help define it as a feature in this landscape. The southern boundary has a strong residential character, and the cumulative effects of the approved Hanwell Fields Development Site (Phase I) reinforces this character.
- 9.23. In general terms, due to the landform and vegetation on the site's boundaries and the wider landscape context, visibility of the site is limited to the immediate area with main effects visible within 350m of the site boundary predominantly to the east. The natural ridge to the northern boundary and boundary hedgerow and trees; together with falling levels within the site limit visibility to the north of the site. To the east whilst the site is visible along Dukes Drive, it forms the lower portion of the view composition and therefore could be mitigated by appropriate landscape treatments. Views from the south would be limited by existing and proposed vegetation and by Phase I (Ref: 21/03426/OUT) and would affect transport receptors on Dukes Meadow Drive and residential properties fronting onto this highway. Views to the west are limited by existing vegetation, landform and public access is limited to defined PRow where visibility is likely to be limited or wholly restricted.
- 9.24. Since the previous application the site has been further assessed through the creation of the new Local Plan. The site is identified as Banbury L1 within the Landscape Evidence Base Site Landscape Assessments prepared by LUC. The assessment concludes that the majority of the site would have a moderate sensitivity to residential development as is proposed. The principal issue with development on this site would be the perceived encroachment on the undeveloped valley landform to the north which would impact on the site's relationship with Hanwell as well as some long range views.
- 9.25. The assessment concludes that development on the western part of the site; on the highest ground, would have a moderate-high sensitivity to residential development and should be avoided to ensure the rural character of the valley landscape is protected as well as the gap to Hanwell being maintained.

- 9.26. Through the lifetime of the previous application as well as this proposal, Officers have managed to remove any built form from the most sensitive parts of the site and brought any built form down the slope and is now contained solely within the area defined as having a moderate sensitivity in terms of landscape.

Conclusion

- 9.27. Subject to appropriately worded landscape conditions which ensure the protection to and retention of existing trees is secured; together with the quantum and depth of planting defined both on the site's boundaries and within the site are secured in line with the Landscape Strategy Plan then it is considered that the site complies with National Planning Policy Framework (NPPF) 180 (b). It is also considered that subject to the above, due to the site's location in relation to local landform and on lower ground where landform is more closely associated with areas of new development, that harm to the character of the landscape and to visual receptors is localised to the site and immediate environs to the south, east and west. The proposed retention and enhancement of existing vegetation and proposed new mitigation planting shown on the Landscape Strategy Plan is considered appropriate in both quantum and location and can be controlled via a suitably worded condition which should also include requirements for restoration and management of existing and proposed features.
- 9.28. In this context it is considered that the proposals comply with Policy ESD 13 of the CLP 2015. As such in Landscape and Visual terms it is considered that the level of harm assessed within the LVIA is correctly assessed and mitigation to address identified harm is acceptable and compliant with both national and local plan policy.

Heritage Impact

Legislative and policy context

- 9.29. The site if developed as proposed could potentially affect the wider setting of Hanwell Conservation Area and the setting of Hanwell Castle, a Grade II* listed building, although there is no observed direct intervisibility.
- 9.30. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.31. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.32. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.33. The site is also located in an area of archaeological interest with later prehistoric through to Roman archaeological deposits recorded in the vicinity.

- 9.34. Two prehistoric ring ditches were recorded 600m west of the site along the prehistoric ditches and several undated post holes and pits, which are likely to be of a similar date. A recent archaeological excavation to the west of Southam Road recorded prehistoric worked flint and Beaker Pottery (Wessex Archaeology forthcoming). A post medieval ring ditch, probably from a windmill, was also recorded on the site. This may have been built on a surviving prehistoric barrow mound. Iron Age and Roman settlement evidence has also been recorded 1km to the west of the site. Historic England have recorded the line of a Roman Road (RR 161a) from Harwell to Oxford 270m west of the application site. It is therefore likely that further archaeological deposits could survive on the application site and a programme of archaeological evaluation would therefore need to be undertaken in the event of planning permission being granted.
- 9.35. As a consequence of the above, the applicant has submitted a heritage impact assessment, which also provides verified views of the proposed development (winter views) from the Conservation Area/Hanwell Castle grounds. The Heritage Statement as submitted appears to corroborate the assessment made by the application submission that the proposed development would not be perceived in views from Hanwell Conservation Area or the setting of the listed buildings and conservation area.
- 9.36. The level of heritage harm likely to be experienced would be less than substantial and probably would be towards the lower end of a less than substantial impact.

Site layout and design principles

Policy Context

- 9.37. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve.
- 9.38. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

- 9.39. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.
- 9.40. The indicative landscaping, with retention of the existing trees and proposals for a green buffer along the northern and eastern edges allowing for a transition to the rural landscape would be acceptable in principle. The effect of the development on the landscape is considered later in this appraisal.
- 9.41. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control

that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition(s) attached to any such permission.

Conclusion

- 9.42. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 114 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

Highways and vehicular access

Policy Context

- 9.43. The NPPF (Para.105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, it notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.44. The NPPF (Para.106) advises that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.45. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: “*New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions*”; whilst Policy SLE4 states that: “*All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported*”.
- 9.46. Policy TR7 states that: “*Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted*”.

Assessment

- 9.47. The proposed development would be accessed via a fourth arm (western arm) of the existing Dukes Meadow Drive/Lapsley Drive roundabout. Supporting this application is a Transport Assessment (TA) that suggests a realignment that would render access from Phase 1 to be the minor arm of a simple priority junction. This is acceptable in principle subject to an updated junction capacity assessment.
- 9.48. An emergency access point that also doubles as an uprated cycle track or reinforced grass area is proposed off Dukes Meadow Drive further north of the access roundabout. A Construction Traffic Management Plan and temporary access for construction traffic would need to be agreed.
- 9.49. The nearest bus stops to the site are located on Highlands to the south of the site, approximately 790m from the site’s proposed western pedestrian/cycle access and

are served by the B9 bus. The distance from the site could act as a deterrent to public transport use for those with mobility issues or small children but is considered an accessible distance in Manual for Streets guidance. As with Phase 1, a transport contribution of £1,502 per dwelling would be required to support the continued operation of the bus service. A Residential Travel Plan would be required to be submitted and approved as part of any approval.

- 9.50. Planning for cycling/walking, space for cycling within highways, transitions between carriageways, cycle lanes and cycle tracks, junctions and crossings, cycle parking and other equipment design within the development should follow LTN 1/20 guidance. Contributions towards upgrading the current footpath on the southern side of the carriageway to a segregated cycle and footpath in line with LTN 1/20 should be provided from Lapsley Drive roundabout to Winter Gardens Way roundabout. Contributions would also be sought towards enhanced connectivity between the development site and Banbury town and the emerging Banbury Local Cycling and Walking Infrastructure Plan.
- 9.51. Whilst this is an outline application, it is expected that subsequent applications would show a comprehensive network throughout the site with footways provided on each side of the carriageway to make it suitably permeable with the surrounding infrastructure.
- 9.52. In terms of traffic impact, the submitted Transport Assessment has been assessed by OCC as local highway authority who consider that the person trip rates and resultant trips by mode presented in the TA are reasonable for a development of this size and in this location. The peak hour vehicular trips obtained from the trip generation exercise have been assigned onto the network using the distribution patterns obtained in 2011 Census data, which is deemed acceptable.
- 9.53. In attempting to appraise the traffic impact of this development onto the local highway network, the TA has undertaken modelling exercises at the access Dukes Meadow Drive/Lapsley Drive, A423 Southam Road/Dukes Meadow Drive and Dukes Meadow Drive/B4100 Warwick Road/Walker Road. Assessment was undertaken for both the baseline scenario to forecast how these junctions would operate without and with the development traffic. The modelling undertaken on the A423 Southam Road/ Dukes Meadow Drive roundabout in the PM peak showed the RFC value for the Southam Road south to operate slightly over its designed threshold.

Conclusion

- 9.54. OCC have required the development to adequately mitigate the seemingly meagre impact on the network such as has been demonstrated at this roundabout, the approach captured in OCC's LTCP policies however seek only to consider road capacity improvements as the last resort. It is acknowledged that with improved public transport services and active travel opportunities, there would be a modal shift that would eventually balance out the need for the increase in road capacity.
- 9.55. In summary, it is agreed by OCC that subject to the improvements to public services and active travel infrastructure identified, the proposed development would not result in a detrimental impact on the highway network.

Housing Mix and Affordable Housing

- 9.56. The proposed development provides for up to 114 new dwellings on the site. No details of housing mix are provided at this stage. It is important to have consideration of the mix of housing when considering urban design as well as responding to identified local housing needs. Policy BSC4 of the adopted Cherwell Local Plan 2025

seeks to encourage a mix of housing on all new developments that meets the need of the district as identified by the results of the SHMA 2014. This advises that there is a greater need for 3-bedroom properties in Cherwell and the suggested mix is shown on Table 67 of the Local Plan. Consideration of and compliance with Policy BSC4 is relevant in this respect.

- 9.57. Policy BSC3 requires the provision of 30% affordable housing which equates to 35 dwellings. The required tenure split is 70% rented and 30% Low Cost Home Ownership (LCHLO). National policy requires that 10% of the overall scheme is provided as Low Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. A policy compliant affordable housing mix would therefore equate to 11 LCHO dwellings of which 9 would be First Homes and 4 shared ownership, with 25 dwellings for social rent. The proposed tenure mix set out in the application Planning Statement complies with this.

Assessment

- 9.58. In terms of housing mix, that proposed within the Planning Statement is not currently acceptable as there would be insufficient 2-bed houses proposed. This number would need to be increased significantly as 2-bed flats and maisonettes are not considered suitable for families with children. Maisonettes are also preferred to flat as they offer greater privacy, although provided the affordable flats have the same external appearance as the market flats, flats may be considered acceptable in this instance. The number of 4-bed properties should be increased from 3 to 4. The application proposes that the proposed sizes comply with NDSS requirements, which is welcomed.
- 9.59. The Developer Contributions SPD requires that 50% of rented dwellings meet M4(2) requirements and 1% meet M4(3) requirements. Whilst 1% is less than 1 dwelling, it would contribute significantly to meeting pressing needs if one dwelling could be delivered to full wheelchair standard. There are households currently on CDC's housing register who specifically require a 3-bed wheelchair adapted property in the Banbury area.
- 9.60. All affordable housing units would need to deliver high standards/rates of energy efficiency to ensure household fuel (and water) bills are also affordable for the tenants. This supports the delivery of sustainable development and contributes to the Government objective to reach Net Zero carbon.
- 9.61. The Developer Contributions SPD requires affordable units to be indistinguishable from market units in terms of materials used, design, parking arrangements etc. It is also expected that where appropriate, affordable housing should not be clustered in any more than 10 units of one tenure and 15 units of multiple affordable tenures with no contiguous boundary of the clusters. These matters would be addressed at reserved matters/detailed design stage.

Conclusion

- 9.62. Any planning approval would be subject to a Planning Obligation and many of the requirements above would necessarily be incorporated into the Section 106 to ensure that the affordable housing delivered would accord with CDC standards, tenure mix and housing mix accordingly.

Ecology Impact

Legislative context

- 9.63. 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.
- 9.64. 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.
- 9.65. 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 would not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.66. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.67. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected.
- 9.68. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.69. Paragraph 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.

- 9.70. 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.
- 9.71. 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.
- 9.72. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.73. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.74. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.75. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

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

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all;
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').

- 9.77. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is within 1km of Neithrop Fields Cutting SSSI and Fishponds Wood, Hanwell Local Wildlife Site (LWS) and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.78. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the Local Planning Authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the Authority has to consider itself whether the development would meet the 3 derogation tests listed above.
- 9.79. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.
- 9.80. The application is supported by an updated ecological appraisal completed in September 2024 following site surveys between August 2020 and July 2022, based on a standard extended Phase 1 methodology. In addition, a general appraisal of fauna species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, reptiles and badger.
- 9.81. The site forms the eastern part of a semi-improved grassland field, with other habitats including boundary hedgerows and scattered scrub. Features of ecological importance include the hedgerows and associated trees, which would be retained under the proposals and would be protected during construction, with only small sections removed to facilitate access. It is proposed to compensate by new hedgerow planting, which would link with the existing/retained hedgerows. Further new planting is also proposed within the development itself. In terms of protected species, potential opportunities or confirmed use of the site by badger, bats and common nesting birds have been recorded.
- 9.82. The submitted appraisal concludes that the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals are unlikely to result in any significant harm to biodiversity.
- 9.83. The application however has been separately assessed by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) who have raised an objection to the proposals on several grounds. Just to the east of the development site lies an area known as the Hanwell Brook Wetland, which supports a range of wildflowers such as bugle, meadowsweet and greater bird's trefoil and a range of birds, dragonflies, damselflies, frogs and toads. The proximity of the proposed development site to the wetland combined with the topography of the site which slopes steeply to the east (toward the wetland) means there is potential for a negative hydrological impact on the wetland.
- 9.84. The site is also located very close to the North Cherwell Conservation Target Area and the submission does not include information to illustrate how the development

will secure biodiversity enhancement to help achieve the aims of the Conservation Target Area in line with Policy ESD11.

- 9.85. Despite the concerns raised by BBOWT, Officers consider that the applicants have provided sufficient information to ensure harm is not caused to the Hanwell Brook Wetland and measures have been taken to reduce any impact on the Adders Tongue Fern which was an issue raised in the previous application.

Conclusion

- 9.86. Having regard to the objections raised by BBOWT above, and the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, it is considered that the applicant has demonstrated a suitable level of proposed mitigation to ensure that the proposal would not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. The development would provide an appropriate level of biodiversity net gain, which will also be controlled via appropriately worded conditions. The proposal is therefore considered to be acceptable in respect of its impact on ecology.

Flood Risk and Drainage

- 9.87. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.*'
- 9.88. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.89. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

Assessment

- 9.90. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.
- 9.91. The application submission has been assessed by OCC as Local Lead Flood Authority who has raised no objection to the proposal subject to conditions being included on any permission.

9.92. These conditions relate to implementation in accordance with the submitted documents, a detailed surface water drainage scheme, a detailed Surface Water Management Scheme for each phase or sub-phase of development and a record of the installed SuDS and site wide drainage scheme being included and approved in any reserved matters application. Officers concur with the advice given by the LLFA and as such consider that the principle of the development is acceptable subject to further detailing being approved at reserved matters stage.

Conclusion

9.93. This is an outline application with all matters other than access reserved, the issue of drainage is a material consideration. Officers consider that the information submitted with this application to be sufficient in principle with further detailing to be provided in subsequent applications. As such it is considered that the development would accord with Policies ESD6 and ESD7 of the CLP 2015 and advice contained within the National Planning Policy Framework.

Sustainability

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

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

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

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

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

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

Assessment

9.100. The application is accompanied by an energy and sustainability report. This report confirms that the development proposed would adopt the following:

- Use of passive solar design for heating and cooling;
- Use of SuDS drainage;
- Sustainable and active modes of transport;
- Electric vehicle charging;
- Water efficient fittings to reduce water consumption to 110 litres per person per day;
- Tree lined streets to assist in temperature reduction;
- Use of recycled and energy efficient materials and locally sourced materials;
- Maximise natural daylight and ventilation;
- An all-electric heating strategy.

Conclusion

9.101. The details submitted are considered to comply with the requirements of the policies above in respect of sustainability.

Planning Obligations

9.102. In order to ensure that the development would be acceptable in planning terms, a number of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All section 106 requirements are subject to statutory tests and in order to be taken into account in deciding to grant planning permission they need to be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind.

Assessment

9.103. It is considered that should planning permission be forthcoming that the following additional items/contributions should be secured as part of the permission relating to the new dwellings (and any amendments deemed necessary).

9.104. CDC Obligations:

- 30% affordable housing to NDSS and CDC requirements and standards;
- contribution to the provision or enhanced facilities at Hanwell Fields; - TBC
- contribution towards outdoor sport provision at Hanwell Fields Recreation Ground and/or North Oxfordshire Community use site; - TBC
- contribution towards indoor sport, - Banbury indoor tennis centre and/or improvements to the leisure centre; - TBC
- contribution for community development worker to help integrate residents into the wider community; - TBC
- contribution towards initiatives to support groups for residents; - TBC
- contribution towards public art within the vicinity; - TBC
- £5,000 monitoring fee.

9.105. OCC Obligations:

- £114,000 – strategic highway works;

- £171,228 – public transport;
- £1,985 – travel plan monitoring;
- £TBC – public rights of way;
- £897,399 – secondary education;
- £89,991 – secondary land contribution;
- £62,818 – special education;
- £11,614 – household waste and recycling centres.

9.106. Other obligations – Health Care Provision - £98,640.

10. PLANNING BALANCE AND CONCLUSION

10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.

10.2. The Council cannot currently demonstrate a 5-year housing land supply and as such a tilted balance assessment must be applied. It is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The development would not cause harm to the local highway network or flood risk. It is considered that the proposal would have some limited impact on wider landscape views, but this harm would be sufficiently mitigated through appropriately worded conditions and so would not outweigh the substantial benefits of the proposal. Housing developments of this kind should be located close to the most sustainable locations within the district. Banbury is the most sustainable town and as such can accommodate a development of this size thus boosting the district's overall housing supply.

10.3. The indicative plans demonstrate the site can accommodate the level of development suggested within the application and through careful design, the proposal would integrate well with the existing residential development. The development proposes 30% affordable housing and an acceptable mix.

10.4. On balance and subject to appropriate conditions and S106 obligations, planning permission should be granted.

11. RECOMMENDATION

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

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

- a) Provision of 30% affordable housing on site;
- b) Payment of a financial contribution towards off site outdoor sports and recreation provision in the locality and indoor sports £TBC
- c) Payment of a financial contribution towards enhanced Hanwell Fields community facilities £TBC;
- d) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £111 per dwelling (index linked);
- e) Payment of a financial contribution towards Public Art £TBC
- f) Payment of a financial contribution towards local Resident Groups of £TBC
- g) Payment of a financial contribution towards educational infrastructure serving Secondary education £897,399, a Secondary school land contribution of £89,991, Special education £62,818 (index linked);
- h) Payment of a financial contribution towards household waste and recycling £11,614 (index linked);
- i) Payment of a financial contribution towards strategic highway works of £114,000 (index linked);
- j) Payment of a financial contribution towards public transport enhancements of £171,228 (index linked);
- k) Payment of a financial contribution towards Public Rights of Way £TBC
- l) Payment of the District Council's monitoring costs of £5,000 and the County Council's travel plan monitoring costs of £1,558;
- m) Provision of a Residential Travel Plan; and
- n) Payment of a financial contribution towards County Council monitoring costs (TBC).
- o) Payment of a financial contribution towards health care provision of £98,640

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION, AS EXTENDED BY AGREEMENT EXPIRES ON 20 FEBRUARY 2025. IF THE SECTION 106 AGREEMENT/ UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY ANY FURTHER AGREED EXTENSION DATE, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate mitigation required as a result of the development and necessary to make the ecological, landscape and highway impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to development plan policies SLE4, ESD10, ESD13, INF1, C7, C8 and C28 and national guidance contained in the National Planning Policy Framework.

SUGGESTED CONDITIONS OF ANY APPROVAL

Time Limit

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

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

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of 18 calendar months beginning with the date of this permission.

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

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of 40 calendar months from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended). The time period for submission has been reduced from standard period. The application has been submitted to address the Council's 5-year housing land supply position and is in accordance with the applicant's planning statement.

Compliance with Plans

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

- Forms and Certificates
- Covering Letter – Ref: GA/AM/03222/L0006am
- Planning Statement / SCI – ARP - 03222/S0005
- Design and Access Statement (September 2024)
- Site Location Plan (for approval) - Thrive - SLP 03 Rev H
- Parameter Plan (for approval) - Thrive - SHLUDPP 01 Rev C
- Access Drawing (for approval) - MAC - 802-TA10 Rev B
- Site Sections (illustrative only) - Thrive,
- Site Layout (illustrative only) - Thrive - SL 01 Rev F
- FRA & Drainage Strategy – MAC - 802-FRA 33 A
- Landscape Strategy Plan – LSP/ASP4 Rev G
- Transport Assessment – MAC - 802-TA 02 0
- Framework Travel Plan – 802-TP-02-0
- Heritage Statement - Asset Heritage - 10178

- Archaeology Geo-Physical - TVAS - HRB21/169
- Trial Trenching Report - TVAS - HRB22 200
- Landscape and Visual Impact Assessment (September 2024) – Aspect - 5982 P2 LVIA 006
- Ecology – Aspect - EAP2 vf5
- BNG Matrix 3.0 (appended to PEA) - Aspect
- Arboricultural Impact Assessment – Aspect - AIA.002 Rev D
- Sustainability & Energy Statement - Manor Oak Homes - BAN 065 MOH SES Rev A (August 2024)

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

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

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

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

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

7. If remedial works have been identified in condition 6, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

8. As part of any application for reserved matters relating to layout, a detailed surface

water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

- Discharge rates based on 1:1 year greenfield run off rate
- Discharge Volumes
- SUDS
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers.
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)
- A detailed maintenance regime for all proposed drainage features and SuDS features.
- A detailed surface water catchment plan.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. As part of any reserved matters application including layout, a noise assessment shall be submitted and approved in writing by the Local Planning Authority demonstrate how acceptable internal and external noise levels will be achieved for the proposed dwellings and amenity spaces. If the proposal includes the use of background ventilation, then a ventilation and overheating assessment should be carried out and submitted to be approved. The development shall thereafter be carried out in accordance with the approved details and any mitigation retained thereafter.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

10. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

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

11. No development shall commence unless and until a detailed air quality impact assessment to identify the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment for future residents in accordance with Government Guidance contained in the NPPF.

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

Reason: To protect the existing trees and hedgerows on site and to accord with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

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

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

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

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

14. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.

Reason: In the interests of highway safety and to comply with Government

guidance contained within the National Planning Policy Framework.

15. No development shall commence unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. The access, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

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

16. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers.

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

Reason: To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

18. Prior to occupation of any part of the development hereby approved, a revised Residential Travel Plan Statement meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried on in accordance with the approved details.

Reason: To encourage occupiers to use sustainable modes of transport in line with the NPPF.

19. Prior to first occupation a Travel Information Pack shall be submitted to Local Planning Authority for approval. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers to use sustainable modes of transport in line with the NPPF.

20. No properties shall be occupied until approval has been given in writing by the Local Planning Authority that either:

- Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or
- A housing and infrastructure phasing plan has been agreed with Thames

Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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

21. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

22. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

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

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

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

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

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

25. Prior to the commencement of any works associated with the construction of a

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

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

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

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

CASE OFFICER: Lewis Knox

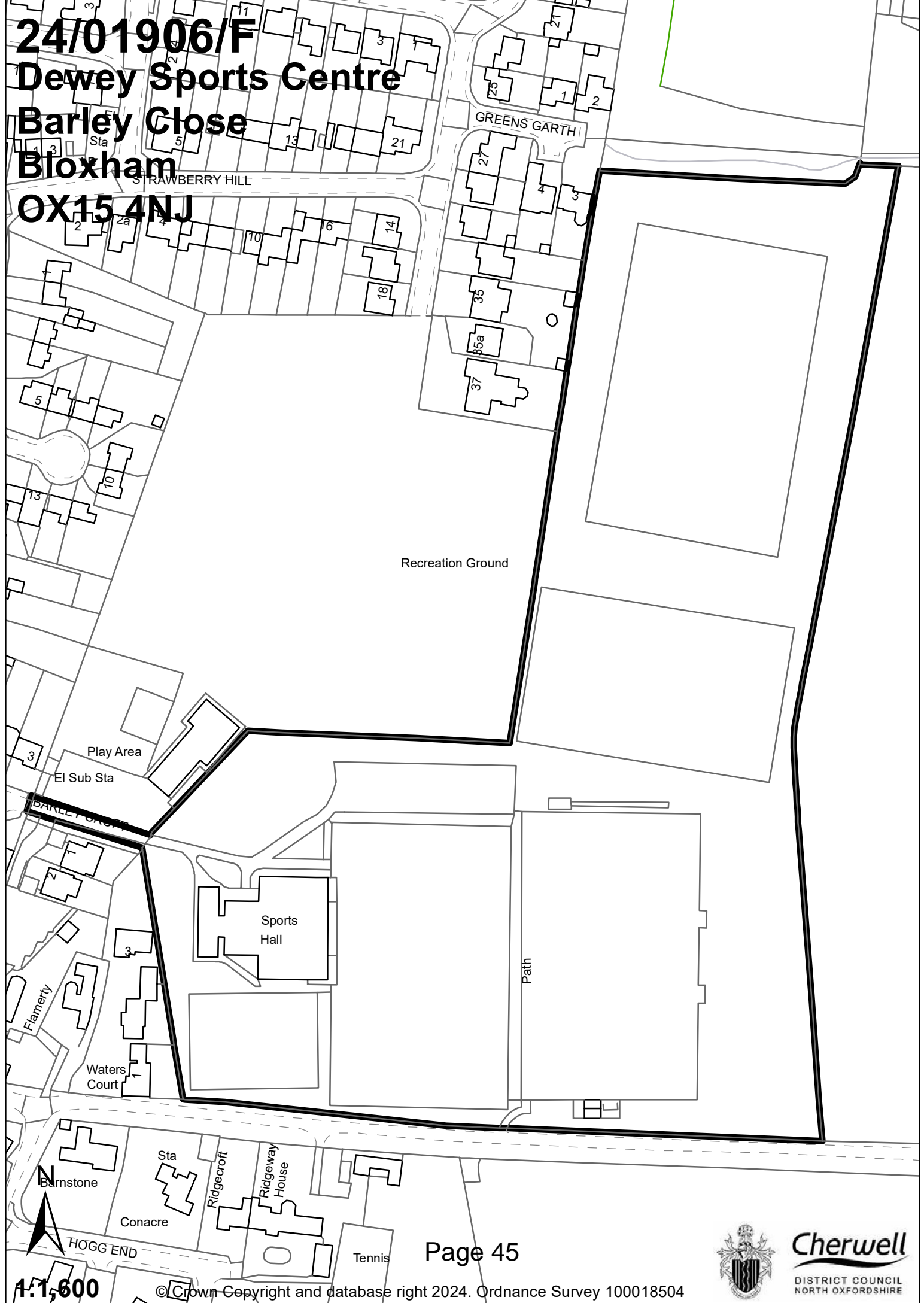
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Dewey Sports Centre
Barley Close
Bloxham
OX15 4NJ



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Dewey Sports Centre
Barley Close
Bloxham
OX15 4NJ



Recreation Ground

Play Area

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Sports Hall

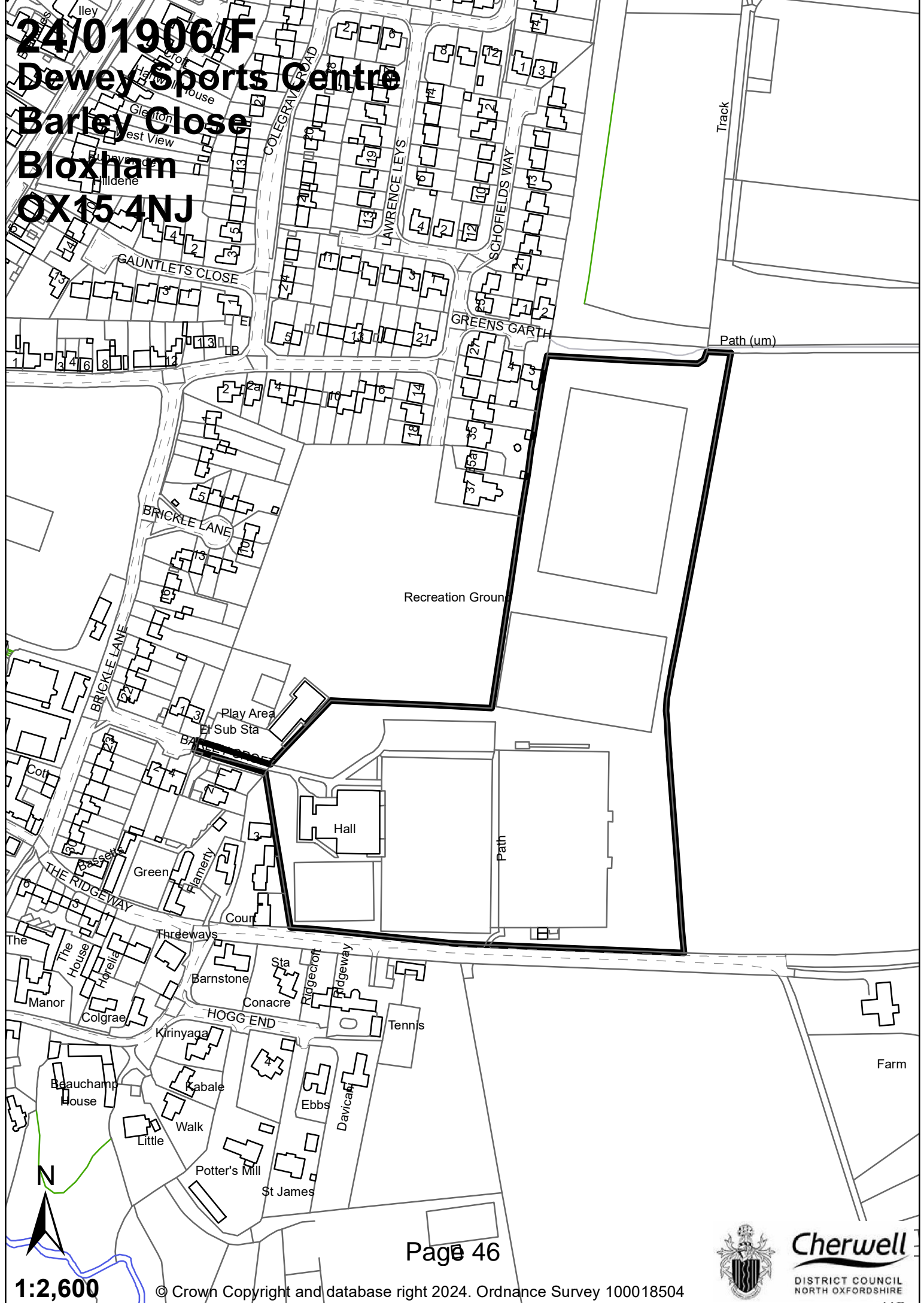
Path

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24/01906/F
Dewey Sports Centre
Barley Close
Bloxham
OX15 4NJ



Case Officer: Katherine Daniels

Applicant: Bloxham School

Proposal: Front and rear extensions and alterations to the Dewey sports centre, installation of 12no sports lighting columns, 5no netball/tennis courts, 1no artificial cricket wicket, 1no replacement long jump pit, 1no storage container, improvements to existing access and car parking, provision of additional car parking, associated drainage, renewable energy and sustainability measures, hard and soft landscaping and biodiversity enhancements.

Ward: Adderbury, Bloxham And Bodicote

Councillors: Councillors Blakeway, Pattenden and Hingley

Reason for Referral: Major development of 1,000+ sq m of floor space created

Expiry Date: 21 October 2024

Committee Date: 16 January 2025

This application was deferred from the last meeting to enable a Committee Members Site Visit

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises a pair of sport pitches with multi-use surfaces, currently used as a hockey pitch and tennis courts that are in the ownership Bloxham School. The pitches and an area of surrounding land which are the subject of this application are situated on the edge of the built up limits of Bloxham and just outside the Bloxham Conservation Area. The northern edge of the sport pitches borders the school playing fields, The Ridgeway, a track largely gravelled, runs parallel with the southern boundary. There are residential properties surrounding the wider sports complex.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposal is for the extension to the front and rear of the existing Dewey building. This seeks to provide enhance sports facilities, including four separate changing areas, staff/official changing, medical room and reception at ground floor. A larger gym, spectator gallery and a new studio space at first floor.

2.2. The proposal involves the installation of 12 floodlights each 12m in height on Bloxham School's two artificial pitches. These are required to provide sufficient illumination, when required, for ball games such as tennis and hockey until 6pm. The proposed floodlights have asymmetric lighting profiles and would be used to direct the light to only the pitches and away from areas outside of the pitch. This would allow for pupils at the school to play for longer during winter months.

- 2.3. In addition to the floodlights, it is proposed to provide further car parking, with the loss of part of the adjacent playing fields. This is sought in order to relieve the pressure on the local road network by discouraging sport centre patrons from parking on the surrounding street. The expanded area of car parking would result in 31 additional parking spaces. The extension of the car park would lead to the loss of the long jump track in its present location, the sports field layout would be altered to allow for its repositioning.
- 2.4. The proposal also includes the formation of a new astro cricket pitch; five netball/tennis courts are proposed to the east of north of the existing astro pitches.

3. RELEVANT PLANNING HISTORY

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

Application 06/00334/F Refused

Provision of floodlights to the playing service.

Application: 18/01252/F Refused 31 October 2018

Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping

Application: 18/01852/F Application 14 June 2019
Withdrawn

External security lights to the car park and building at The Dewey Sports Centre, Bloxham School, Barley Close, Bloxham, Banbury, OX15 4NJ.

Application: 19/02826/F Permitted 5 February 2020

Car park lighting and security lighting

4. PRE-APPLICATION DISCUSSIONS

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

22/02358/PREAPP: Extension of Dewey Sports Centre, 5 no Netball/Tennis courts, sports lighting, car parking and landscaping.

- 4.2 There are several positive elements to the proposal, however also several areas that require further thought.

5. RESPONSE TO PUBLICITY

- 5.1 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 **14 August 2024**, although comments received after this date and before finalising this report have also been taken into account.

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

33 Letters of objection have been received for the following reasons:

- Light pollution on the edge of the village affecting the night sky
- Cause extra noise and light pollution compared to the current low levels
- Cause additional traffic congestion, which is already high
- Impact upon the nearby conservation area
- Not in-keeping with the rural nature of the location
- The height of the columns will mean that floodlights will be seen for a significant distance beyond the immediate surroundings and will affect views on public rights of way.
- Should be refused on similar grounds to before
- Impact on ecology
- Additional noise and disturbance on the local residents

52 Letters of support have been received for the following reasons:

- Supports the school provide additional and enhanced facilities
- Will open it up to further community facilities.

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

6. RESPONSE TO CONSULTATION

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

NOTE: Responses are to be recorded in the example format given for the Parish Council below. Responses should be summarised and should not be copied and pasted in full. If it is necessary to quote from a response *include the quote in italics*

6.2 BLOXHAM PARISH COUNCIL: **Objects** increased level of traffic using the facilities, and the wider implications of that, impact of the lighting on the wider locality including designated heritage assets, increased noise, impact on ecology

6.3 OCC HIGHWAYS: **No objections** subject to conditions

6.4 OCC LEAD LOCAL FLOOD AUTHORITY: **No objections**

6.5 OCC ARCHAEOLOGY: **No objections** subject to planning conditions.

6.6 CDC ECOLOGY: **Comments** The BNG is acceptable, and is satisfied that the lights being turned off at 6pm will not have a negative impact on protection species. Conditions are recommended.

6.7 SPORTS ENGLAND: **No objection**

- 6.8 CDC SPORTS AND RECREATION: **Comments** that the proposal would provide improvements evidenced in the latest sports studies. Including additional community use of the site.
- 6.9 CDC ENVIRONMENTAL HEALTH: Have no comments on noise, contaminated land, air quality or odour. Requests condition be imposed regarding the lighting to be used only when sporting activities take place.
- 6.10 *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*
- 6.11 *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- BSC7 - Meeting Educational Needs
- BSC10 - Open Space, Outdoor Sport and Recreation Provision
- Policy Villages 4 - Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C31 - Compatibility of proposals in residential areas
- ENV1 - Development likely to cause detrimental levels of pollution

BLOXHAM NEIGHBOURHOOD DEVELOPMENT PLAN (2015-2031)

- Policy BL9 - Policy on regard for the amenity of existing residents

- Policy BL11 - Policy on contributing to the rural character of the village
- Policy BL12 - Policy on the importance of space and key street scenes

7.3 Other Material Planning Considerations

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

8. APPRAISAL

8.1 The key issues for consideration in this case are:

- Principle of development including loss of part of the playing field
- Design, and impact on the character of the immediate area including the setting of the Conservation Area
- Residential amenity
- Highways safety
- Protected species
- Other matters

Principle of Development

Policy Context

8.2 Policy BSC10 of the Cherwell Local Plan 2011-2031 (‘CLP 2015’) states amongst other things that the Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision. Amongst other measure this will be achieved through qualitative enhancement to existing sporting provision. Policy BSC12 continues by stating that the Council will encourage the provision of community facilities to enhance the sustainability of communities and encourage partnership working to ensure that built sports provision is maintained. However, this Policy also states that this will be in accordance with local standards of provision by the following means:

- *Protecting and enhancing the quality of existing facilities*
- *Improving access to existing facilities*
- *Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.*

8.3 The NPPF seeks to ensure that places are safe and accessible and support healthy lifestyles as underlined by paragraph 96 which states, amongst other things, that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 96 continues by stating that to ensure social, recreational and cultural facilities and services the community needs, are provided planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Assessment

- 8.4 A previous application on the Dewey Sports centre for 12 floodlights was refused under application reference 18/01252/F for the following reason:

The site is prominent within an attractive and visually sensitive landscape which affords wide-ranging views to Bloxham village. The proposed twelve 12.5m masts with floodlights, due to their siting, scale and illumination, would create a substantial block of light beyond the built confines of the village and highly visible in the landscape. As such, the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area. Therefore, and in the absence of sufficient mitigation of the visual harm, the proposed development would be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy BL11 of the Bloxham Neighbourhood Plan 2015-2031 and Government guidance contained in the National Planning Policy Framework.

- 8.5 The principle of the additional lighting, and alterations to the existing sport field was considered to be acceptable in principle. The main difference between this application and the previous application is that this application includes an extension to the existing Dewey Centre itself.
- 8.6 The school is an existing facility within Bloxham, and it provides a sporting facility for both the school and the community. Neither Sports England or the Council's Sports and Recreation Officer objects to the proposal, as it would enhance the current facilities.

Conclusion

- 8.7 The principle of developing the site for increased sport and recreation on an existing site is considered to be acceptable. The previous application was not recommended for refusal based on the principle; therefore, the acceptability of the proposal depends on other considerations as set out below.

Design, and impact on the character of the immediate area including the setting of the Conservation Area

Policy Context

- 8.8 Paragraph 131 of the NPPF states that: 'Good design is a key aspect of sustainable development' and that it 'creates better places in which to live and work'. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*

- 8.9 Policy ESD 13 of the CLP 2015 states that *'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.'* It goes on to state that *'Development will be expected to respect and enhance local landscape character'* and that proposals will not be permitted if they would *'harm the setting of settlements, buildings, structures or other landmark feature'* or that it would *cause visual intrusion into the open countryside'*.
- 8.10 Policy ESD15 of the CLP 2015 also states that development should *'Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...and within conservation areas and their setting'*. Policy BL11 of the Bloxham Neighbourhood Plan states that development should *'be in keeping with local distinctiveness and characteristics of the historic form of the village'*. Saved Policy C28 of the 1996 Local Plan states *'in sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard'*.
- 8.11 Policy C28 of the 1996 Local Plan states that *'layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development'* and Policy B11 of the Bloxham Neighbourhood Plan states that the lighting of public areas should accord *'with the recommendations of the Institute of Lighting Engineers recommendations on reduction of obtrusive light (or its successors) so as to convey a rural feel and avoid light pollution wherever possible'*.
- 8.12 Policy B11 of the Bloxham Neighbourhood Plan states that the lighting of public areas should accord *with the recommendations of the Institute of Lighting Engineers recommendations on reduction of obtrusive light (or its successors) so as to convey a rural feel and avoid light pollution wherever possible.* Paragraph 198 of the NPPF is of particular relevance to this case when it states amongst other things that *planning policies and 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... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Assessment

- 8.13 The proposed floodlight masts are approximately 90m from the Bloxham Conservation Area. The floodlights would be visible from some vantages within the Conservation Area and indeed the surrounding built-up area of Bloxham even when not in use. The Inspector for the 2006 application concluded that the 8 masts proposed in 2006 would detract from the setting of the village as a whole rather than the setting, character, or appearance of the Conservation Area, given that the lights and the conservation area were separated by other development.
- 8.14 Although the current application proposes an additional 4 masts they would be 3m lower and would be better screened by the proposed mature tree planting. There would be a perceived 'glow' on some evenings from the direction of the sports pitches which would have an impact on the Conservation Area, especially given that there is no street lighting in the area. Although the impact on the surrounding area would be lessened through improvements to the lighting and the lower slim line poles, the proposal would nonetheless cause some harm to the visual amenities of

the area. In addition, the applicant has provided further details over that of the 2018 application, which indicates that the light spill would be reduced, and the impact on the surrounding area would be less than the previous application. The current proposal is for the lights to be turned off at 6pm, reducing the impact on the locality.

- 8.15 The submitted lighting Impact Assessment state the site is locality is within a E2 Environmental Sone, where there is typical background luminance within the area would be described as low. The modelling provided in the submission states that the proposal would be compliant with the criteria, and that the impact would equate to a low level. The Council's Environmental Health Officer does not object to the proposal based on lighting.
- 8.16 It is noted that the Landscape Officer has not commented on the application, however it is considered that the impact on the wider locality is not sufficiently harmful to warrant refusal. Again, the lights are to be turned off at 6pm, which reduces the overall dominance in the landscape. The poles are slimline, so during the daylight, the poles will be seen in conjunction with the village and the sports centre.
- 8.17 The extensions to the Dewey Sports, which would provide enhanced facilities for both the school and the community, are in keeping with the existing building and would not have a detrimental impact on the character and appearance of the locality. The extensions are visually contained within the site and its surroundings.
- 8.18 The extended parking area would be a continuation of the existing car parking area and would be largely screened from view by the associated landscaping. It is placed centrally on the wider site and would have little or no impact on the character of the area or the setting of the area.
- 8.19 The additional five netball/tennis courts surrounding the existing astro turf pitch, which would lead to additional facilities and open the existing astro pitches for more availability for the Banbury Hockey Club, are considered to be in keeping with the character and appearance of the site's immediate surroundings.

Conclusion

- 8.20 The proposal would impact the locality by introducing new lighting to an area that currently doesn't have any lighting. The previous scheme for lighting was refused due to the impact on the wider landscape. There have been changes to technology, which further reduces the impact on the wider locality, and given the submitted information demonstrates the development would be in accordance within the Environmental Zone, E2; therefore, the lighting scheme is considered to be acceptable. The proposal to turn the lights off at 6pm would further reduce the impact on the landscape.
- 8.21 The extension to the Dewey Sports Centre would not harm the character of the wider locality, would be seen within the context of the existing site and its surroundings, and is considered to be acceptable.
- 8.22 The proposed new netball pitches are considered to be appropriate to the locality. They would be seen within the context of a sporting facility. Similarly the new car parking area is sited adjacent to the existing parking area, thereby not having a detrimental impact on the wider locality.
- 8.23 Overall, there would be some change to the character of the locality; however, based on the information submitted with the application the impact is not considered to be so harmful as to warrant refusal of the application.

Residential amenity

Policy

- 8.24 Paragraph 135 of the NPPF includes, as a core planning principle, a requirement that planning should have a *high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*. Policy C31 of the saved 1996 Local Plan states that *'in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted'*.
- 8.25 Policy ENV1 of the saved 1996 Local Plan states *'development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted'*. Policy BL9 of the Bloxham Neighbourhood Plan states that developments should *'ensure that the living conditions of neighbouring residents are not materially harmed'*.
- 8.26 There are five dwellings within 40-70m of the proposed floodlights and which have elevations with windows which face onto the site to some degree; three are along The Ridgeway – Ridgeway house, Ridgecroft and Conacre - and two along Waters Court – No.1 and No.2.

Assessment

- 8.27 The application includes submitted a lighting impact assessment, which has demonstrated that there is no negative impact on residential amenity through any light spillage onto the nearest residential properties.
- 8.28 A number of local residents have raised concerns regarding the proposal and the impact that it will have on their amenities, through the addition of its coming and goings, as well as noise. While the concerns are noted, the 2018 application was not refused on residential amenity reasons, and therefore it would be unreasonable for officers to recommend refusal on that basis for the proposed new lighting columns.
- 8.29 This proposal is different to the previous scheme as it includes the extension to the existing Dewey Sports Hall. The Environmental Protection Officer has assessed the proposals and does not have any objection to the scheme in regards to noise, disturbance. It is therefore considered that the proposal would be acceptable in terms of impact on noise, and that it would be unreasonable for the Council to object on this basis.
- 8.30 The proposed extension would be going closer to the neighbouring properties; therefore, there is a potential that the extension could have a negative impact on the amenities of the neighbouring property through loss of light or being overbearing. However, given the distances, and the significant existing landscaping, the proposal would not have a detrimental impact on the residential amenity to the adjacent neighbours.

Conclusion

- 8.31 The proposal is considered to be acceptable in terms of residential amenity, and would be unreasonable for the Council to refuse the application based on residential amenity. If there is noise emanating from the site, then this can be controlled by Environmental Protection legislation.

Highway safety

- 8.32 The NPPF states that, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 8.33 Policy BL9 of the Bloxham Neighbourhood Plan states that '*the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network*'.
- 8.34 The proposals for the extension of the car park facilities at the Dewey Centre would enable the applicant to reduce the impact of weekday parking on nearby public roads. This is considered to be a benefit to the local residents, a number of whom have raised issues in their comments about the level of parking in the streets around the Bloxham School.
- 8.35 While the proposal would result in additional traffic to and from the site which a number of residents have raised as a concern, the Local Highways Authority has not objected to the increase in the volume of traffic using the surrounding roads. It is therefore considered that the proposed development accords with Policy BL9 of the Bloxham Neighbourhood Plan and policies contained within the NPPF.

Ecology Impact

Legislative context

- 8.36 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.
- 8.37 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.
- 8.38 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.
- 8.39 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.

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

Policy context

8.41 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

8.42 Paragraph 193 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.

8.43 Paragraph 198 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.

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

8.45 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

- 8.46 Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- 8.47 present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- 8.48 It also states that LPAs can also ask for:
- 8.49 a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- 8.50 an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 8.51 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles.
- 8.52 In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.53 In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.54 The application is supported by a detailed protected species survey which concluded that there is no evidence to suggest there is any overriding ecological constraints which would prevent an application being approved.
- 8.55 Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

9. PLANNING BALANCE AND CONCLUSION

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

- 9.2 Following the 2006 and the 2018 application the applicant has further considered the reason for refusal, and have sought to overcome this. The acceptability of the proposal comes down to whether the impact the flood lighting would have a negative impact on the surrounding built-up area and landscape. In respect of the floodlights, Officers are mindful of the 2006 appeal decision, and the 2018 application particularly. As this only sought to illuminate one of the two pitches, it is concluded that the impact of the floodlights, on the surrounding landscape, with the advances in technology, reduced height of the masts and suggested screening from existing and additional trees, would not cause harm to the character or appearance of the local area or landscape when lit in particular. The commitment to allow the local community access to the pitches and the extension to the main sports centre weighs in favour of the development as does the increase in capacity for multiuse pitches in the local area, and the higher level of parking offered in order to allow more staff to park.
- 9.3 The extended car park is considered to be acceptable in the absence of an objection from the Local Highways Authority and Sport England.
- 9.4 Based on the appraisal above, the application is therefore recommended for approval.

10. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

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

- Proposed Site Masterplan (Summer) 2104_0041_P05
- Proposed Site Masterplan (Winter) 2104_0040_P18
- Proposed Site Plan Sheet 1 of 2 2104_0045_P15
- Proposed Site Plan Sheet 2 of 2 2104_0050_P21
- Proposed Sections 2104_0065_P03
- Proposed Elevations 2104_0060_P05
- Proposed Ground Floor Plan 2104_0055_P09
- Proposed First Floor Plan 2104_0056_P08
- Proposed Detailed Site and Roof Plan 2104_0051_P21
- Landscape Mitigation and Enhancement 1205 806 F

(Sports Centre) (1 of 2)

- Landscape Mitigation and Enhancement (Sports Pitches) (2 of 2) 1205 807 F
- Column Specification HL250S12 Rev A
- Lighthouse Specification Optimising LED Gen 3.5
- Bloxham School sports lights CGIs 2348-DFL-ELG-XX-DE-EO-13001
- 348-DFL-ELG-XX-DE-EO-13002
- 348-DFL-ELG-XX-DE-EO-13003
- 348-DFL-ELG-XX-DE-EO-13004
- 348-DFL-ELG-XX-DE-EO-13005
- 348-DFL-ELG-XX-DE-EO-13006
- 348-DFL-ELG-XX-DE-EO-13007

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

Accord with Ecological Survey

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Assessment of Bloxham School by Ecology Solutions dated May 2024 unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with government guidance contained within the National Planning Policy Framework.

Schedule of Materials

4. No development shall commence above slab level unless and until a schedule of materials and finishes to be used in the external walls and roofs of the extension has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

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

COMPLIANCE

Protection of Trees

5. No development shall take place until the existing tree(s) to be retained as shown on approved plan [Tree Protection Plan] have been protected in accordance with the Arboricultural Impact Assessment by Tree Frontiers dated 31st May 2024. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall

be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

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

Flood Risk Assessment

6. The development shall not be carried out other than in accordance with the Flood Risk Assessment prepared by Cole Easdon dated September 2024 unless otherwise previously approved in writing by the local planning authority.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

Floodlighting Hours

7. The external lighting/ floodlighting shall not be used after the hours of 18:00 Monday to Saturday only.

Reason: To protect the amenities of nearby residents, visual amenity, in the interest of protected species and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

PRECOMMENCEMENT CONDITIONS

HMMP Plan

8. The development shall not commence until a [Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with an approved Biodiversity Gain Plan and including:
 - (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- (a) [HMMP] has been implemented; and
- (b) habitat creation and enhancement works as set out in the [HMMP] have been completed.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].
Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy ESD10

Archaeology

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2023).

Archaeology

10. Following the approval of the Written Scheme of Investigation referred to in condition 9, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the fieldwork being completed.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2023).

CONDITIONS TO BE SUBMITTED PRIOR TO CERTAIN STAGES

Landscaping Scheme

11. No development shall commence above slab level unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

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

details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

details of the enclosures along the boundaries of the site.

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

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Cycle Parking

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

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

CASE OFFICER: Katherine Daniels

**Playground
Morton Close
Kidlington**

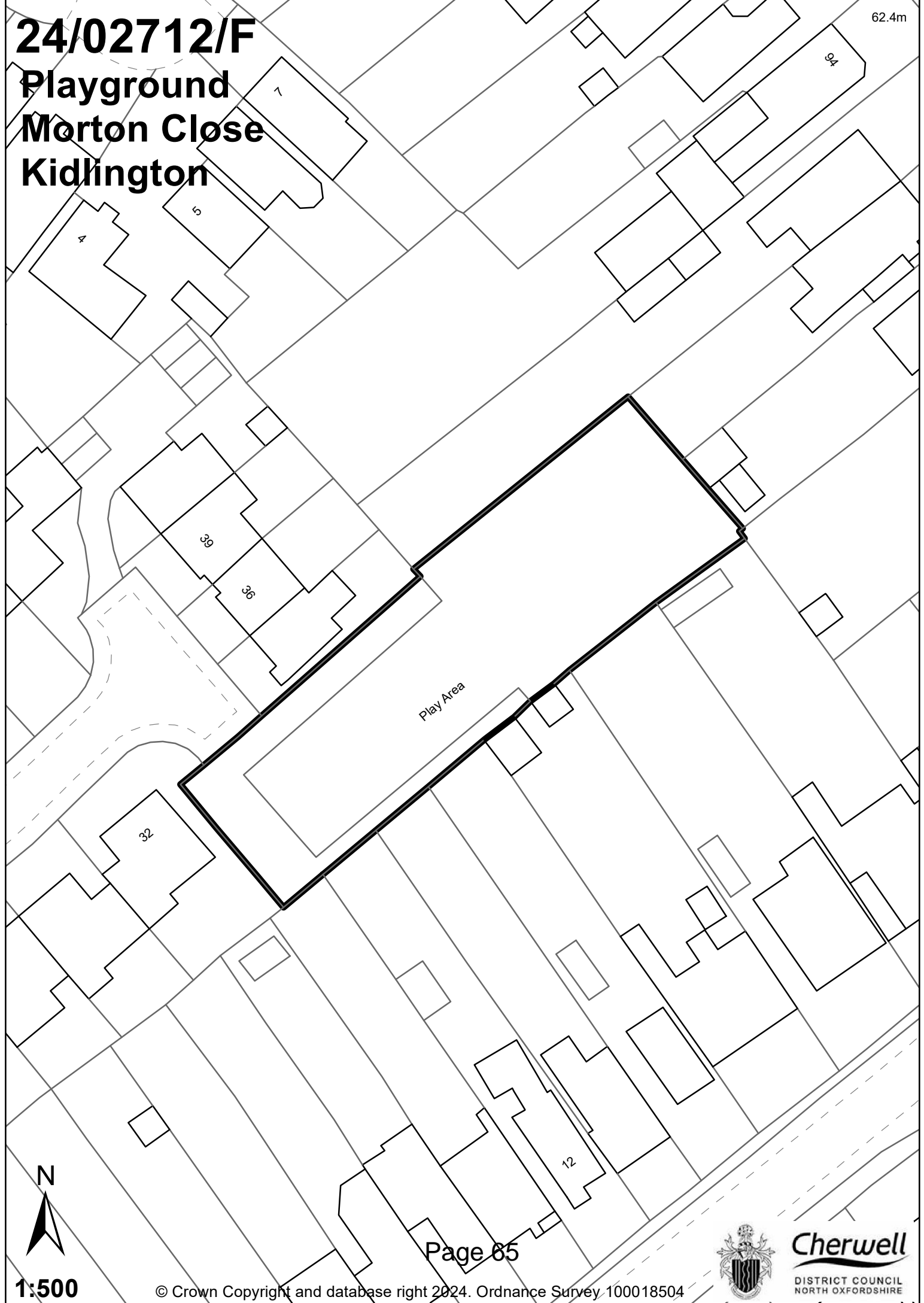


1:700

24/02712/F

62.4m

Playground
Morton Close
Kidlington



Play Area



1:500



24/02712/F Playground Morton Close Kidlington



Case Officer: Rebekah Morgan

Applicant: Ede Holdings Ltd

Proposal: Erection of 6 no. dwellings, with associated open space, landscaping, parking and other associated works

Ward: Kidlington East

Councillors: Councillor Fiona Mawson, Councillor Ian Middleton and Councillor Linda Ward

Reason for Referral: Called in by Councillor Ian Middleton for the following reasons: previous application resulted in a high number of third party concerns. Whilst the current application is less intensive, they do not address all the concerns previously raised.

Expiry Date: 21 January 2025

Committee Date: 16 January 2025

This application was deferred from the last meeting to enable a Committee Members Site Visit

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a small parcel of undeveloped land in the corner of Morton Close. The planning history suggests this was intended to be used as a play area and comments from local residents suggests this was used as such until 2019. The site is currently not accessible to the public and is not being managed and therefore currently overgrown.
- 1.2. The site adjoins the turning head at the end of the cul-de-sac. There is a wall to the front of the site with metal gates providing access. The site is surrounded by residential properties.
- 1.3. Morton Close is characterised by two storey, detached and semi-detached dwellings. The dwellings are finished in a mixture of reddish brown and buff bricks with hung tile elements that match the plain roof tiles. The majority of the properties have open fronts and driveways.

2. CONSTRAINTS

- 2.1. The following constraints are applicable:
 - The site is within 2km of a Site of Special Scientific Interest (SSSI): Rushy Meadows
 - The site is undeveloped and previously used to provide Public Open Space/Play Area

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for 6 no., 1 bedroom dwellings with associated open space, landscaping, parking and other associated works.
- 3.2. The development would be provided as a single building; four flats provided in a two storey section to the front and a further 2 dwellings provided within a single storey section to the rear. The development includes a parking area to the front, a bin store and cycle store.
- 3.3. The two storey section of the building measures 15.5m (w) x 8.2m (d) with an eaves height of 4.9m and a ridge height of 7.2m. The single storey section of the building measures 9.8m (w) x 12.7m (d) with an eaves height of 2.3m and a ridge height of 4.8m.
- 3.4. The building would be finished in brick with some hung tile detailing and plain roof tiles.
- 3.5. The application includes outdoor amenity space in the form of some private gardens and some shared space for occupiers of the development.

4. RELEVANT PLANNING HISTORY

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

23/03351/F: Erection of 9 no. dwellings, with associated open space, landscaping and other associated works. WITHDRAWN

63/00201/NE: 7 pairs of semi-detached dwellinghouses with garages, 9 detached dwellinghouses with garages, construction of estate road, footpaths and provision of play area for children. APPROVED

62/00229/M: 7 pairs type "A" houses, 9 type "B" with road, footpaths, drainage and open space for children. APPROVED

5. PRE-APPLICATION DISCUSSIONS

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

24/01278/PREAPP: Proposed erection of 8 x dwellings with associated works - re-submission of 23/03351/F.

It is noted that during the course of the pre-application enquiry, an amended scheme for 6 dwellings was submitted and advice was provided on that basis.

The principle of development is supported because there appears to be no legal mechanism to require the play area to be made available to the public, the site is in a sustainable location and the proposed use would not conflict with the surrounding residential use.

The design of the amended scheme was considered to be generally acceptable, and guidance was provided on the use of materials. Suggestions were made regarding the layout of the proposed development and relationship with the neighbouring properties.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the

Council has been able to identify from its records. The final date for comments was **15 November 2024**, although comments received after this date and before finalising this report have also been taken into account.

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

- The play area was an integral park of the local community
- Deeds for the existing properties clearly state there is a park for residents' use
- Loss of open space
- The owners of the play area ceased maintaining it and allowed it to become overgrown
- Not suitable due to the flooding and drainage issues in the area
- The play area was required as part of the original development of Morton Close
- Increase in traffic in this small close
- Insufficient parking provision – OCC guidance requires 1 visitor space per 5 dwellings; this development has 6 dwellings so should include 2 visitor spaces
- Impact on wildlife
- No indication of what is intended in the large space at the back
- Morton Close is unsuitable for large construction vehicles
- Impact of construction on existing residents
- Out of keeping – proposes 1 bedroom properties and the surrounding area is three bedroom family homes
- Overlooking of neighbouring property
- Impact on light to neighbouring properties
- Bin store adjacent to neighbouring property – this will attract vermin
- No space for bins to be put out for collection
- Although the scheme has been reduced from 9 to 6 properties, it is still too much for this site
- Vehicles accessing the site will shine headlights directly into the properties at the end of the close
- Units 5 and 6 will be accessed via a pathway adjacent to the neighbour causing constant noise and disruption
- Neighbour requests a 7ft boundary wall (if the development is approved) to provide security and privacy
- Development not in keeping with the houses in the immediate vicinity

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

7. RESPONSE TO CONSULTATION

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

7.2. KIDLINGTON PARISH COUNCIL: **object** to the proposal because of serious concerns about accessibility and parking on the site. The Parish Council also suggests the development could be pushed back further back into the site to allow for additional parking and amenity space. The Parish Council also has concerns about surface water drainage due to existing issues in the area.

7.3. THAMES VALLEY POLICE (DESIGNING OUT CRIME OFFICER): **Comment**; The only advice I can offer at this juncture is to encourage the applicant to incorporate the principles of crime prevention through environmental design as described within the Secured by Design (SBD) Guidance document.

7.4. OCC HIGHWAYS: **No objection**, subject to conditions.

In the current form, the proposal is unlikely to have a severe impact on the local highway network. The proposal seeks create 6 one-bedroom dwellings, all of which will be either apartments or bungalows. There is no proposal to change the current access leading onto the highway.

Parking and cycle parking facilities have been considered. The applicant has provided 7 car parking spaces, this includes 1 visitor car parking space. In addition, the applicant has proposed to provide storage for 18 cycles in line with OCC's guidance which is inclusive of 1 visitor cycle space which is required per room.

7.5. CDC ENVIRONMENTAL PROTECTION OFFICER: No comments regarding air quality, odour or light. Conditions are recommended with regards to noise and contaminated land.

7.6. CDC ECOLOGY OFFICER: Following the submission of further information, **no objection**, subject to conditions.

7.7. CDC ARBORICULTURAL OFFICER: In principle I have no objection to the proposal from an Arboricultural perspective. There are no protected trees within the site, nor is it within the Conservation Area. The site appears to be mostly obscured from public vision, as such proposed tree removals x 3 poor condition, internal to the site have little/no effect to the outside view.

Conditions are recommended requiring an arboricultural method statement, replacement tree planting and adherence to the submitted arboricultural details.

7.8. CDC LOCAL LAND DRAINAGE OFFICER: No comments on the grounds of flooding. A condition is recommended requiring a surface water drainage strategy for the development.

7.9. CDC BUILDING CONTROL: The proposals will require a Building Regulations application.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

- ESD15: The Character of the Built and Historic Environment
- VILLAGES 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Kidlington Framework Masterplan
- Technical Housing Standards – Space Standards

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Accessibility, highway safety and parking
- Ecology and Biodiversity Net Gain
- Climate change and sustainability
- Impact on trees
- Drainage and Flooding

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, whilst limiting growth in rural areas and directing it towards more sustainable villages, also aiming to strictly control development in the open countryside.
- 9.4. Paragraph 11 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined by the NPPF, which require the planning system to perform economic, social, and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.5. Policy Villages 1 of the CLP 2015 identifies Kidlington as a Category A settlement meaning it is considered to be one of the more sustainable villages within the district. The policy allows for conversions, infilling and minor development. The development would constitute minor development as it would be located within a corner plot at the end of the cul-de-sac.
- 9.6. The proposed site appears to have previously been accessible to the residents as public open space and Policy BSC10 of the CLP 2015 seeks to protect existing sites. However, the planning history shows that the provision of this land as public open

space was not secured via a legal agreement or planning condition, and the land was not transferred to a local authority for this purpose. Unfortunately, this means there is no legal mechanism by which the Council could force the landowner to make the land available for public use which has been demonstrated by the land being closed off for a number of years. Whilst Policy BSC10 of the CLP 2015 seeks to protect existing public open space, with no legal mechanism to require public access, there is no realistic prospect of this becoming publicly accessible again.

- 9.7. Following the publication of the revised NPPF in December 2024, the LPA can no longer demonstrate a 5YHLS. At the time of writing, the LPA cannot confirm the exact housing land supply position. However, this is currently being calculated and will be included in the updated Annual Monitoring Report which is due to be published in February 2025. The tilted balance in paragraph 11d of the NPPF is engaged and states:

'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i. The application of policies in this Framework that protect area or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.*

- 9.8. The application would provide six 1no. bedroom dwellings which would make a small contribution to the Council's Housing Land Supply and provided, starter homes which are needed in the District. The application site is considered to be a sustainable location for residential development, given the local provisions within Kidlington and its good public transport links to larger settlements and housing development would also be compatible with the surrounding land use which is predominantly residential. Therefore, the principle of development is considered to be acceptable, subject to other material planning considerations set out below.

Design and impact on the character of the area

- 9.9. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 139 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and national guidance on design'.
- 9.10. Paragraph 135 of the NPPF states that planning policies and decision should ensure that developments:
- a) Will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.11. Policy ESD15 of the CLP 2015 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”* The Cherwell Residential Design Guide SPD also encourages development which is locally distinctive and the use of appropriate materials and detailing, but states that new development should avoid the creation of ‘anywhere places’ which do not respond to local context.
- 9.12. Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 9.13. The Cherwell Residential Design Guide states that new development should avoid architectural focus on individual buildings rather than the overall street composition. The SPD goes on to state that individual buildings should be designed to relate well to their neighbours, creating a harmonious overall composition and work with site conditions.
- 9.14. The Kidlington Masterplan SPD, Theme 2: Creating a sustainable community, subheading ‘Securing high design standards’ states that: *“The design of the site layout, access arrangements, scale, massing and appearance will be required to demonstrate a positive relationship with the immediate surrounding context of the site and respect and enhance the townscape character of Kidlington as a whole.”*
- 9.15. The layout for the site provides access and vehicular parking to the front of the building. Amenity space is provided to the rear of the building with a mixture of shared space and private gardens. The cycle storage and bin storage are located to the front; however, they are set behind the existing boundary wall and would not be overly prominent within the street scene.
- 9.16. The immediate context to the application site is one of mainly 2 storey residential dwellings, with a mixture of detached and semi-detached properties. The front elevations of the dwellings in the locality tend to be relatively simple in articulation and appearance, with the dwellings facing on to the road.
- 9.17. The front of the proposed building appears similar to the pairs of semi-detached buildings on Morton Close. The front elevation would align with nos. 34-36 Morton Close which are positioned at the end of the cul-de-sac. It would have a similar massing to the neighbouring properties and the gap between the development and the neighbouring property would be similar to the gaps between existing properties.

The rear single storey section is lower and therefore would not be clearly visible within the street scene.

- 9.18. The layout of dwellings at the end of Morton Close is not symmetrical and therefore the development of this parcel of land in the corner would not be at odds with the character of the area. The proposed materials would reflect the materials used on the existing dwellings.
- 9.19. Given the above, it is considered that when viewing the development from Morton Close, the proposed building would not appear overly prominent or out of keeping with the neighbouring residential development. It is therefore concluded that the proposal accords with Policy ESD15 of the CLP 2015, Policies C28 and C30 of the CLP 1996 and government guidance contained within the NPPF.

Residential amenity

- 9.20. Paragraph 135 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.21. Policy ESD15 of the CLP 2015 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.22. The properties most likely to be affected by the proposed development are those on either side of the site, these being No 32 and No 34 Morton Close.
- 9.23. No 32 Morton Close is a two storey detached dwelling that has a blank elevation facing the application site. The distance between the front of the proposed development and the side of No 32 Morton Close is approximately 20m, this is in excess of the minimum required distance set out in the Cherwell Residential Design Guide (2018). Therefore adequate outlook and amenity would be provided for the future occupiers of the development when assessing the front elevation. Whilst there would be some overlooking of the rear gardens of No. 32 and other properties in the vicinity, this would not be dissimilar to the relationship between the existing residential properties which overlook neighbouring gardens, therefore this is not considered to be harmful.
- 9.24. No. 34 Morton Close sits immediately adjacent to the proposed building. There would be a gap of approximately 3.2m between the side of the development and the gable elevation of No. 34 Morton Close. The development has one first floor window facing this gable; however, it is a second window serving a living area and the room benefits from a main window with an acceptable outlook to the front.
- 9.25. The single storey section of the proposed development extends the length of the garden at No 34 Morton Close. This section of the development is set back slightly further, being approximately 3.5m away from the boundary. The single storey section has a low eaves height and a shallow roof pitch, which when viewed from the neighbouring garden would not appear overly dominant. The windows in the single storey section would be below the existing height of the boundary and therefore not result in any potential overlooking of the neighbouring properties.
- 9.26. Concerns have been raised regarding the access to the dwellings being adjacent to No. 34 Morton Close. The plans show that three of the dwellings would be accessed from this side. It is not anticipated that noise from pedestrians accessing the properties would have a significantly harmful impact on the neighbouring residents.

- 9.27. Noise and disturbance during construction has been identified as an unacceptable impact on the neighbouring residents by third parties. The Council's Environmental Protection Officer has requested a condition for a Construction Environment Management Plan to ensure working hours etc. are acceptable for a residential area.
- 9.28. With regards to the proposed bin store, it is noted that this is adjacent to an existing property. The bin store will be located behind the existing boundary wall and a condition is recommended to require full details to be submitted to ensure it is enclosed and covered. Bins are normally collected from the public domain and the Council expects them to be placed out for collection day and then returned; this is the standard practice for waste collections in this area.
- 9.29. Additional vehicle headlights shining into the window of properties at the end of the cul-de-sac when accessing the development at night has been identified by a neighbouring resident as a possible problem. The Council's Environmental Protection Officer observed that no control could be exercised and this type of disturbance is considered to be part of normal domestic life, especially where the existing layout of an area has a turning head in front of residential properties.
- 9.30. It is therefore considered that the proposed development would be sited so as to prevent significant or demonstrable harm to any neighbouring residents in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing impact. Therefore, the proposal is considered to be acceptable in this regard and accords with Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

Accessibility, highway safety and parking

- 9.31. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: *"Be designed to deliver high quality safe...places to live and work in."* This is consistent with Paragraph 117 of the NPPF which states that: *"Developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles."*
- 9.32. Kidlington is considered to be a sustainable settlement with local facilities and good bus links close by. The proposed development would utilise the existing vehicular access to the property with the provision of 7 parking spaces provided at the front of the site and secure cycle storage. The Local Highway Officer has raised no objection and advised the proposed access and parking layout accords with their guidance.
- 9.33. It is acknowledged that there are concerns from third parties on the matter of parking and highways safety. Whilst it is possible the development could result in some additional pressure on on-street parking, the Local Highways Authority is of the opinion that the proposal would not have a significant detrimental impact on the highway network.
- 9.34. In conclusion, the access, vehicular parking and cycle parking provision are considered to be adequate for the development. The proposal is unlikely to cause significant detrimental impacts on the highway network and is considered acceptable in this regard.

Climate change and sustainability

- 9.35. Policies ESD1, ESD3 and ESD5 of the CLP 2015 set out the Council's expectations in terms of climate change and sustainability requirements.

- 9.36. The development site is sustainably located within an existing residential area that is well served by public transport and has a range of local amenities. The submission states the proposal would be built in accordance with Building Regulations which ensure more sustainable methods of construction are utilised on developments.
- 9.37. Policy ESD3 of the CLP 2015 states 'Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day'. The applicant has not provided details of water efficiency methods or rates for the development; however, it is considered that this could be appropriately secured via a planning condition.
- 9.38. The proposal is considered to represent a sustainable development with a sufficient provision of sustainability features. Therefore, the proposal complies with the provisions of ESD1, ESD3 and ESD5 of the CLP 2015.

Ecology and Biodiversity Net Gain

- 9.39. 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.
- 9.40. 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.
- 9.41. Paragraph 187 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.
- 9.42. Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.43. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.44. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.45. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is overgrown with vegetation and contains some trees, therefore it has the potential to be suitable for a variety of species.
- 9.46. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.47. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.48. The application is supported by an Ecological Impact and Biodiversity Net Gain Assessment, a Biodiversity Report and a Biodiversity Metric. The Council's Ecologist has assessed the submitted information and raises no objections subject to conditions. It is advised that the reports and proposed mitigation are appropriate for the site.
- 9.49. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Impact on trees

- 9.50. There are a number of existing trees on the site. A tree survey report has been submitted with the application which shows that three trees are recommended for removal, some works are proposed to the remaining trees and tree protection measures are recommended for the duration of construction. The three trees proposed to be removed are all Category U trees (the lowest value) and the report states that two of these trees have a limited useful life expectancy and the other tree is dead.
- 9.51. The Council's Arboricultural Officer has reviewed the submitted information and has no objection to the proposed removal of the trees. The trees are located to the rear of

the site and appear to be mostly obscured from public view. The removal of the trees would have little to no effect on the street scene.

- 9.52. Conditions are recommended to require an arboricultural method statement, replacement planting, and adherence with the submitted arboricultural information.

Drainage and Flooding

- 9.53. Kidlington Parish Council and other third parties have raised concerns regarding existing surface water drainage issues in the area. The development is within a Flood Zone 1 and therefore does not require a Flood Risk Assessment.
- 9.54. The Council's Local Land Drainage Officer has raised no objections to the proposal on the grounds of flooding and drainage but has suggested a condition to ensure surface water drainage within the site is adequately dealt with. The condition has been included within the recommendation.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. For the reasons set out above in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report. The Council cannot currently demonstrate a 5yr Housing Land Supply and therefore paragraph 11d of the NPPF is engaged and therefore more weight should be given to the provision of additional housing.
- 10.2. The principle of minor residential development in Kidlington is acceptable, and it is considered that the proposal would not cause detrimental harm to the character and appearance of the area and would safeguard the living conditions of neighbouring residents. In addition, the proposal would not have an adverse impact upon protected species or the safe and efficient operation of the highway network.
- 10.3. It is concluded that there are no impacts that would significantly and demonstrably outweigh the benefits of providing additional housing, when assessed against the policies of the NPPF as a whole. The proposal is therefore considered to constitute sustainable development and is recommended for approval subject to conditions set out below.

11. RECOMMENDATION

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

CONDITIONS

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

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

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

- Application form
- Planning Statement
- Drawing number K54/P/01 Rev B – [Floor plans, elevations and block and location plans]
- Tree survey report, impact appraisal and tree protection details prepared by Venners Arboriculture dated August 2024
- Ecological Impact Assessment and Biodiversity Net Gain Assessment prepared by Windrush Ecology dated November 2024
- Biodiversity Report prepared by Thames Valley Environmental Records Centre dated 10/09/2024.
- Biodiversity Metric

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

3. A schedule of materials and finishes to be used in the external walls and roofs of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

5. Prior to the first occupation of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

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

6. Notwithstanding the submitted plans, prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and

approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the construction of the parking and manoeuvring area of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework.

8. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat

Notice in writing shall be given to the local planning authority when the:

- HMMP has been implemented
- habitat creation and enhancement work as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.

Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

9. Prior to the commencement of the development hereby approved, including any

demolition and any works of site clearance, a mitigation strategy for badgers (and provision for fox), which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

- a) Location and type of habitats to be retained and enhanced;
- b) Location and type of habitats to be created;
- c) Specification, number and location of bird, bat, invertebrate and hedgehog boxes;
- d) Management measures for each habitat and species box; and
- e) Monitoring regime for ensuring compliance against the Net Gain Plan for the scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1, in accordance with the Environment Act 2021 and Government guidance contained within the National Planning Policy Framework.

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

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan

2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

14. If a potential risk from contamination is identified as a result of the work carried out under condition 13, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

15. If contamination is found by undertaking the work carried out under condition 14, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local

Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

16. If remedial works have been identified in condition 15, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 13. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

17. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

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

18. The dwellings shall not be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

19. Prior commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the retention of T7, T8 and T9 (third party trees), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and government guidance contained within the National Planning Policy Framework.

20. The development hereby approved shall be carried out in accordance with the 'Tree Survey Report, Impact Appraisal and Tree Protection Details' report prepared by Venners Arboriculture dated August 2024.

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

21. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

Planning Notes

1. Please note if works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be granted. (Contact – 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).
2. In accordance with mandatory Biodiversity Net Gain requirements, the application is reminded of the requirement to submit a Biodiversity Gain Plan as set out in the PPG 'Biodiversity Net Gain'.

CASE OFFICER: Rebekah Morgan

24/01372/F

Agenda Item 11

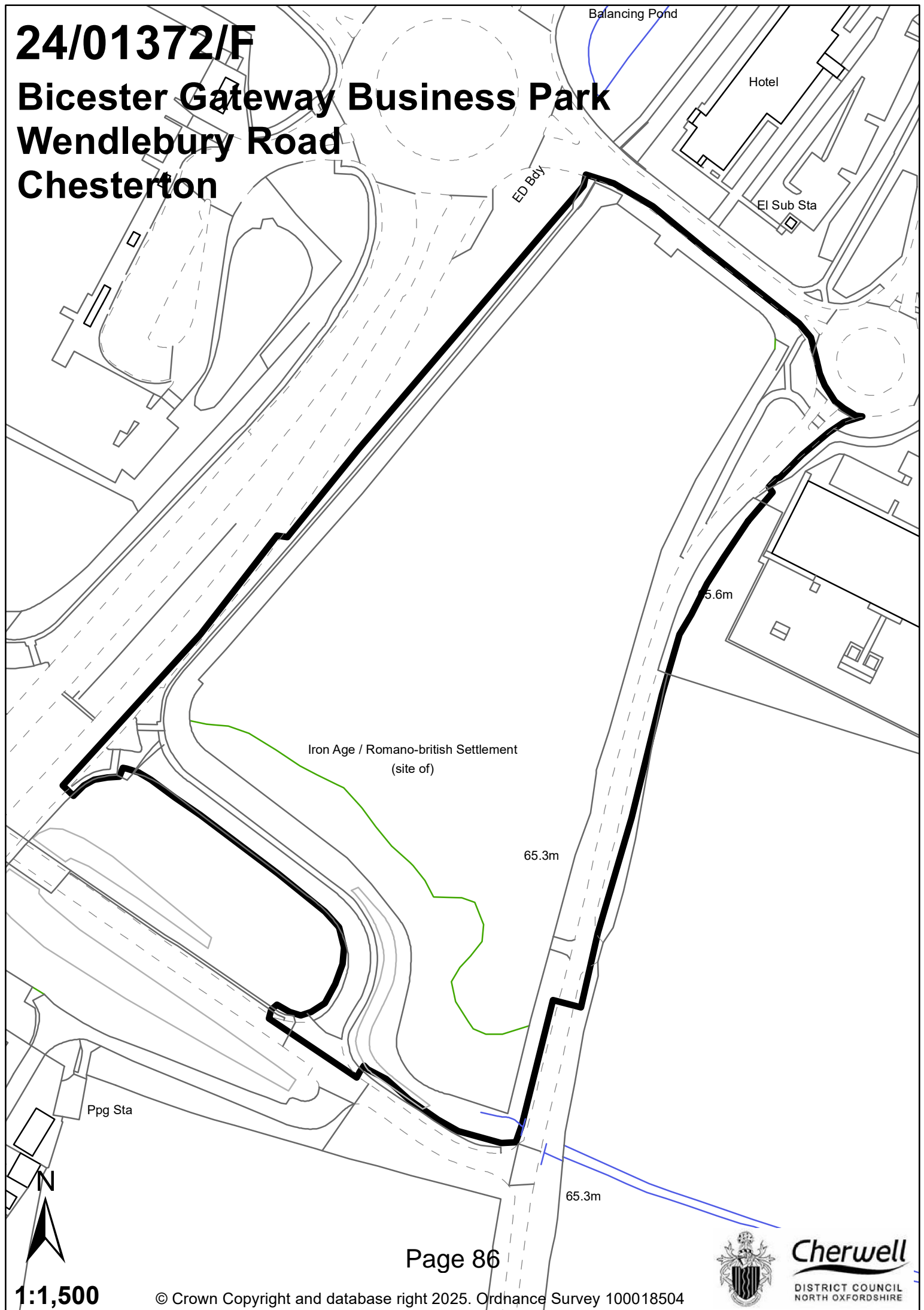
**Bicester Gateway Business Park
Wendlebury Road
Chesterton**



1:2,500

24/01372/F

Bicester Gateway Business Park
Wendlebury Road
Chesterton



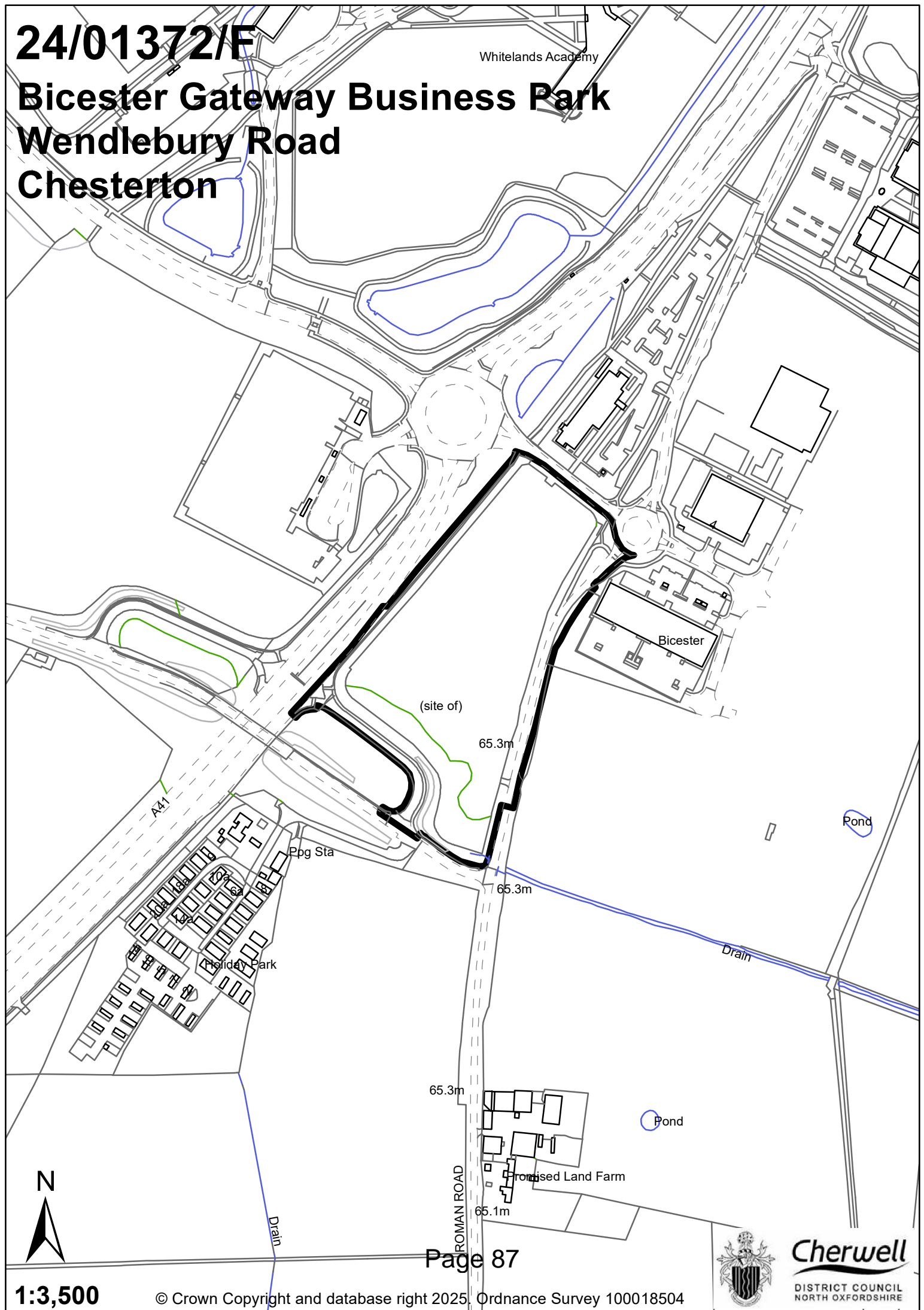
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24/01372/F

**Bicester Gateway Business Park
Wendlebury Road
Chesterton**

Whitelands Academy



Bicester

(site of)

65.3m

65.3m

Pond

Drain

Holiday Park

Ppg Sta

65.3m

Pond

Promised Land Farm

65.1m

ROMAN ROAD

Drain



Case Officer: Carlos Chikwamba

Applicant: Albion Land (Three) Limited

Proposal: Employment development (Use Classes E(g)i and/or E(g)ii and/or E(g)iii), and associated infrastructure, access (including diverted public right of way), parking, and landscaping

Ward: Fringford And Heyfords

Councillors: Cllr Conway-Murray, Cllr Simpson, Cllr Wood

Reason for Referral: Major development

Expiry Date: 23 January 2025

Committee Date: 16 January 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated to the south of Bicester and forms a contained parcel of land 3.18ha in area positioned to the east of the A41, west of Wendlebury Road, north of an unnamed road leading to Chesterton and south of Charles Shouler Way which links Wendlebury Road to the A41/ Vendee Drive roundabout.
- 1.2. The site is an open grassland field and contains the unused slip way to the A41. The land is surrounded by mature hedgerows, except for the northern boundary and has greater levels of vegetation to the south of the site. The land is relatively flat with some variation across the site with levels increasing on the parcel to the south of the unused slip way to adjoin the unnamed road to Chesterton which itself rises to cross the A41 on a bridge.
- 1.3. To the north of the site is the Holiday Inn Express and to the north east is the Bicester Avenue Garden Centre and David Lloyd Leisure Centre. To the east of the site is a roundabout leading to an industrial park. To the south is open countryside (also including Bicester Trailer Park) and the site of the Alchester Roman Town Scheduled Ancient Monument is to the south east. To the west, beyond the A41 is the Bicester Park and Ride site and to the northwest is the residential led development at Kingsmere.
- 1.4. The northern part of the site falls within the "Bicester 10: Bicester Gateway" allocation and a small parcel of land to the south sits outside the land allocated.

Constraints

- 1.5. The application site includes a public right of way which runs across the site in the south eastern corner between the unused slip way and the Wendlebury Road. The land might be contaminated and there is also some archaeological potential, particularly in the southern part of the site. The constraints show ecological records in the locality.
- 1.6. There are also drainage ditches close to the site and there is a Scheduled Ancient Monument (Alchester Roman Town) to the south east of the site which gives the site an archaeological constraint.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The applicant seeks full planning permission for employment development (Use Classes E(g)i and/or E(g)ii and/or E(g)iii), and associated infrastructure, access (including diverted public right of way), parking, and landscaping.
- 2.2 The development proposes 3 units at three storey level. The floor space (GIA) breakdown for each unit is as follows; Unit 13: 4,573sqm; Unit 14: 3,122sqm; Unit 15: 4,234sqm. Therefore, the proposals total a floorspace of 11,929 sqm. The units will operate flexibly under Class E(g)i and/or E(g)ii and/or E(g)iii to suit the operator needs.
- 2.3 The proposal will include a new vehicular access off Wendlebury road, cycle and walking infrastructure in the form of a segregated shared path is also proposed alongside Wendlebury road and Charles Shouler Way. Furthermore, the proposal will include a parallel crossing on the southern arm of the Vendee Drive roundabout, linking the segregated shared path, north west of the site, adjacent to the A41 and the Holiday Inn.
- 2.4 The proposal will also include a diversion of the existing public right of way which runs across the site in the south eastern corner between the unused slip way and the Wendlebury Road. The diversion will go around the southern and western edge of the car parking area south east of the site.

3. RELEVANT PLANNING HISTORY

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

20/00293/OUT – Outline application (Phase 1B) including access (all other matters reserved) for up to 4,413 sqm B1 office space (47,502 sq.ft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, approximately 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/] 8,550 sq.ft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards - Granted on the 1/4/2021.

21/02723/OUT - Variation of condition 16 (phasing plan) of 20/00293/OUT - To remove the requirement to deliver the mixed use co-working hub as part of the first residential phase – Granted on the 12/10/2021

16/02586/OUT - Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sq.m (Gross External Area) of B1 employment based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards – Granted on the 26/7/2017

22/02025/REM - Reserved Matters to 16/02586/OUT - Access, layout, scale, appearance and landscaping details for Phase 1B for up to 12 No knowledge economy units in Use Class E (former Use Class B) (14,972 sq.m gross external area) with associated parking, landscaping, utilities and access – Granted on the 11/11/2022.

- 3.2 The northern part of the site falls within the “Bicester 10: Bicester Gateway” allocation and a small parcel of unallocated land to the south sits outside the land allocated. The allocation is for knowledge economy development under Use Class B1 (replaced by Class E(g)i-iii), intending to attract high tech knowledge industries and create 3,500 jobs. The wider allocation site has had previous Phases 1-3 for knowledge industries approved, now known as the Catalyst Bicester development, together with a Hotel (Holiday Inn) and Gym/Leisure facility (David Lloyd). This was all, apart from the hotel which was approved by 16/02586/OUT, approved under the original applications; 19/01740/HYBRID and 19/01746/OUT with subsequent reserved matters and NMA applications.

4. PRE-APPLICATION DISCUSSIONS

- 4.1 No pre-application discussions have taken place regarding this proposal.

5. RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site on 01 July 2024 and by advertisement in the local newspaper displayed on the 13th of June 2024. The final date for comments was 21 July 2024, although comments received after this date and before finalising this report have also been considered.
- 5.2 No public comments have been received.

6. RESPONSE TO CONSULTATION

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

6.2 *TVP Designing Out of Crime Officer*

‘Thank you for consulting me on the above application. I have reviewed the submitted documents and crime statistics for the local area. I have some concerns with the proposals in terms of the potential for crime and disorder, and I ask that further information is provided and plans amended prior to permission being granted. In order to ensure all opportunities are taken to design out crime from the outset, and to ensure all areas of the development are sufficiently secured to reduce the opportunities for crime and disorder to occur, I ask that the following or similarly worded condition be placed upon any approval’ - Secured by Design accreditation on the development recommended by condition.

The Officer also made comments in regard to the development’s security measures related to the parking areas, cycle stores, vehicle mitigation (bollards), postal deliveries and fire exits.

6.3 *Thames Water*

No objection subject to a water capacity condition

6.4 *Urban Design Officer*

- Design and appearance are functional and the colour palette, scale and massing reflects the wider business park
- Proposed planting does not reflect scale of proposed buildings and prominent gateway location
- More trees and planting in parking areas
- Permissive path and diverted footpath are not legible and are circuitous
- Open cycle parking is not integrated into design
- No outdoor amenity space
- No provision for Public Art
- Details of retaining wall and guard wall

6.5 Bicester Bike Users Group

Initial comments;

- Segregated Cycle Paths along Charles Shouler Way and Wendlebury Road
- Inconvenient cycle access
- Parallel crossing being discussed
- Proposed diversion of the right of way results in a much longer right of way that is incomplete because it does not connect to another highway but instead a permissive path that may be withdrawn by the landowner
- The PROW should continue to connect directly to Wendlebury Way and there should be a segregated path along Wendlebury Way frontage of the development with a continuous cycle path across the mouth of the entrance.
- Cycle crossing along Wendlebury Road / Charles Shouler Way.
- Not clear why the current wide slipway is proposed to be narrowed to a width below that required by the Bicester LCWIP. The paths should be segregated and/or retained at their current width.
- The proposed bollards on the slipway are inevitably not compliant with equality law and do not accommodate cycle design vehicle. A single post appropriately spaced should be sufficient.
- In relation to cycle parking, 2-tier racks are not recommended.

Follow up comments;

- The landing areas of the parallel crossings are rather restricted and could lead to a collision risk. These area sizes should be increased if possible.
- The path along Charles Shouler Way is shown as shared. Note that the Bicester Local Cycling Walking Infrastructure Plan (LCWIP) specifies that these should be segregated. As is becoming well known, shared provision is not appreciated by either pedestrians or cyclists and is no longer generally recommended.
- There is no horizontal buffer / segregation between the paths and the carriageway along Charles Shouler Way. LTN1/20 recommends a desirable minimum separation of at least 0.5, though a greater separation will increase the usability and attractiveness of this route.
- Note that in any event, the Bicester LCWIP specifies that shared paths should have a minimum width of 3.5m where possible.

-There is reference in the road safety audit to guard railing. Note that any vertical features will effectively reduce the width of the paths, and the paths should therefore be widened accordingly.

-The uncontrolled crossing over the Charles Shouler arm of the Wendlebury Road / Charles Shouler Way roundabout is currently envisaged as pedestrian only and is accordingly very narrow. Nonetheless, it is inevitable that it will be used by both pedestrians and cyclists giving rise to a collision risk. Given these works to upgrade the junction, it would be advisable to widen this crossing so as to be suitable for both pedestrians and cyclists, similarly to the other junction arms.

- As currently designed, there is no safe cycle provision along the frontage of the site on the Wendlebury Road. The current cycle path should be extended road and segregated (as per the LCWIP) to the site entrance on the Wendlebury Road. There should also be a LTN1/20 compliant partially or full setback crossing across the site entrance for safety.

-It is not clear what is proposed for the flyover access, but we note that the previous designs were not disability compliant and did not have the minimum 1.5m clearance between obstacles required by OCC design standards.

6.6 OCC Highways:

Initial comments;

Objection, subject to amendments sought as follows:

-A safe and suitable crossing of the Charles Shouler Way arm of the Vendee Drive roundabout – linking the existing shared route past the Holiday Inn to the new section that the development will be improving alongside the A41.

-A new segregated pedestrian and cycle route along the northern frontage of the site, along Charles Shouler Way, as identified in the LCWIP. This would provide a link from the new crossing (above) to the main entrance.

-The new section along Wendlebury Road, past the site access, should be fully segregated.

-The informal crossings of the Wendlebury Road Roundabout should be upgraded to allow cycles to cross, currently these are pedestrian only crossings.

-A suitable pedestrian / cycle access through the site providing a logical route for staff accessing the development and connecting with the improved route on the A41.

Follow up comments;

No objection subject to S106 Contributions as summarised in the below;

£232,239 Highway Works Contribution indexed from February 2024 using Baxter Index Towards: The Bicester Southeast Perimeter Road.

£18,712 Public Transport Infrastructure Contribution indexed from April 2022 using Baxter Index Towards: Real Time Passenger Information displays at the pair of A41 bus stops at the Holiday Inn Express.

£9,220 towards Travel Plan Monitoring Fee indexed from April 2024 using RPI-x

The requirement to agree to enter into a S278 agreement with the Local Highway Authority to deliver safe and suitable access to the development as approved by this application as well as the offsite measures identified:

- Formation of site access junction with LTN 1/20 compliant setback for cycleway and cycle priority across the access arm
- Shared use footway / cycleway from the Wendlebury Rd / Charles Shouler Way roundabout junction along Wendlebury Road to a point south of the site access junction with a suitable transition between the cycleway and carriageway at agreed point. Shared use facility should have a standard width of 3.5m with a 0.5m buffer between shared use facility and carriageway
- Extension of 30 mph speed restriction along Wendlebury Road to a point south of the junction with the unnamed road leading to Chesterton
- Widening of Wendlebury Road to 7.3m from the site access junction to the Wendlebury Rd / Charles Shouler Way roundabout. Taper back southwards from centreline of new access junction.
- Tiger crossing over Charles Shouler Way arm of the A41 / Vendee Drive / Charles Shouler Way roundabout.
- Shared use footway / cycleway with a standard width of 3.5m along the south side of Charles Shouler Way between the new tiger crossing listed above and the Wendlebury Road roundabout junction. 0.5m buffer between shared use facility and carriageway.

The above works are indicatively shown on Drawing No: 23022 – TP – 003 Rev: C

The above works are to be secured by means of S106 restriction not to implement development until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements. Traffic Regulation Order fee (TBC) is also required as part of the S278 works.

Planning Conditions required related to CTMP, Framework Travel Plan and Travel Plans.

6.7 CDC Ecology

Initial comments;

-Outdated GCN surveys.

-Lack of an appropriate BNG metric which includes pre and post habitat parcels and maps and no full account for hedgerows and watercourse

Follow up comments;

No objections subject to the following conditions;

-Works to be carried out in accordance with the report by Tyler Grange

-A HMMP condition for securing onsite enhancements (to be pre-commencement alongside automatic Biodiversity Gain Plan) as detailed in EclA

-A CEMP – biodiversity – to outline the protection measures proposed in the EclA by Tyler Grange

-A Biodiversity Enhancement Management Plan (BEMP) to outline the enhancements proposed in the EclA by Tyler Grange

6.8 OCC Archaeology

No objections subject to an WIS implementation and compliance condition.

6.9 OCC Countryside

The proposed diversion of the PROW on the site appears reasonable. The diversion is however subject to a separate legal mechanism where the route, width, infrastructure and surface details will need to be agreed.

6.10 CDC Landscape

Initial comments;

-An LVIA is required

-Amendments required to Landscape Management Plan to include provisions of Ecological Assessment

-LMP should also include species watering schedules for all weather conditions, maintenance, litter picking and pest control details.

-Further viable planting along A41 boundary to mitigate visual harm to most sensitive visual receptors

Follow up comments;

-LMP now very comprehensive but need to mention proposed A41 screened trees

-Amendment to detailed landscape proposal sheets

-The proposed Hedge and tree species along the A41 boundary unlikely to be viable due to lack of growing space and soft grounding.

6.11 CDC Arboriculture

Initial comments;

Tree removals are acceptable subject to replanting mitigation. Further comment on this pending cycle lane amendments.

Minor above ground conflict between individual trees, and buildings from N/W group bordering A41 expected. Ash species, it isn't considered justified to allow this to obstruct the proposal due to the likelihood of ash dieback impact.

T1 – plan suggests considerable pruning close to 50% cut back from car park, agent to confirm, this appears excessive and would conflict with BS3998:2010.

RPA impact – the report touches on mitigations for working within and adjacent to RPAs. By the nature of an impact assessment, this doesn't cover the level of detail required to be considered as an AMS. Greater detail on working practices within RPAs will be required, which can be covered through submission of an arboricultural method statement.

These comments from preliminary comments regarding the North, West and South of the site. It's understood the east of the site will see modification to include a cycle lane, I will add to these comments once amended plans are submitted.

Follow up comments;

No objections subject to suggested AMS and Tree planting conditions.

6.12 Historic England

'We support the advice provided by the Oxfordshire County Council Archaeology Service, on a programme of archaeological investigation and mitigation, and appropriate measures to ensure the preservation in situ of non-designated, but highly significant, archaeological remains'

6.13 CDC Building Control

We are not totally clear on the full scope of these works in relation to building regulations, however, as a minimum a full plans building regulation application should be submitted to control the substructure drainage systems.

6.14 CDC Drainage

No comments, subject to any from the LLFA. The drainage proposals are acceptable.

6.15 CDC Environmental Protection

No objections subject to CEMP, AQA report and Land contamination conditions.

6.16 Right of Way Officer

'From reviewing the documents submitted, we note that Chesterton FP 161/8/20 runs across the corner of the proposed development site. We must, therefore, stress that the effect of development on a Public Right of Way is a material consideration in the determination of applications for planning permission. Appropriate weight should be given to the impact on the Public Right of Way including the surrounding network when determining this application.'

The council will always expect any developer to design the existing Public Rights of Way within any new development layout, therefore, we would have expected the developer in this instance to include and maintain the existing Public Right of Way on its existing legal alignment in any design proposal that it submits. However, we note that there is a proposed diversion included within the submitted plan documents and this appears to have been placed around a carpark, so it has been boxed in, with an increased length and with corner angles, which does not appear attractive or inviting for any user.

The applicant should note that any proposed diversion route should have prior approval by Oxfordshire County Council's Countryside Service and the district council would need to receive sight of this approval to ensure that the proposed

alignment meets their Network requirements. The applicant is advised to contact Oxfordshire County Council's Countryside Service to discuss their proposal.'

A email was received from one of the applicant's agents on the 12th of July 2024 in response to these comments made by the Legal Right of Way Officer. The letter outlined the current poor state and usability of the Public Right of Way subject to diversion under the current scheme and the betterment the scheme will bring to the usability of the Public Footpath.

6.17 OCC LLFA

No objections subject a compliance condition and SUDS installation condition.

6.18 CDC Economic Development

'The proposed Phase Four development forms the important 'Gateway' (to Bicester) element of the Catalyst site identified in Cherwell's Local Plan adopted in 2015. Upon a foundation of enabling hotel and leisure development, the adjacent Catalyst development has proven itself to meet the needs of high technology occupiers of buildings dedicated to the growing knowledge-led economy.

The creation of such facilities is crucial to the Council's ambition to provide local employment opportunities alongside the formation of new households. Additional, modern employment premises are important to both attract inward investment and to enable dynamic local businesses to expand – to secure a sustainable and resilient local economy.

The creation of additional high-specification commercial and employment facilities that align with the needs of the current and projected market are to be welcomed. The coherent design of the proposed units, the orientation and addition of landmark buildings beside the A41 will be of interest to businesses seeking to present themselves positively at a prominent location for Bicester Garden Town. The co-location of such businesses would be expected to enhance the profile of the Catalyst development on the Oxford-Cambridge Arc.

It would also further enhance the prospect of a 'technology corridor', comprising nodes between Oxford and Bicester focussed upon accommodating 'spin-out' university enterprises and some of the most innovative UK businesses seeking integrated research-design-production space that is restricted in supply in Oxford city.

The spaces created within these speculatively constructed units must be flexible to accommodate the specific requirements of currently unknown occupiers, and their evolving needs (and the needs of their successors) over future decades. The crucial point is that, with ample provision of general industrial and warehousing premises elsewhere, the emerging 'technology hub' at this location is not contradicted or diluted in its formation. Indeed, it would be expected that – with a critical mass emerging – that a higher/further education partner would identify the area as suitable for an Innovation Centre/Catapult-type development to support the emerging growth.

The anticipated job numbers of the proposed development are likely to fit between the lower range (R&D) and the upper range of 'mid-office' occupiers. The higher number of jobs created by office-type uses would assist the Council's policies of creating more local employment opportunities and it may therefore be appropriate to include an appropriate planning condition to safeguard the development site in the longer-term. Overall, the proposal represents a welcomed addition to the stock

of modern premises in Bicester. This would directly contribute to the Council's policies to enable the creation of a vibrant local economy providing attractive local employment opportunities.'

6.19 CDC Planning Policy

No objection subject to a condition controlling the quantum of office space within the units.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- BICESTER 10 - Bicester Gateway
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land

Other material planning considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- SPD Developer Contributions

- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Cherwell Design Guide (2018)

8. APPRAISAL

8.1 The key issues for consideration in this case are:

- Principle of development
- Transport and Highways
- Landscape and Arboricultural
- Design, and impact on the character of the area
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Environmental Impacts
- Other materials considerations
- Planning Obligations
- Planning Balance and Conclusions

Principle of Development

Policy Context

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3 The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015), the saved policies of the Cherwell Local Plan 1996 and a number of adopted Neighbourhood Plans.
- 8.4 Policy Bicester 10 of the CLP 2031 Part 1 allocates an area of land to the southwest of Bicester, described as Bicester Gateway, for the provision of B1 Business Use (office, research and development, light industrial), with development focussed on high tech knowledge industries. The policy sets out that approximately 3,500 jobs could be delivered through development of the site in this way, albeit recognising that site constraints may reduce numbers slightly. It is envisaged that the Bicester Gateway development has the potential to be a major high quality employment area at a critical gateway into the town providing opportunities to encourage the knowledge economy associated with Oxford, with a key place shaping principle being “the provision of high quality property to attract and retain ‘best in class’ technology companies”
- 8.5 The policy includes a number of key place shaping principles to create a high-quality development at this important gateway site as well as to provide for a well-connected development in transport terms and to enable site constraints to be appropriately responded to.
- 8.5 The Policy Bicester 10 allocation has been brought forward in parts. The land to the west of Wendlebury Road (which includes the application site) comprises two parcels of land with previous outline permission (ref; 16/02586/OUT) having been granted; the northern parcel (Phase 1a) for a hotel (with reserved matters permission having

been granted for it), Phase 1a has been fully implemented and is in operation. The southern parcel (Phase 1b) included a proposal for knowledge economy use with a GEA floorspace of 14, 972sqm (reserved matters also has been granted).

- 8.6 The proposed development site will sit within the southern parcel of land west of Wendlebury Road (similar site area as the extant Phase 1b site area). The development site comprises of both land allocated by Policy Bicester 10 and land outside of the Bicester 10 allocation. The application follows a previous outline approval referenced above and another outline ref; 20/00293/OUT. Within both applications Officers concluded that the extension of the development into the parcel outside the allocation was logical given that the land comprises one field (with there being no physical boundary between land allocated and unallocated) and the land is also contained in nature, meaning that it's development would not have a materially adverse effect on the natural landscape.
- 8.7 In addition, its development would help deliver further employment development on land that would, if left undeveloped, have little environmental, economic or social value. Therefore, the principle of developing the land to the south of the Bicester 10 allocation for a commercial use is therefore established by the 2016 and 2020 outline permissions, indeed the site area for the 2020 outline permission extended beyond the disused slip road which forms part of the current proposal, to areas further south of Wendlebury Road, this extension was also deemed acceptable.
- 8.8 Overall, based on the previous permissions at the development site there is no objection to the current proposal's sitting on both land allocated by Policy Bicester 10 and land outside of the Bicester 10 allocation.
- 8.9 As already mentioned, there has already been consent granted within the land parcel subject of this development for knowledge economy units in Use Class E (formerly Use Class B1). The permission related to 14, 972sqm of gross external area related to this knowledge economy use.
- 8.10 The initial Bicester 10 policy was formerly related to a B1 business use for high tech knowledge industries. Within the updated Use Class Order (2020), B1 use class has now been replaced with E(g). The current development proposes the flexible use of the Units under Class E(g)i and/or E(g)ii and/or E(g)iii to suit the operator needs. Part A of Schedule 2 under Article 3 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations (2020) states that Class E (g) relates to;
- (i) Offices to carry out any operational or administrative functions*
 - (ii) Research and development of products or processes*
 - (iii) Industrial processes*
- being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*
- 8.11 Class B1 also formerly included Office/Research and Development/Light industry uses which could be carried out in any residential area without detriment to the amenity of that area. Therefore, the proposed Use Class E(g) reflects the Policy aspirations of Bicester 10 for business use for high tech knowledge industries with flexible uses within that Class to accommodate the needs of future occupiers.
- 8.12 The planning statement highlights that the maximum quantum of Class E(g)i – office space would be capped at 50% of the total 11, 929 sqm GIA proposed. This limit on office is supported by the CBRE report which accompanies the application and highlights that the demand for office space is not as strong in the recent years.

- 8.13 The proposal would also be complementary to the business uses delivered on the eastern side of the Wendlebury Road (by the same applicant) as part of the same allocation, which also emphasises the acceptability of the scheme in this respect.
- 8.14 In terms of jobs creation, Policy Bicester 10 sets out that approximately 3,500 jobs could be delivered through development of the site. However, there is a recognition that site constraints may reduce this number. Thus far, the Catalyst Bicester Phases (including the health and rackets club) under refs; 19/01740/HYBRID and 19/01746/OUT was anticipated to create 1500 jobs. The Holiday Inn implemented under Phase 1a (ref; 16/02586/OUT) was noted to create 50 jobs. The previously approved Phase 1b for commercial use at the subject development site was expected to create up to 550 jobs and the alternative resi-led mix use scheme (ref; 20/00293/OUT) at the subject development site was expected to create 375 jobs.
- 8.15 Based on the above, the approved development for the whole of Bicester 10 was anticipated to deliver a minimum of approximately 1,925 jobs which was deemed acceptable in previous schemes (20/00293/OUT & 19/01740/HYBRID).
- 8.16 The planning statement highlights that the permanent creation of jobs during the occupation phase would range from approx. 199 to 994 jobs. Considering the lowest number of jobs created for the current proposal, the minimum number of deliverable jobs across Bicester 10 would amount to 1,749 jobs, which would be 176 jobs less than the anticipated figure accepted in the previous schemes.
- 8.17 The agent was asked to clarify the scheme’s job creation in terms of the wide discrepancy and range of jobs created. They responded with the following;

The scheme proposes 11,929 sqm of flexible floorspace for uses which previously fell into the B1 use class.

Applying the employment density guide (extract below) at a mid-office rate (i.e. 1 job per 12 sqm) to all of the proposed floorspace would therefore equate to 994 jobs (11,929 / 12 = 994), whereas applying a low density r&d use (i.e. 1 job per 60 sqm) would equate to 199 jobs (11,929 / 60 = 199).

A range is expressed to reflect the fact that the end user(s) of the units are not yet known and the way the space will be used will not be fixed through the permission – in reality a blend of the different densities is likely to be more accurate – i.e. job creation will sit somewhere between the two figures quoted.

If the LPA determines it necessary to limit the office floorspace to 50% via a planning condition, then the maximum job generation projection would need to be adjusted to reflect this (a 50% office + high density r&d use could deliver circa 795 jobs, for example ((5,964.5 / 12 = 497) + (5,964.5 / 40 = 298) = 795).

Use Class	Sub-Category	Sub-Sector	Density (sqm)	Notes
B1a Offices	General Office	Corporate	13	NIA
		Professional Services	12	NIA
		Public Sector	12	NIA
		TMT	11	NIA
		Finance & Insurance	10	NIA
	Call Centres		8	NIA
B1b	R&D Space		40-60	NIA lower densities will be achieved in units with higher provision of shared or communal spaces
B1c	Light Industrial		47	NIA

- 8.18 Based on the above, Officers accept that due to the unknown nature of the end user(s) of the units and the fact that the way the space will be used will not be strictly fixed

through the permission it's likely that the units' occupation will result in a blend of densities (This is also noted and accepted by the CDC Economic Development Officer). As such, it's very unlikely that the development will generate the least number of jobs projected (199) due to the operational capacity of the units being able to accommodate both low and high density (Class E (formerly B1 use)) jobs.

- 8.19 In the unlikely event that the development does only produce the 199 high -density research and development jobs, this would be more preferable anyway in terms of quality of jobs and alignment with the comments from CDC Planning Policy (and the intention of Policy Bicester 10 for high technology knowledge industries) and submitted supporting employment study by CBRE which outlines that the demand for office space is not as strong in the recent years. Therefore, whilst the previously consented schemes produced more jobs relative to the minimum jobs projected for the current consent, most of these jobs (in particular the jobs related to the 4,413 sqm of office space under application ref; 20/00293/OUT) would have been low density office jobs, which are not considered favourable at the time of writing this report and determination. For these reasons, the quantum of office space (Class E g(i)) will be capped at a maximum of 50% of the overall proposed floorspace, this will be secured via a planning condition, based on this condition the maximum number of jobs the development creates would now amount to 646 jobs ($5,964.5 / 12 = 497$) + ($5,964.5 / 40 = 149$).
- 8.20 Overall, based on the considerations above, the range of quantity and quality of the jobs that would likely be generated under the current development proposal align with the Bicester 10 policy aspirations (considering site constraints limitations) and current employment market conditions. As such, from a job creation standpoint, the principle of development is also accepted.

Transport and Highway Impact

Policy Context

- 8.21 Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 8.22 Policy Bicester 10 also requires provision for safe pedestrian and cyclist access from the A41 including facilitating the provision and upgrading of footpaths and cycleways to improve links between the site and surrounding development as well as the town centre. The policy also requires maximisation of walking and cycling links as well as a high degree of integration and connectivity between new development on Bicester 10 and the new mixed use urban extension at South West Bicester, the existing garden centre to the north as well as Bicester Village and Bicester town centre. Accommodation of bus stops to link new development on Bicester 10 to the wider town are also required by the allocation policy.

Assessment

Vehicular Access and Parking

- 8.23 The development proposes a new vehicular access off Wendlebury Road, along the site's eastern boundary. The access will be a priority junction, and this will be the only vehicular access to serve the site. OCC Highways are satisfied with the proposed vehicular access as its deemed to provide suitable and appropriate visibility splays relative to the access's location, OCC Highways are also content with the swept path analysis which demonstrates that large vehicles would be able to safely enter and exit

the site. A Stage 1 Road Safety Audit has been carried out and OCC Highways noted that the two items highlighted in that Audit have been reflected in the current layout. This includes extending the 30mph speed restriction on Wendlebury Road to a point beyond and south of the access junction. This would require OCC to make a Traffic Regulation Order (TRO) for which financial contributions are sought through a planning obligation.

- 8.24 The car parking proposed for the development is considered to be in line with the OCC's adopted parking standards for the proposed use class. Furthermore, 25% of all the spaces provided will have EV charging facilities, in line with the required standards.

Highway Network Impact

- 8.25 The submitted transport statement concludes that the trips generated by the proposed development would be less than the vehicular trips generated by the commercial element of the consented outline development (ref; 16/02586/OUT). The junction capacity analysis of the access junction and roundabout at Wendlebury Road / Charles Shouler Way demonstrates that those junctions are forecasted to operate within capacity with the addition of the proposed development. However, the development would still contribute towards the impact of cumulative traffic growth within Bicester.
- 8.26 It is noted that for the outline permission mentioned above, a contribution towards Strategic Transport Improvements to the A41 was agreed. The need for these Strategic Improvements to transport in Bicester remains. Therefore, within their comments OCC requested a revised figure to reflect the level of traffic generation relative to the current development, which officers consider reasonable and would be secured via a planning obligation.

Active Travel

- 8.27 The development is located within close proximity to the pair of bus stops located on the A41, near to the Holiday Inn Express. However, these stops currently lack Real Time Passenger Information (RTPI), displays which improve user experience and encourage public transport use. A contribution was requested in the 2016 outline permission towards installing RTPI displays at these bus stops and the same contribution is sought from this application and this will be also secured via a planning obligation.
- 8.28 In terms of shared cycle and pedestrian infrastructure, the outline application ref; 16/02586/OUT secured a shared footway/cycleway within the verge of the A41 that would run all along the western boundary of the site and link into the disused slip road at the site's southern boundary. The implemented Phase 1A of this outline application has delivered this part of the shared footway/cycleway within the verge of the A41 adjacent to the Holiday Inn and Phase 1B of the outline would have delivered the rest of the shared path that would extend within the A41 verge adjacent of the Phase 1B commercial development red line into the disused slip road south of the site.
- 8.29 The current development initially proposed to retain the above arrangement in terms of the shared cycle and pedestrian infrastructure improvements for the site. However, since the approval of the outline application in 2017, there has been further relevant guidance issued at local, county and national level in regard to cycle infrastructure provisions. The Oxfordshire Local Transport and Connectivity Plan (2022), the Bicester Local Cycling and Walking Infrastructure Plan (2020) and LTN 1/20 Cycle Infrastructure Design (2020) all emphasise the need for improved provision for active travel with necessary infrastructure identified directly related to the site. Therefore, in

light of the new guidance Highways within their initial consultation response requested improvements to the cycle infrastructure in and around the site and the following improvements were requested;

-A safe and suitable crossing of the Charles Shouler Way arm of the Vendee Drive roundabout – linking the existing shared route past the Holiday Inn to the new section that the development will be improving alongside the A41.

- A new segregated pedestrian and cycle route along the northern frontage of the site, along Charles Shouler Way, as identified in the LCWIP. This would provide a link from the new crossing (above) to the main entrance.

-A new segregated pedestrian and cycle route section along Wendlebury Road, past the site access.

-The informal crossings of the Wendlebury Road Roundabout should be upgraded to allow cycles to cross, currently these are pedestrian only crossings.

- A suitable pedestrian / cycle access through the site providing a logical route for staff accessing the development and connecting with the improved route on the A41.

8.30 Discussions between LPA Officers, OCC Highways, the applicant and their transport consultant have taken place in regard to the requested details by the OCC highways. The discussions resulted in the applicant committing to providing the following;

-A section of off-carriageway/segregated cycleway on the site's Wendlebury Road frontage, past the site access.

-This cycleway along Wendlebury Road will adjoin with another off-carriageway cycleway only on the southern side of Charles Shouler Way, with the existing 2m facility on the northern side to be used as a footway only.

- Lastly, a tiger crossing facility (combination of a pedestrian zebra crossing with a crossing for cyclists) of the Shouler Way arm of the Vendee Drive Roundabout linking the existing shared route past the Holiday Inn to the new segregated cycleway on the southern side of Charles Shouler Way.

8.31 The existing and proposed segregated pedestrian and cycle routes along Charles Shouler Way and the site's Wendlebury frontage will provide direct off-carriage cycle/pedestrian routes past the development's proposed site access. Furthermore, the tiger crossing will provide a safe and direct route for cyclists from these new routes to the existing shared route past the Holiday Inn, directly linking the site and the other approved sites within the wider allocation with nearby residential areas north-west of the site and wider Bicester in general.

8.32 All parties also mutually agreed that the upgrading of the A41 route into a shared cycle/pedestrian path would no longer be necessary due to the suitable provision of a cycle path along Charles Shouler Way which provides a more direct link to the site and beyond from Bicester. Furthermore, the retention of the A41 route as existing would also in turn remove the need to enhance the disused A41 slip road to a shared cycle and pedestrian facility, instead the slip road will remain as existing and link onto the diverted footpath as addressed later in the report.

8.33 Overall, in light of the proposed cycle facilities along Charles Shouler Way and Wendlebury Road, an upgrade to the A41 route along the site's western frontage is not considered to provide much benefit as there isn't an extensive dedicated cycle infrastructure network south of the site. Therefore, on balance the inclusion of this

upgrade is not considered necessary to this development to be acceptable in planning terms.

- 8.34 The discussions also concluded that, by facilitating the above cycleways coupled with the existing off-carriageway cycleway on the eastern side of Wendlebury Road towards Bicester, it was not necessary for a cycle crossing facility to be provided on the Charles Shouler Way arm of the Catalyst roundabout as there is no cycleway facility along the western side of Wendlebury Road towards Bicester, which would directly link to the new Charles Shouler Way cycleway via such a crossing.
- 8.35 In regard to the final request by Highways in regard to a suitable pedestrian / cycle access through the site providing a logical route for staff accessing the development and connecting with the improved route on the A41. This is no longer necessary as the route on the A41 is no longer being improved. It's acknowledged that the A41 route still accommodates pedestrians on foot access. However, any access from the A41 would compromise the security of the site and the units considering the high susceptibility to crime this A41 corridor entails due to its proximity to a major highway. Therefore, it's expected that the site's boundary adjacent to the A41 will be secured by high secure boundary fencing with the location currently being considered to ensure that it does not form an inappropriate visual feature.
- 8.36 Upon receipt of the amended details which reflected the above agreed discussions, from the applicant, OCC Highways were reconsulted. They offered no further highways objections to the revised detailed plans. However, they mentioned the requirements of carriageway buffers for cycle/pedestrian paths proposed along Charles Shouler Way and Wendlebury road, together with a larger landing area for cyclists within the proposed tiger crossing. OCC Highways consider that these specific issues can be resolved through the S278 detailed design stage, to be secured if permission is granted.
- 8.37 Within their initial objection, the Bicester Bike Users Group (BBUG) also objected to the scheme and some of their objections aligned with the initial improvements requested by OCC Highways. Other separate objections raised by them included the following points;
- The proposed bollards on the slipway are inevitably not compliant with equality law and do not accommodate cycle design vehicle. A single post appropriately spaced should be sufficient.
 - Not clear why the current wide slipway is proposed to be narrowed to a width below that required by the Bicester LCWIP. The paths should be segregated and/or retained at their current width.
 - The circulatory carriageway of the Wendlebury Road Roundabout needs to be completed such that a cyclist can lawfully cross each of the arms
 - In relation to cycle parking, a 2-tier racks are not recommended.
 - Proposed diversion of the right of way results in a much longer right of way that is incomplete because it does not connect to another highway but instead a permissive path that may be withdraw by the landowner.
- 8.38 The intentions of BBUG to create a safe environment for cyclists is in terms of the enhancement of the Wendlebury Road Roundabout to enable cyclists to lawfully cross each of the arms is noted. However, considering that Wendlebury Road is a rural lane and not a heavily trafficked route and as established in the previous phases in the eastern and southern arms of the roundabout are the quietest. Therefore, cyclists

travelling from the existing cycleway north of Wendlebury road will be able to cross the quieter, thus safer, eastern, and southern arms of the roundabout to get onto the newly proposed segregated cycleway along the development site's Wendlebury road frontage.

- 8.39 In regard to cycle parking the 2-tier racks were considered acceptable and approved in the earlier phases of the wider allocation. Furthermore, OCC Highways raised no objections to this cycle parking and shelter arrangement, nor did they object to the level of cycle parking provided for the development. Therefore, the cycle parking as proposed is considered acceptable.

Another set of objections were received from BBUG (as per section 6.5 of this report) after they were reconsulted in light of additional set of Highway amendments received after the discussions with Highways (together with a meeting with BBUG in that period before amendments were received). However, officers are content with the negotiated details. Furthermore, some of the concerns raised by BBUG will be addressed at the detailed design stage as per the S278 works.

- 8.40 The application will also require the accommodation of a public right of way within the design of the site which will require its diversion (Chesterton Footpath 161/8/20) 8 161/8). The current alignment runs across the south-western corner of the site linking the disused road and the Wendlebury Road. The diverted route for the public right of way is a continuation of the section of the permissive path within the site, past the new access junction, the diversion is also linked to the new segregated cycle/pedestrian along the site's Wendlebury Road frontage. The diversion goes around the edge of the proposed car parking area in the south east corner of the site connecting to the disused slipway, south of the site. Whilst the diverted route inevitably has a different alignment and longer route through the site relative to the existing one, the start and end points of the route are in a similar position to the existing alignment.

- 8.41 OCC Countryside Access team offered no objections to the diversion. Other consultee comments from Urban Design, BBUG and the Legal Services Rights of Way Officer regarding the diverted footpath and permissive path's increased length and circuitous route along the site access and around the car park are noted. However, the realignment of the public right of way is considered to be acceptable in planning terms, particularly as the existing route is not fully accessible for all as its currently heavily vegetated and in a poor state. Furthermore, it currently exits onto Wendlebury Road with no pedestrian infrastructure and as part of this development the realignment now links onto the segregated cycle/pedestrian infrastructure proposed along the frontage of the site and is alternatively linked by the permissive path within the site. Furthermore, whilst the slipway is no longer being enhanced, the diverted route links onto this slipway to the south of the site offering an opportunity for the public right of way to connect into the wider footpath network beyond the site i.e., the public right of way (161/8/10), accessed via the unnamed road south of the site.

- 8.42 The diversion works are subject to a Public Path Order to be secured through the appropriate legal route. There would also be safeguards needed in place during the construction process in respect of temporary obstructions/ arrangements. An informative will be added to the permission to ensure that the applicant is aware of their legal duty in regard to formalising the diversion. The permissive pathway beyond its connections to the public right of way, also offers an alternative route for occupants/visitors to access the site at an earlier junction along the site's Wendlebury road frontage as an alternative to the main access, further down the site's frontage, accessed via the new segregated cycle/pedestrian. Therefore, permissive path improves the site's overall access by non-car users.

- 8.43 A Framework Travel Plan is required for the development, and this is expected to set out how sustainable modes of transport will be promoted. Furthermore, in addition to the Framework Travel Plan, because of the sizes of the individual units a full Travel Plan will be also required for each unit. The Framework travel plan submitted was deemed inadequate by OCC Highways. However, Officers are content that a revised Framework Travel Plan and the individual ones for each unit can be secured and discharged via a pre-occupation planning condition.

Conclusion

- 8.44 Overall, the proposed development is deemed acceptable in highways safety terms as set out above, in terms of the impact of the development on the highway network and safe provision for cyclists and pedestrians. The proposed walking and cycling infrastructure related to the development will improve sustainable travel options for users and visitors. Furthermore, these facilities will complement and link well with the existing cycle and walking infrastructure already secured in the previous phases of the wider Bicester 10 allocation. Discussions took place and the highway provisions were agreed with OCC Highways, this formed the basis of the follow up highway details for which OCC offered no objections to. Based on the above, the application is considered to meet the requirements of Policy Bicester 10 and SLE4 of the CLP 2031 Part 1.

Landscape and Arboricultural

Policy Context

- 8.45 Policy ESD13 of the CLP 2031 Part 1 relates to Local Landscape Protection and Enhancement. It requires development to respect and enhance local landscape character and not to cause visual intrusion into the open countryside or to cause harm to important landscape features and topography.
- 8.46 Policy Bicester 10 of the CLP 2031 Part 1 sets out the requirement for development proposals to be accompanied and influenced by landscape/ visual and heritage impact assessments and it requires structural planting and landscape proposals within the site to include retention of existing trees and hedgerows and to limit the visual impact of new buildings and car parking on the existing character of the site and its surroundings.
- 8.47 The National Planning Policy Framework, as part of encouraging good design, identifies that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Assessment

- 8.48 The CDC Landscape Officer requested the applicant to submit a Landscape and Visual Impact Assessment (LVIA) to ensure that the scale and massing are evaluated under this process with fully judged landscape mitigation measures. Officers deem that an LVIA is not necessary considering that the previous developments of a similar and greater scale and massing have already been consented at the site, therefore, its deemed reasonable to consider the current scheme against baseline of the extant outline permissions in terms of landscape and visual impacts.
- 8.49 The buildings indicatively proposed under the site's consented outline applications ref; 16/02586/OUT (commercial aspect) and 20/00293/OUT were predominantly positioned along the site's western edge adjacent to the A41 and it was previously accepted within these schemes that due to the archaeological constraints it is

inevitable that the proposed buildings would need to be sited away from the south-eastern corner of the site, thus, closer to the A41. The reserved matters application approved (22/02025/REM) followed this principle too. The current development follows this pattern of development as the 3 proposed units are sited away from the constrained south-eastern corner of the site.

- 8.50 The majority of the residential use proposed under the 2020 outline application was located along the southern part of the site, which aligns with the sitting of Units 13 and 14 proposed under the subject scheme. The approved regulation plan for the 2020 outline consent indicated that that residential use was proposed to extend to 14m in height to the parapet but with the height extended to 17.5m set back 3m from each edge of the building, in contrast Units 13 and 14 are proposed to have a 14.95m ridge height set back from the eaves of 13.7m, by at least 7.5 metres on all elevations. Furthermore, these units will be set back from the A41 by a minimum distance of 40 metres (due to the presence of service yards in this area), which is at least 30 metres greater than the setback distance of the approved residential use proposed under the 2020 outline applications.
- 8.51 Unit 15 proposed under the current scheme would be located along the northern part of the site, fronting the corner of the A41 and Charles Shouler Way. This siting aligns with the L-shape block building approved under the regulation plan for the 2020 outline application, which would have had a height of 17.2m to the parapet but with the height extended to 19.6m set back 3m from each edge of the building, In contrast, Unit 15 is proposed to have a 14.95m ridge height set back from the eaves of 13.7m, by at least 7.5 metres on all elevations.
- 8.52 Unit 15 will be closer to the A41 and Charles Shouler Way boundaries relative to Units 13 and 14, as such, Unit 15 will retain a similar set back distance from A41 relative to the L-shaped block building and a marginally greater set back distance from Charles Shouler Way.
- 8.53 Overall, based on the above, the proposed development would have a lesser height and a similar/greater set back distance from the A41 and Charles Shouler Way than the approved 2020 outline application. Therefore, the scale, massing and sitting of the proposed development will only be perceptible from longer distances as per the previous conclusions under the 2020 outline application. However, as this was an outline application and the finalised structural planting and landscape proposals within the site to include retention of existing trees and hedgerows would have formed part of a future reserved matters application, in contrast the current application relates to a full application where such matters need to be considered at this stage. In regard to the Units approved under the 2022 reserved matters application, whilst these units were more comparable in terms of their commercial use with the proposed development, their height was lesser than that of the proposed units. Therefore, it was considered more appropriate to compare the development's height and scale relative to its visual impact, with the maximum parameters approved under the 2020 outline, which as per the above assessment are similar/greater than the proposed development's height and scale.
- 8.54 The proposed units under the current development are viewed in a different context in relation to each other. Unit 15 will be sited along a corner location, with minimal set back distance from the A41 and Charles Shouler Way. The landscape proposals indicate a lack of existing and proposed continuous dense and extensive planting along the boundary edge adjacent to Unit 15 despite its more prominent corner location. Therefore, views of this Unit from the A41 south-west of the site entering Bicester and the views when approaching the site from the west would be prominent by virtue of the Unit's lack of extensive screening, together with its siting and height. However, Unit 15 will be viewed in context with the adjacent existing Hotel along the

opposite corner location, the hotel has a similar set back distance from the A41 and Charles Shouler way as Unit 15. Furthermore, the hotel has a height of 17.5 metres, 2.5 metres more than Unit 15 and comprises of a greater length in terms of its elevation adjacent to the A41 relative to Unit 15. Therefore, despite the lack of continuous dense and extensive planting along the resultant boundary edge of Unit 15, Officers deem that this Unit would be acceptable due to its relationship with the adjacent hotel, which would still have a greater degree of visual prominence. Furthermore, the relationship between the two buildings would create a gateway and a sense of arrival into the wider business park.

- 8.55 In contrast, Units 13 and 14, have been designed to be more subservient to Unit 15 by virtue of their significant setback distance from the A41. Therefore, it is expected that more dense and tall planting is proposed along the stretch of the A41 boundary adjacent to the rear elevations of Units 13 and 14 to mitigate the visual harm of the development to the roadside visual receptors along A41 and more sensitive visual receptors highlighted by CDC Landscape in one of their consultation responses, along the PRoWs 161/1/20 (north-west of Vendee drive) 161/2/20 (south-west of Vendee drive) especially as their service yards are positioned here. Moreover, further dense and tall planting would also mitigate against the 3 trees to be removed along the A41 boundary adjacent to Units 13 and 14 and the number of Ash trees on the boundary with the A41 which could succumb to Ash Dieback, thus, exposing views of units 13 and 14 (and their service yards).
- 8.56 The initially proposed planting along the A41 boundary adjacent to the rear elevations of Units 13 and 14 is considered to be limited and would not mitigate for the potential visual harm identified above. The applicant provided an updated landscape scheme which indicates further planting along the A41 boundary to screen the Units 13 and 14 in particular. Such landscaping consists of double rows of a staggered hedge and tree planting in between, the planting would achieve a maximum height of up to 8 metres, which would provide significant softening of the development when viewed from visual receptors beyond the A41 boundary. However, the CDC landscape officer has concerns over the relationship of the new planting with the existing planting and proposed development's hard surfaced service yards, in terms of the limited soft grounding to allow for the growth of the planting, therefore, its viable long term retention. The applicant was informed of such concerns and Officers are currently awaiting the applicant's formal response to the Council's concerns, at the time of writing this report.
- 8.57 It is accepted that the applicant might not propose any further enhancements/amendments to alleviate the Council's concerns. Therefore, it is considered reasonable and necessary for Council to add a condition to the planning permission which will ensure that any of the planting to be retained or proposed will be replaced if they are deemed to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later). The condition will still be added to the permission even if the Council's current concerns are addressed to ensure that the agreed and proposed landscaping scheme is maintained over a reasonable period that will permit its long term establishment in the interests of mitigating the development's visual harm.
- 8.58 Notwithstanding the above, Officers do accept that the site is a strategic allocation for a knowledge-based economy where business parks inevitably include tall buildings. Therefore, it is not completely possible to conceal the buildings and this would not be desirable either, however, considering that Unit 15 has lessened degree of softening and screening for the reasons outlined above, it's even more important that a far greater degree of planting/screening is provided for Units 13 and 14 along that A41 corridor to achieve a scheme which has an acceptable balance between soft and

hard/build form features especially because the service yards would be most visible in the foreground of the buildings themselves.

- 8.59 The development's vehicular access and some of the cycle infrastructure is located along Wendlebury road. Therefore, several trees and vegetation will be removed to facilitate this, along the site's Wendlebury Road Frontage. Furthermore, the proposed units and the associated parking areas and hard surfacing would also front onto Wendlebury Road. Wendlebury Road was previously a rural lane with a narrow carriage way, however, some of the development approved in previous phases of the Bicester 10 allocation has already been implemented along this road. Such, development has brought forward significant infrastructure (new roundabouts, roads and walking/cycle facilities) and buildings of considerable height and massing, therefore, causing an urbanising effect of this formerly rural lane. The current development would exacerbate the urbanisation of this road, further detracting it away from its rural nature. However, within the previous phases and applications Officer's concluded that whilst the proposals were not particularly sympathetic to the local landscape character and would be visually prominent in immediate views, the site has been allocated for development and landscape harm is an inevitable consequence of that. Therefore, such harm would have been balanced against the benefits associated with new employment development as part of the decision to adopt Policy Bicester 10 in the Local Plan. There is no reason to depart from this viewpoint relative to the development's landscape harm along Wendlebury Road, under the current scheme subject to appropriate landscaping mitigation measures.
- 8.60 In terms of landscaping proposed along the Wendlebury Road Boundary, the extent of what can be proposed is limited by the visibility splays related to the vehicular access and the cycle/pedestrian paths proposed. Furthermore, due to the archaeological constraints along the south-eastern corner of the site, (where a car parking area is proposed), there is very limited opportunities for new tree planting in this area.
- 8.61 As currently proposed the soft landscaping around the hard surfaces and built form across the site remains limited. However, the landscaping in and around the built form and hard surfaces of the approved and occupied sites within the wider Bicester 10 allocation is of a similar quantum, therefore, it would be unreasonable to further insist on greater levels of landscaping within the proposed development site (also considering site constraints), in light of this.
- 8.62 Based on the above, it is expected that the Council's concerns in regard to the viability of the further planting proposed along the A41 will be either be addressed by the applicant's response or a planning condition or both, before the committee date. The undeveloped area south-west of the site beyond the disused slip road, will retain the existing significant amount of planting and landscaping to screen the side of unit 13 which is directly adjacent to the site's south-western boundary.
- 8.63 In terms of the LMP, this has been amended continuously throughout the application to address the concerns by the CDC Landscape officer. At the time of writing Officers are awaiting minor amendments to this document, which we expect to be in receipt of by the time of the committee date.
- 8.64 A tree report was submitted with the application, and this indicates that the general condition, quality and landscape value of the existing trees is mostly poor with the exception of the trees identified for retention. Therefore, there is no principal objection from CDC Arb to the trees and planting removed provided that adequate replacement planting is secured. The latest landscape information provided with the exception of the A41 planting highlights viable and adequate replacement planting and landscaping to compensate for trees lost. Furthermore, CDC Arb have no objection

to the encroachment of the root protection areas (RPA) of some of the retained trees subject to the submission of an AMS to cover the specific details related to the development works which will fall in the RPA of some of the trees to be retained, the AMS will include tree protection plan to protect the existing trees and planting to be retained, during the construction phase of the development. This information will be secured via an appropriately worded planning condition.

Conclusion

- 8.65 Based on the above, Officers consider that the landscape and visual impacts of this proposal are acceptable having regard to the previous approvals on-site and the phases within the wider Bicester 10 allocation. The proposal would involve some visually prominent development with some of it specifically designed to create a gateway and sense of arrival into the wider business park. However, some of the units and the site in general, subject to planning conditions, will on balance be appropriately softened by existing and proposed planting/trees to minimise visual harm. On this basis, the proposal is considered to comply with Policies ESD13 and Bicester 10 of the CLP 2031 Part 1 and the NPPF.

Design and impact on the character of the area

Policy Context

- 8.66 Policy Bicester 10 of the CLP 2031 Part 1 requires compliance with Policy ESD15 and confirms that a well-designed modern area with the provision of high-quality property is required in order to attract and retain 'best in class' technology companies. It also refers to the need to achieve a high-quality design and finish, with careful consideration given to layout, architecture, materials and colourings and careful consideration given to building heights to reduce overall visual impact.
- 8.67 Policy ESD15 of the CLP 2031 Part 1, relates to the character of the built and historic environment and it seeks to ensure that development complements and enhances the character of its context as well as being designed to meet high design standards.
- 8.68 The National Planning Policy Framework also sets out the importance of good design, advising that this is a key aspect of sustainable development and enables better places to live and work to be achieved.

Assessment

- 8.69 As already mentioned in the landscape section, the character of the area, especially along Wendlebury Road has significantly changed predominantly from a rural and open nature to more of an urban appearance due to the infrastructure and built form brought forward in the previous phases of the wider allocation, with some of the units and buildings already in occupation.
- 8.70 The in-situ and approved commercial units which front Wendlebury Road and wider business park are characterised by high eaves and shallow pitch roof buildings, this will also be the case for the proposed units. Furthermore, the contemporary design of the units which comprise of large sections of aluminium framed glazing (which encourage natural surveillance), vertical metal cladding to the walls and a metal profile roof, and grey tone finish, will match the materials used for the existing and approved units in the previous phases, which are all materials atypical with commercial development. However, the proposed units will have a maximum ridge height of approximately 14.95 metres. Whilst this is an increase of about 3.5 metres relative to the existing and approved commercial units in the previous phases and an increase of approximately 3.1 metres relative to the 2022 reserved matters proposal at the site

the proposed maximum height would still be below the maximum height parameters of the buildings approved in the 2020 outline consent, which would have not only have been more prominent but also of a different resultant character and appearance (mixed use, including residential) to the proposed commercial units.

- 8.71 Further to the above, units 13 and 14 are set centrally within the site, thus, retaining a good setback distance from the A41 and Wendlebury Road boundaries. Therefore, this mitigates the increased visual prominence of these proposed units due to their height increase, relative to the existing and approved units of the wider allocation, some of which directly front onto Wendlebury Road, with minimal set back distances. As already mentioned, unit 15, has been intentionally designed to be closer to the A41/Charles Shouler Way boundaries, enabling this unit to serve as a prominent gateway, to the wider business park, together with the adjacent Hotel.
- 8.72 Roof plans for the proposal also indicate areas for PV panels to be positioned primarily along the roof slopes which do not directly face the public realm, therefore, minimising the visibility of the panels. Based on the above considerations, the scale, design appearance of the proposed units are deemed to be in symmetry with and reflect the character of the in-situ and approved commercial units related to the previous phases of the wider allocation.
- 8.73 In regard to the general building layout and their orientation within the site, the buildings have been designed to have active frontages (comprised of continuous ribbons of vertical and horizontal glazing) along the facades which face the public realm and the parking areas south-east of the site, adjacent to Charles Shouler Way and in between Units 14 and 15. Therefore, offering natural surveillance to these parking areas, together with the site's Wendlebury frontage where the main vehicular access, cycle/walking facilities are provided. The service and refuse areas are predominantly located to the rear of the units facing the A41 boundary, which will provide sufficient screening of such areas of hard surfacing. Cycle parking is predominantly located near the access points of the buildings, therefore, within overlooked and convenient locations for cycle users.
- 8.74 In terms of open space and planting, whilst a large proportion of the site comprises built development, the layout of the site is heavily constrained by the presence of the remains of part of the Alchester Roman Town settlement, which will be preserved in situ under the proposed carpark. This has in turn resulted in few opportunities for meaningful new soft landscaping and green spaces other than the retention and enhancement of existing linear features such as hedgerows, treelines and ditches. The balance between hard and soft landscaping features within the resultant site considering the assessment in the landscape section is deemed to be acceptable, on balance.

Conclusion

- 8.75 Overall, the layout, design, scale and appearance of the development is considered to reflect the character of the existing and approved commercial units the development will be viewed in context with. Therefore, constituting to a visually appropriate scheme which would align with the design aspirations for the site, as set out in policy Bicester 10 and the requirements of policy ESD15 of the CLP 2031 Part 1.

Heritage Impact

Policy context

- 8.76 There are no designated Listed Buildings in proximity of the site that would warrant full assessment. In terms of Conservation Areas, the closest is at Chesterton, over 550m to the west of the site. In addition, the Alchester Roman Town Scheduled Ancient Monument (SAM), which comprises an approximate 10ha area, is to the south and south east of the site. Furthermore, archaeology is a known constraint which also requires consideration.
- 8.77 Paragraph 205 of the NPPF states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*. The NPPF also states that where a development proposal leads to harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal.
- 8.78 Policy Bicester 10 of the CLP 2031 Part 1 requires the conservation and enhancement of the setting of the Alchester Roman Town Scheduled Ancient Monument and the setting out of opportunities to better reveal its significance. The Policy also requires the staged programme of archaeological work in liaison with statutory consultees, given the archaeological potential close to the site. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

Assessment

- 8.79 With regard to the setting of the designated Heritage Assets, the Chesterton Conservation Area is some distance from the site and therefore this separation distance, as well as the extensive intervening tree belts, means that there would be very limited impact upon the setting of this heritage asset. Any limited impact would be outweighed by the public benefit of providing employment development in a sustainable location.
- 8.80 As already mentioned, the site lies in an area of considerable archaeological interest and potential, immediately west of an area of intense Roman occupation, and north of the Scheduled Roman Town at Alchester. An archaeological evaluation on the site has shown that Roman activity extends into the southeastern part of the development site, however the report on this evaluation has not been submitted. OCC Archaeology requested that to ensure that the archaeological potential of the site can be fully considered in the determination of this application, the approved archaeological evaluation report should be submitted.
- 8.81 During the determination period of the application, the applicant submitted an archaeological evaluation for approval by OCC Archaeology, which indeed confirmed that Roman activity extends into the southeastern part of the development site, as shown in the approved submitted archaeological evaluation report from Cotswold Archaeology. The report sets out that the area of dense Roman activity recorded in the evaluation will be preserved in situ, and the remainder of the site will be subject to archaeological monitoring and recording, as detailed in the submitted approved WSI.
- 8.82 OCC Archaeology recommended that should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological monitoring and recording to be maintained during the period of construction, in line with the submitted Written Scheme of Investigation (Cotswold Archaeology 2024). This condition will be added to the application.

- 8.83 Based on the above, officers are confident that that scheme will comply with policies Bicester 10 and ESD15 of the CLP 2031 Part 1 and the NPPF, which relate to the preservation of archaeology remains and mitigation of any harm to such heritage assets.

Ecology Impact

Legislative context

- 8.84 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.
- 8.85 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.
- 8.86 A mandatory 10% net gain on-site would be required for this development in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Policy Context

- 8.87 Paragraph 187 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 (in a manner commensurate with their statutory status or identified quality in the development plan); and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.88 Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 8.89 Paragraph 198 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.
- 8.90 Policy ESD10 of the CLP 2031 Part 1 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for

relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 8.91 Policy Bicester 10 of the CLP 2031 Part 1 requires that applications be supported by an ecological survey and that there is adequate investigation and protection of and management of priority and protected habitats and species on site given the ecological value of the site. The policy requires that biodiversity be preserved and enhanced.

Assessment

- 8.92 The applicant initially submitted an Ecological Impact Assessment (EclA) dated May 2024. The EclA concluded that there were no features on-site to support roosting bats, and the retention of most of the boundary features will continue to provide foraging and commuting routes for common species of bats which were recorded onsite. Furthermore, should woody vegetation on the site be removed during the core nesting bird season (March-August, inclusive), a pre-works checks by an ecological clerks of work would be required to determine whether active birds' nests are present and to check for the presence of hedgehog. A planning informative can be added to the permission to ensure that no vegetation clearance works occur during March-August.
- 8.93 The Council's Ecology team were consulted in regard to the proposals. They concluded that the ecological assessment refers to great crested newt (GCN) surveys that had been last undertaken in 2016, which would now be outdated. Furthermore, they cited that the site is adjacent to a proposed District Wildlife Site, therefore, construction methods should take that into account. Therefore, development at the site would need to be undertaken in a sensitive way to ensure that any protected species that might be encountered are protected and in addition, long term measures are likely to be required to ensure that species are not harmed. In this respect conditions are suggested to require a Construction Environment Management Plan (CEMP) for Biodiversity to ensure no protected species are impacted in the development's construction. Furthermore, an appropriate lighting strategy would also need to be conditioned to limit light pollution which could impact foraging bats and by-passing protected species.
- 8.94 Further to the above, the council's Ecology team also requested the BNG metric to be submitted with referenced habitat parcels and pre- and post-development maps, together with a standard HMMP condition applied to any permission, after this information was provided. Lastly, they mentioned if there are ditches these should be included in the watercourse section of the metric with condition assessment and proposed 10% uplift.
- 8.95 The applicant in response to the above provided clarification that there were no ponds within proximity of the site which would provide habitation for GCNs. Any ponds nearby were deemed to be suitably separated. The Council's Ecology team raised no further objections to the development's impact on GCN's however it was advised any forthcoming CEMP would need to include mitigation measures in the unlikely chance a GCN is found onsite.
- 8.96 In regard to the additional BNG information, several rounds of further supporting evidence were received from the applicant, this included an existing and proposed habitat feature plan, an updated ecological impact assessment to account for all the hedgerows and watercourses and their condition assessment. The proposal provides some on-site biodiversity enhancements. However, the proposal would still result in a net loss of in habitat, hedgerow and watercourse units. As such, offsite units' creation

will be required for the scheme to achieve the required 10% uplift in biodiversity. The units required are as follows:

Habitat units

-Lowland Mixed Deciduous Woodlands; like for like replacement of 2.16 units.

-Other Neutral Grassland; same broad habitat type of same distinctiveness equal to 18.06 units.

-A total 20.22 habitat units are required to achieve a 10% increase in habitat units.

Hedgerow units

-Species-rich native hedgerow with trees, associated with bank or ditch is required to achieve a like for like replacement of 3.86 hedgerow units.

Watercourse units

-minimum of 0.46 watercourse units to achieve 10% in watercourse units

8.97 Ecology raised no objections to the above off-site enhancements subject to a Biodiversity Enhancement Management Plan (BEMP) to outline the enhancements proposed in the revised Ecology Impact Assessment. Furthermore, a Habitat Management and Maintenance Plan was also recommended to ensure the long-term management of the proposed on-site enhancement proposed.

8.98 Overall, officers are satisfied, on the basis of the advice from the Council's Ecologist, and subject to conditions, the proposed development will not cause harm to any protected species. Furthermore, the on-site and off-site biodiversity enhancements will achieve the required legislative biodiversity net gain for a development of this scale. Therefore, the proposed development is considered to be compliant with the NPPF, the Habitats & Species Regulations and Policy ESD10 and Bicester 10 of the CLP 2031 Part 1.

Flood Risk and Drainage

Policy Context

8.99 The NPPF states at paragraph 181 that *when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.*

8.100 Policy Bicester 10 of the CLP 2031 Part 1 acknowledges the flood risk constraints of the allocated site requiring a flood risk assessment (FRA) and requires that the sequential approach to development is followed. It also requires the full mitigation of flood risk and the use of SUDs, including infiltration and attenuation techniques where appropriate.

8.101 Policy ESD6 refers to Sustainable Flood Risk Management and sets out that flood risk will be managed and reduced with vulnerable development to be located in areas with lower risk of flooding. Policy ESD7 sets out that all development will be required to use sustainable drainage systems for the management of surface water flooding.

Assessment

- 8.102 The site being located to the west of the Wendlebury Road is within Flood Zone 1 and therefore is less constrained than the eastern side of the allocated site. A Flood Risk and Drainage Assessment has been submitted with the application to assess the development's risk from flooding and the suitability of the site in terms of drainage.
- 8.103 The flooding information submitted has been considered by Oxfordshire County Council as the Lead Local Flood Authority who raise no objections subject to the imposition of conditions. The information demonstrates that the site has some risk from surface water flooding but that the risk is low and that a suitable drainage scheme can be achieved.
- 8.104 The submitted Flood Risk Assessment (FRA) and Drainage Strategy outlines several measures to mitigate and reduce surface water flood risk, these include
- Raising thresholds and building levels outside of design flood levels, with development to be constructed as per the provided plans/details.
 - Providing safe access and egress around the development.
 - Directing overland flows towards areas of low risk.
 - Implementation of SuDS to manage runoff at sources thus reducing flood volume.
 - Installation of pollution prevention features to prevent contamination at discharge locations.
 - Tree planting to increase biodiversity and absorption of water.
 - Management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.
- 8.105 The specific details for the above measures are highlighted in the supporting drainage plans which indicate building and site levels, overland flows, together with the information in the supporting Sustainable Urban Drainage Maintenance and Management Plan. Such information will be secured via an appropriately worded planning condition.
- 8.106 In regard to foul water, a new network of on-site gravity private domestic foul is to be provided as presented on the foul drainage layout. The site has the benefit of previous planning approval for pumped discharge into the new adopted Thames Water pump station located on the Holiday Inn Express site. The drainage statement also states that the preferable discharge point for the Site is to connect into the existing private drainage system on the wider Catalyst Bicester development, with the new gravity connection connecting into existing manhole which flows down to an existing private pump station. Thames Water have raised no objection to the above proposed foul drainage strategy noting that the scale of the proposed development doesn't materially affect the sewerage network infrastructure capacity.
- 8.107 In their consultation response, Thames Water have identified a potential inability of the existing water network infrastructure to accommodate the needs of this development. They have not objected on this matter but recommend a planning condition to ensure that upgrades are in place to ensure that sufficient capacity is available to accommodate the additional demands. This will be added to the planning permission.
- 8.108 Based on the above, the information provided and feedback from relevant consultees demonstrates that a suitable drainage scheme for both foul and surface water drainage can be achieved to ensure the risk from flooding on and offsite is minimised. A suitable water supply subject to a condition and no objections from Thames Water, can also be achieved. Overall, the proposed development is considered to comply with the NPPF and Policies ESD6, ESD7 and Bicester 10.

Policy Context

- 8.109 Policy Bicester 10 of the CLP 2031 Part 1 expects development on the allocation to demonstrate climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1-5. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 8.110 Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day.

Assessment

- 8.111 The application is accompanied by an Energy Statement which highlights the potential sustainable design measures for the reduction of CO2 emissions. The statement utilises an adopted energy hierarchy in line with Policy ESD 2 of the Local Plan. The hierarchy incorporates 'Lean, Clean and Green' measures to demonstrate that intrinsically low energy buildings can be achieved and that carbon emissions can be reduced to the requirements of Building Regulations and the general requirements of Policies ESD 1-5.
- 8.112 The '*Clean*' element aims to supply energy efficiently via the use of a local District Heat Network or another form of decentralised energy supply, aligning with Policy ESD 4 of the Local Plan. The energy statement outlines that the buildings will consist of flexible employment spaces to be used as needed by the operator, the provision and connection to a decentralised heat network therefore would be unfeasible at this current time. In one of the previously approved applications (19/01740/HYBRID) of the wider Bicester 10 allocation, Officer's previously accepted the same feasibility study which concluded that the provision and connection to a decentralised heat network would be unfeasible at this current time due to the flexible employment spaces to be used as needed by the operator. Therefore, it is considered reasonable to take the same approach under the current application
- 8.113 The '*Lean*' element aims to reduce the energy demand and energy loss by designing efficiency into the thermal fabric of the building, focusing on air tightness, thermal mass and thermal bridging. Increase energy efficiency and controls of internal building services, such as lighting, heating, air-conditioning and ventilation. According to the submitted statement, particularly Table 5.2.2 of the statement outlines the design solutions appropriate and proposed for the development in relation to the lean element, include the building fabric and adaptation to climate change. The '*Green*' element aims for potential use of low carbon technologies to offset carbon emissions and energy usage, if feasible and required to comply with Building Regulations. Section 5.4.4 of the report states that Units 13 – 15 shall implement the relevant appropriate technologies derived from the feasibility study, these are Air-Source Heat Pumps and Photovoltaic Panels.
- 8.114 Table 14 in the statement outlines the Thermal Model Zone and System assignments for the different areas within the units and Table 15 also indicates the system

description for the air source heat pumps. Lastly, Table 16 outlines the area, inclination, orientation, cell efficiency, degradation and solar conversion factor of the solar panels. The total area for PV panels amounts to 843sqm, the proposed area is the maximum area placed outside of rooflights and areas/perimeters required to safely maintain the roof gutters, rooflights and Photovoltaic Panels. The specific details and locations of the air source heat pumps and PV solar panels will be secured via a planning condition.

- 8.115 By implementing the proposed building fabric and building services efficiencies, the units now comply with Building Regulations Part L2 Criterion One and achieves an EPC rating of 'A' as highlighted in Table 17 of the report. Table 18 in the report indicate that all the total reductions for Units 13 – 15 relative to the building energy consumption, heating/cooling demand and carbon emission rates equate to an improvement of at least 35% against the baseline targets.
- 8.116 The development achieves a minimum BREEAM rating of very good with scope for it to be excellent. In terms of water consumption, the report does not detail this in full, but details of the development's water consumption can be secured via a suitably worded planning condition.
- 8.117 Overall, the proposed development's design and energy efficiency measures outlined in the submitted energy statement are considered to align with the aspirations of Policies ESD 1-5 and Policy Bicester 10 of the Local Plan.

Environmental Impacts

- 8.118 Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- 8.119 The Environmental Protection Team have recommended a series of planning conditions be imposed. With regard to noise, disturbances and environmental pollution during the construction phase of the development, Construction Environment Management Plan (CEMP) (separate to the Ecology one) was recommended to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site. This condition is considered reasonable due to the scale of the development and its potential impact on the surrounding area.
- 8.120 The Council's standard contaminated land condition is recommended to be imposed on any permission. The site constraints show that the land is potentially contaminated. Therefore, a condition will be added to ensure that if during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy have been submitted for approval by the council.
- 8.121 With regard to air quality, an Air Quality Impact Assessment was recommended to be sought due to the proximity of the development to the Bicester Queens Avenue/ Kings End AQMA and the likelihood of increased traffic flow from the development into the AQMA. The applicant has since submitted an air quality assessment to alleviate the need for this condition, the environmental protection team have been

consulted for comments in regard to this submission and at the time of writing Officers are still waiting for a response on this.

8.122 A condition to seek a detailed lighting scheme has also been recommended and this is considered a suitable condition to ensure the scheme does not cause harm in environmental terms but also for reasons of ecology as previously explained.

8.123 Given the above assessment, it is considered that environmental risks can be adequately dealt with via the imposition of conditions. This will ensure compliance with Policies ENV1 and ENV12 and ensure that the amenities of the residential properties are not unduly affected by environmental pollution.

Other materials considerations

8.124 Given the proximity and potential ease of access to the strategic road network and M40 motorway, and the resultant risk of the site potentially being at higher risk of targeted crime and ASB, Thames Valley Police highlighted some concerns in regard to this and requested a condition be placed upon any permission granted, requiring that an application shall be made for Secured by Design accreditation. However, as the applicant/agent has indicated that the development will not be seeking Secured by Design accreditation, it would be unreasonable to insist that this is included and this was the case with the previously approved reserved matters scheme.

8.125 Furthermore, a condition will be added to ensure that there is an appropriate boundary treatment around the site to mitigate the risk of targeted crime and Officers are generally confident that the scheme in terms of its layout has been designed in a way that does not have empty isolated/enclosed spaces with poor surveillance that encourage criminal activities. Lastly, it will be in the occupiers interests to ensure that adequate surveillance and security measures are implemented within the units and the site in general to mitigate crime and disturbances. Therefore, Officers are confident that such measures will be implemented at the appropriate stages by the relevant occupiers of the units.

8.126 In regard to the comments by the Urban Design Officer about outdoor amenity space, there is not a local policy requirement for employment development to accommodate this. Furthermore, there is provision for wetland and landscaped areas under the previously approved applications related to the wider Bicester 10 allocation, which will provide opportunities for usable amenity space for the occupants/employees of the units in and around the resultant business park. Furthermore, there is now provision for public art within the site and a scheme for such will be secured via a planning condition.

Planning obligations

8.127 A S106 Legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport etc can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

8.128 The main contributions and obligations related to the development are sought from OCC Highways and they include the following;

-£232,239 Highway Works Contribution indexed from February 2024 using Baxter Index Towards: The Bicester Southeast Perimeter Road.

-£18,712 Public Transport Infrastructure Contribution indexed from April 2022 using Baxter Index Towards: Real Time Passenger Information displays at the pair of A41 bus stops at the Holiday Inn Express.

-£9,220 towards Travel Plan Monitoring Fee indexed from April 2024 using RPI-x

8.129 The requirement to agree to enter into a S278 agreement with the Local Highway Authority to deliver safe and suitable access to the development as approved by this application as well as the offsite measures identified:

- Formation of site access junction with LTN 1/20 compliant setback for cycleway and cycle priority across the access arm
- Shared use footway / cycleway from the Wendelbury Rd / Charles Shouler Way roundabout junction along Wendlebury Road to a point south of the site access junction with a suitable transition between the cycleway and carriageway at agreed point. Shared use facility should have a standard width of 3.5m with a 0.5m buffer between shared use facility and carriageway
- Extension of 30 mph speed restriction along Wendlebury Road to a point south of the junction with the unnamed road leading to Chesterton
- Widening of Wendlebury Road to 7.3m from the site access junction to the Wendelbury Rd / Charles Shouler Way roundabout. Taper back southwards from centreline of new access junction.
- Tiger crossing over Charles Shouler Way arm of the A41 / Vendee Drive / Charles Shouler Way roundabout.
- Shared use footway / cycleway with a standard width of 3.5m along the south side of Charles Shouler Way between the new tiger crossing listed above and the Wendlebury Road roundabout junction. 0.5m buffer between shared use facility and carriageway.

The above works are indicatively shown on Drawing No: 23022 – TP – 003 Rev: C

8.130 The above works are to be secured by means of S106 restriction not to implement development until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

Traffic Regulation Order fee (TBC) is also required as part of the S278 works.

8.131 The County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within the S106 agreement, the final amounts to be negotiated. The County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the S106 agreement. All contributions will be index linked from an appropriate baseline to protect the value of the contribution. There are no planning obligations sought after by the District Council, therefore, there is no requirement for an undertaking or monitoring fees by the District.

Planning balance and conclusion

8.132 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.133 The application site is partially allocated by Policy Bicester 10 and partially unallocated. The proposal represents a departure from the Development Plan in respect of the development on unallocated land. However, as detailed in the '*principle of development*' section the site has already benefited from previous aforementioned consents on the same land falling both inside and outside of the Policy Bicester 10 allocation area. Therefore, this position was already accepted in previous consents as it was concluded that the benefits that would be brought about as a result of the development of this site, would outweigh the potential harm and that there are other material considerations which on balance outweigh the conflict with the development plan.

8.134 Overall, the development aligns with the policy aspirations of the Bicester 10 allocation and the policies in the development plan as a whole as detailed in the full appraisal. Therefore, Officer's recommendation is that the planning balance lies in favour of approving the application.

RECOMMENDATION

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

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Highway Works (1) - £232,239 (index linked)**
 - b) Transport Infrastructure Contribution - £18,712 (indexed linked)**
 - c) Travel Plan Monitoring - £9,220 (index linked)**
 - d) Payment of the District Council and County Council monitoring costs – (TBC)**
 - e) That the developer commits to enter into a S278 highway agreement and pay a fee relating to the required TRO.**

CONDITIONS AND REASONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1	Quantum of Development
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	The development hereby permitted shall comprise a maximum floorspace of 11, 929 sqm and shall be used only for purposes falling within Class E (g) of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 50% (5, 964.5 sqm) shall be utilised for purposes falling within Class E(g)(i) (including
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	<p>ancillary uses) of the Town and Country Planning (Use Classes) Order 1987 (as amended).</p> <p>Reason: In order to retain planning control over the use of the site.</p>
<p>2</p>	<p>Statutory Time Limit</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<p>3</p>	<p>Compliance with plans</p> <p>The development shall not be carried out otherwise than in complete accordance with the approved plans:</p> <ul style="list-style-type: none"> -Site Location Plan, ref; 23022-TP-001, dated 11 April 2024 -Proposed Site Plan, ref; 23022-TP-002C, dated 13 November 2024 -Proposed Site Finishes Plan, ref: 23022-TP-002C, , dated 13 November 2024 -Proposed Ground and First Floor Plan – Unit 13, ref; 23022-TP-004, dated 11 April 2024 -Proposed Second Floor and Roof Plan – Unit 13, ref; 23022-TP-005, dated 11 April 2024 -Proposed Elevation – Unit 13, ref; 23022-TP-007, dated 11 April 2024 -Proposed Section – Unit 13, ref; 23022-TP-006, dated 11 April 2024 Proposed Ground and First Floor Plan – Unit 14, ref; 23022-TP-008, dated 11 April 2024 -Proposed Second Floor and Roof Plan – Unit 14, ref; 23022-TP-009, dated 29 January 2024 -Proposed Elevation – Unit 14, ref; 23022-TP-011, dated 11 April 2024 -Proposed Section – Unit 14, ref; 23022-TP-010, dated 11 April 2024 Proposed Ground and First Floor Plan – Unit 15, ref; 23022-TP-012, dated 11 April 2024 -Proposed Second Floor and Roof Plan – Unit 15, ref; 23022-TP-013, dated 11 April 2024 -Proposed Elevation – Unit 15, ref; 23022-TP-015, dated 11 April 2024 -Proposed Section – Unit 15, ref; 23022-TP-014, dated 11 April 2024 -Cycle Shelter Details, ref; 23022-TP-016, dated 12 April 2024 -Refuse Enclosure Details, ref; 23022-TP-017, dated 12 April 2024 -Entrance Canopy Details, ref; 23022-TP-018, dated 12 April 2024 -Fencing and Barrier Protection Details, ref; 23022-TP-019, dated 12 April 2024 -External Finishes Sample Board, ref; 23022-TP-019, dated 12 April 2024 -Detailed Soft Landscaping Proposals Sheet 1-6, ref; LB467_D01F, dated 7 November 2024. -HGV Tracking Charles Shouler Way, ref; 26019-04-TRK-C, dated 8 October 2024 -Flood Risk Assessment and Drainage Strategy, prepared by Bailey Johnson Hayes -- Consulting Engineers (ref. S1502-FRA-V3 issue/revision 3) dated 15 October 2024 -Sustainable Urban Drainage Maintenance and Management Plan, ref; S1502, dated October 2024 -Exceedance Flow Route Plan, ref; S1502-05D, dated 14 October 2024 -Typical Drainage Details, ref; S1502-04B, dated 9 May 2024 -FW Drainage Layout, ref; S1502-03E, dated 14 October 2024

	<ul style="list-style-type: none"> -SW Drainage Layout, ref; S1502-02E, dated 14 October 2024 -External Works and Levels, ref; S1502-01H, dated 11 October 2024. -Ecology Impact Assessment by Tyler Grange, ref; 16582-R10b, dated 13 November 2024 -Existing Habitat Features Plan, ref; 16582/P01, dated December 2024 -Proposed Habitat Features Plan, ref; 16582/P02, dated December 2024 -Energy Statement by ESC, dated 9th May 2022. -Catalyst Phase 4 / Bicester Gateway BREEAM Pre-Assessment Cover Letter, ref; 503766, dated 7 March 2024 - Catalyst Phase 4 / Bicester Gateway BREEAM Assessment Tracker by Scott White and Hookins, dated 4 March 2024. -Catalyst Phase 4, Bicester, Oxfordshire Written Scheme of Investigation for Archaeological Monitoring and Recording by Cotswold Archaeology, ref; CA Project MK1025, dated May 2024 -Arboricultural Impact Assessment by Tyler Grange, ref; 16562-R10a, dated 6 November 2024 - Highways Technical Note Addendum by DTA Transport Planning Consultants, ref; SKP/26019-05, dated 12 September 2024. -Landscape Management Plan (awaiting receipt of amendment) -Detailed Soft Landscaping Specifications (awaiting receipt of amendment) <p>Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.</p>
<p>4</p>	<p>Prohibition of Outside Storage</p> <p>No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.</p>
<p>5</p>	<p>Flood Risk</p> <p>The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1502-FRA-V3 issue/revision 3) dated 15 October 2024, Sustainable Urban Drainage Maintenance and Management Plan, ref; S1502, dated October 2024, Exceedance Flow Route Plan, ref; S1502-05D, dated 14 October 2024, Typical Drainage Details, ref; S1502-04B, dated 9 May 2024, FW Drainage Layout, ref; S1502-03E, dated 14 October 2024, SW Drainage Layout, ref; S1502-02E, dated 14 October 2024 and External Works and Levels, ref; S1502-01H, dated 11 October 2024.</p> <p>The development shall thereafter be implemented in accordance with the approved surface and foul water drainage scheme (including flood mitigation measures) and shall not be occupied until the approved surface and foul water drainage scheme has been full laid out and completed.</p>

	Reason - In accordance with paragraph 170 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.
6	<p>SUDS</p> <p>Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:</p> <p>(a) As built plans in both .pdf and .shp file format; (b) Photographs to document each key stage of the drainage system when installed on site; (c) Photographs to document the completed installation of the drainage structures on site; (d) The name and contact details of any appointed management company information.</p> <p>Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal.</p>
7	<p>Landscape Planting</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development (whichever is the sooner) and shall be maintained for a period of 5/10 years from the completion of the development. Any trees and/or shrubs which within a period of five/ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
8	<p>Landscape Management Plan</p> <p>Wording TBC as waiting for amended document.</p>
9	<p>Land Contamination not Previously Identified</p> <p>If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.</p> <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely</p>

	<p>without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
<p>10</p>	<p>Archaeology</p> <p>Prior to any demolition on the site and the commencement of the development (other than in accordance with the submitted document Catalyst Phase 4, Bicester, Oxfordshire Written Scheme of Investigation for Archaeological Monitoring and Recording CA Project MK1025 Cotswold Archaeology 2024), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.</p> <p>Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).</p>
<p>PRE COMMENCEMENT CONDITIONS</p>	
<p>11</p>	<p>Construction Management Plan (CMP)</p> <p>No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;</p> <ul style="list-style-type: none"> • Routing of construction traffic and delivery vehicles including means of access into the site; • Details of and approval of any road closures needed during construction; • Details of and approval of any traffic management needed during construction; • Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway; • Measures to control the emission of dust and dirt during construction; • Measures to mitigate noise pollution arising from construction of development; • Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions; • The erection and maintenance of security hoarding / scaffolding if required; • A regime to inspect and maintain all signing, barriers etc; • Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided; • Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc; • Details of arrangements for site related vehicles (worker transport etc); • Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;

	<ul style="list-style-type: none"> • A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted; • Any temporary access arrangements; • Delivery, demolition and construction working hours (which must be outside network peak hours); • Storage of plant and materials used in constructing the development; • A scheme for recycling/ disposing of waste resulting from demolition and construction works. <p>The approved Construction Management Plan shall be adhered to throughout the construction period for the development.</p> <p>Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
12	<p>Construction Environmental Management Plan (CEMP) for Biodiversity</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Impact Assessment by Tyler Grange, ref; 16582-R10b, dated 13 November 2024 has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:</p> <ol style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities; b) Identification of ‘Biodiversity Protection Zones’; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) Use of protective fences, exclusion barriers and warning signs <p>The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
13	<p>Arboricultural Method Statement (AMS)</p> <p>No development shall take place until an Arboricultural Method Statement (AMS) (which includes tree protection measures), undertaken in accordance with</p>

	<p>BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter, all works on site shall be carried out in accordance with the approved AMS.</p> <p>Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p>
14	<p>Materials</p> <p>No development of the building and associated structures above slab level shall take place until samples including sample panels of the materials to be used in the construction of the external surfaces has been submitted and approved in writing by the Local Planning Authority.</p> <p>The development shall be constructed in accordance with the approved samples, which shall not be removed from site until the completion of the development.</p> <p>Reason – To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and Government guidance contained within the National Planning Policy Framework.</p>
15	<p>Biodiversity Enhancement Management Plan (BEMP) (pre-com)</p> <p>Wording TCB by Ecology.</p>
15	<p>Habitat Management and Maintenance Plan (pre-com)</p> <p>Wording TBC by Ecology.</p>
16	<p>Air Quality</p> <p>Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with detailed mitigation measures proposed by the developer, in order to address any adverse impacts on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.</p> <p>Awaiting comments for Environment Protection on acceptability of AQA before finalising the condition to either a pre-commencement or compliance condition.</p>
CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION	

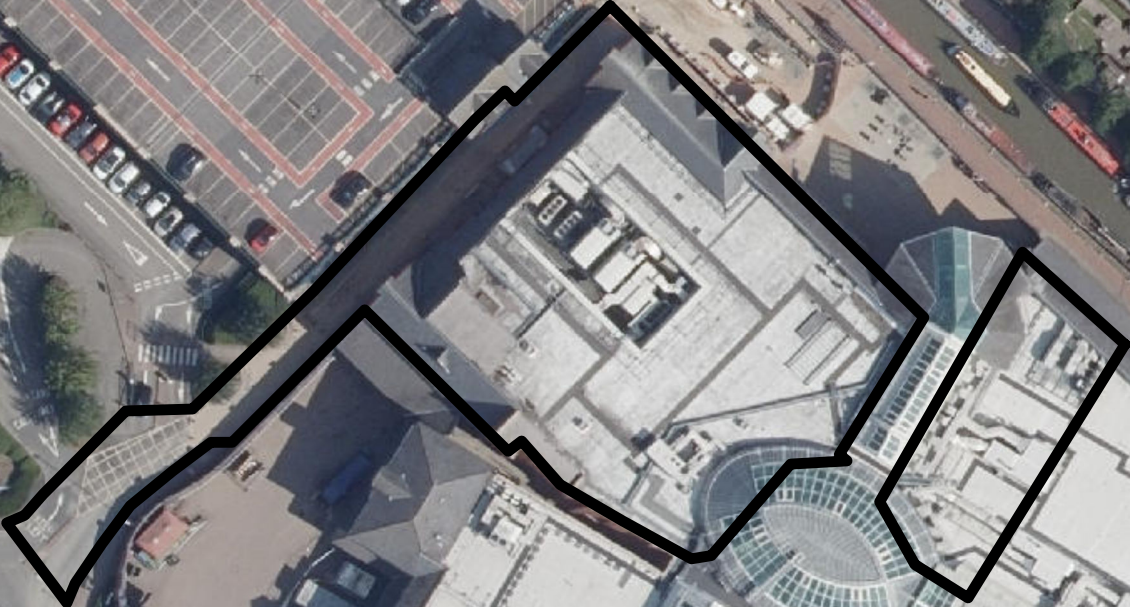
<p>17</p>	<p>Framework Travel Plan</p> <p>Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.</p> <p>Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.</p>
<p>18</p>	<p>Travel Plans</p> <p>Prior to the first occupation of the development hereby approved, individual Travel Plans for the three units, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and reflecting the measures set out in the Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.</p> <p>Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.</p>
<p>19</p>	<p>Thames Water</p> <p>No development shall be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional demand to serve the development have been completed.</p> <p>Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.</p>
<p>20</p>	<p>Water Use</p> <p>Prior to the first occupation of each unit, details of the measures to be installed in that unit to minimise water consumption shall be submitted to and approved in writing by the local planning authority.</p> <p>The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.</p> <p>Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.</p>
<p>21</p>	<p>Boundary enclosures</p> <p>Prior to the occupation of any unit, full details of the enclosures along all boundaries and within The Site shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority. Such approved means of enclosure shall be erected prior to the first occupation of any unit.</p> <p>Reason: To ensure the satisfactory appearance of the completed development to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.</p>
22	<p>Lighting strategy</p> <p>Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.</p> <p>Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.</p>
23	<p>Energy Measures</p> <p>Prior to the construction of any building above slab level, details of the materials, specifications, location of the measures outlined in the submitted Energy Statement by ESC, dated 9th May 2022, to increase energy efficiency and thermal performance and reduce carbon emissions including the provision of renewable energy measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of materials, specifications and measures and the provision of renewable energy measures shall be installed prior to the first occupation of the building.</p> <p>Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD1-5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.</p>
24	<p>Electric Vehicle Charging</p> <p>No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve the development has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the dwelling it serves.</p> <p>Reason - To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.</p>
25	<p>Scheme of Public Art</p> <p>Wording to TBC.</p>

CASE OFFICER: Carlos Chikwamba

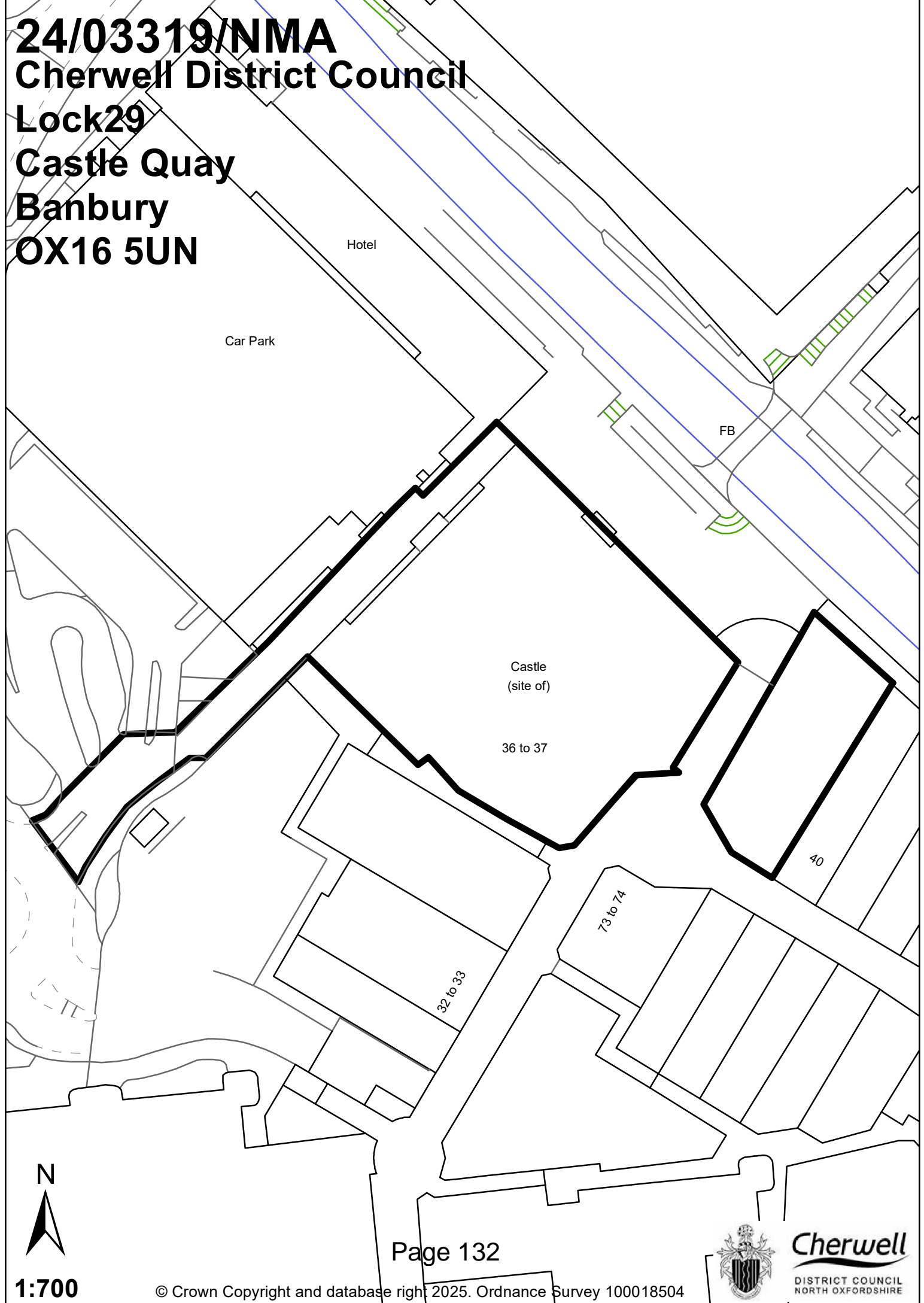
24/03319/NMA
Cherwell District Council
Lock29
Castle Quay
Banbury
OX16 5UN

Agenda Item 12



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24/03319/NMA
Cherwell District Council
Lock 29
Castle Quay
Banbury
OX16 5UN



Hotel

Car Park

FB

Castle
(site of)

36 to 37

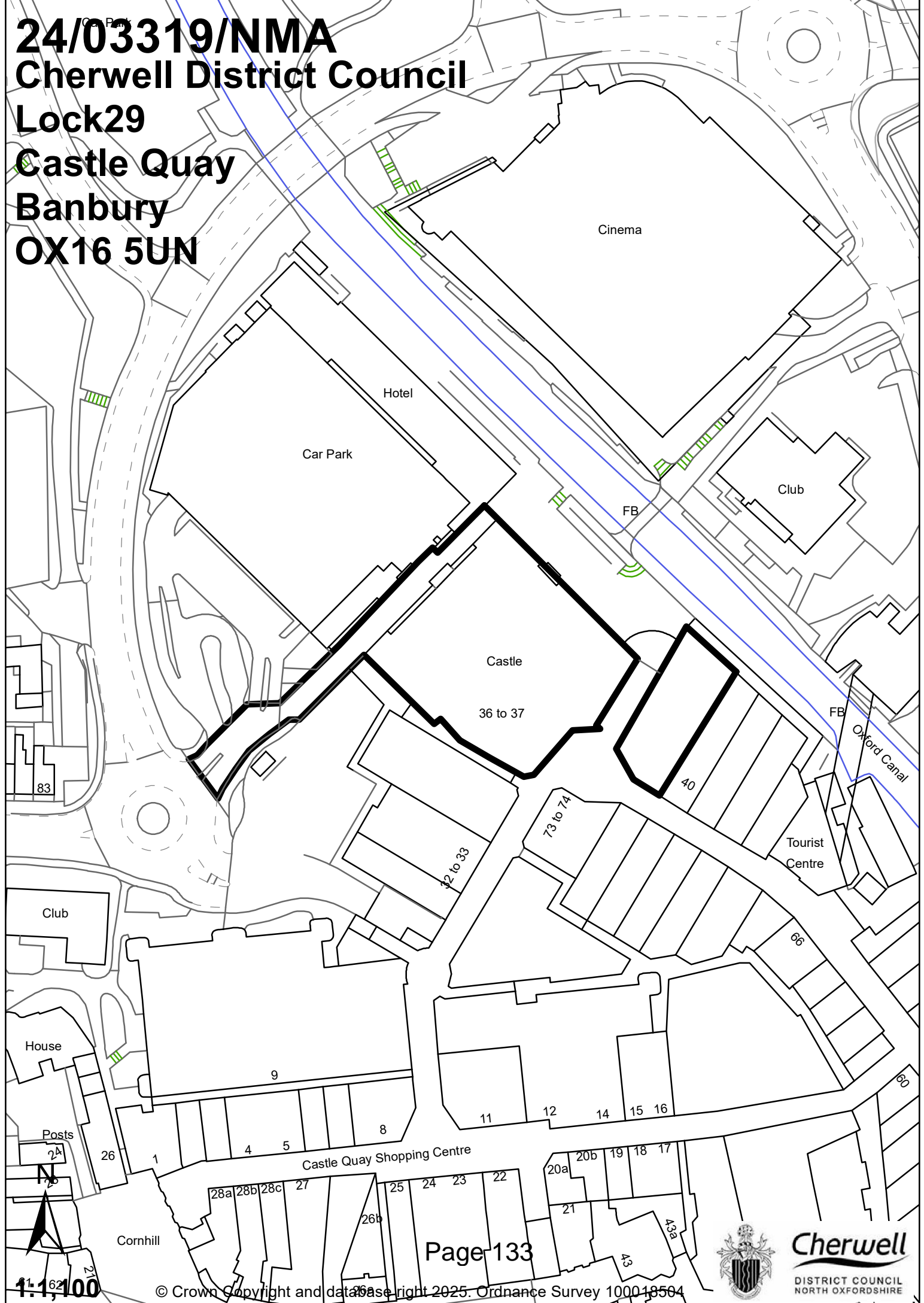
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73 to 74

32 to 33



24/03319/NMA
Cherwell District Council
Lock29
Castle Quay
Banbury
OX16 5UN



Case Officer: Michael Sackey

Applicant: Cherwell District Council

Proposal: Works to the existing canal elevation are simplified. 2no arched windows (type B) are retained as existing, no amendments to extend the windows or alterations to the existing lean-to roof below. A third window (new) will match the existing arched windows. 2no new windows type A remain as per the original application to match the existing adjacent windows (proposed as non-material amendment to 24/00600/CDC)

Ward: Banbury Cross And Neithrop

Councillors: Cllr Becky Clarke, Cllr Matt Hodgson, Cllr Dr Chukwudi Okeke

Reason for Referral: Application affects Council's own land, and the Council is the applicant

Expiry Date: 10 January 2025

Committee Date:
16.01.2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is part of the Castle Quay shopping centre, specifically the first floor Unit formally occupied by British Home Stores, above Lock 29. The Castle Quay Shopping Centre is located within Banbury Town Centre.

2. CONSTRAINTS

2.1. The application site is within the setting of the Oxford Canal Conservation Area and Public Right of Way Ref: 120/103/40 runs adjacent to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks consent for changes to planning permission ref. 24/00600/CDC, specifically to make the following changes:

- The retention of the existing two arched windows
- A proposed third arched window matching the existing arched windows
- Two additional windows matching the existing first floor shop front windows

4. RELEVANT PLANNING HISTORY

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

Application: 16/02366/OUT Permitted 1 June 2018

Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified.

Application: 17/00284/REM Permitted 26 September 2018

Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.

Application: 23/03103/CDC Permitted 16 February 2024

Insertion of two new window openings

Application: 24/00600/CDC Permitted 11 June 2024

New/enlarged shop front windows

Application: 24/01224/CDC Permitted 15 July 2024

New courtyard roof and roof mounted air handling units

5. PRE-APPLICATION DISCUSSIONS

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

6. PUBLICITY AND CONSULTATION

6.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.

7. APPRAISAL

7.1. The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes

7.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: "A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material". It is also stated that: "In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted".

7.3. The National Planning Practice Guidance states that: "There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme - an amendment that is non material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application". The judgement on materiality in any particular case is one of fact and degree, also taking into account

the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.

- 7.4. The primary change is the omission of the downwards extension of the arched windows approved under application reference (24/00600/CDC). This change would have a visual impact, but would result in a less visually impactful development when compared to the previously approved developments (ref. above). Further, and noting the previous responses from the Conservation Officer, the proposal would not significantly affect the character of the development or locality or raise any new issues in relation to the visual and residential amenity.
- 7.5. Overall, none of the proposed changes would raise any new issues, nor would they necessitate further consultation with any third party consulted at the time of the planning application, and therefore may be considered non-material amendments in the context of the development as a whole.

8. PLANNING BALANCE AND CONCLUSION

- 8.1. The proposal is therefore considered to be non-material, and the application is therefore recommended for approval.

9. RECOMMENDATION

The proposal is considered to be non-material and the application is therefore recommended for approval as described above and in accordance with the drawing number: 40468_01_ELEV01

CASE OFFICER: Michael Sackey

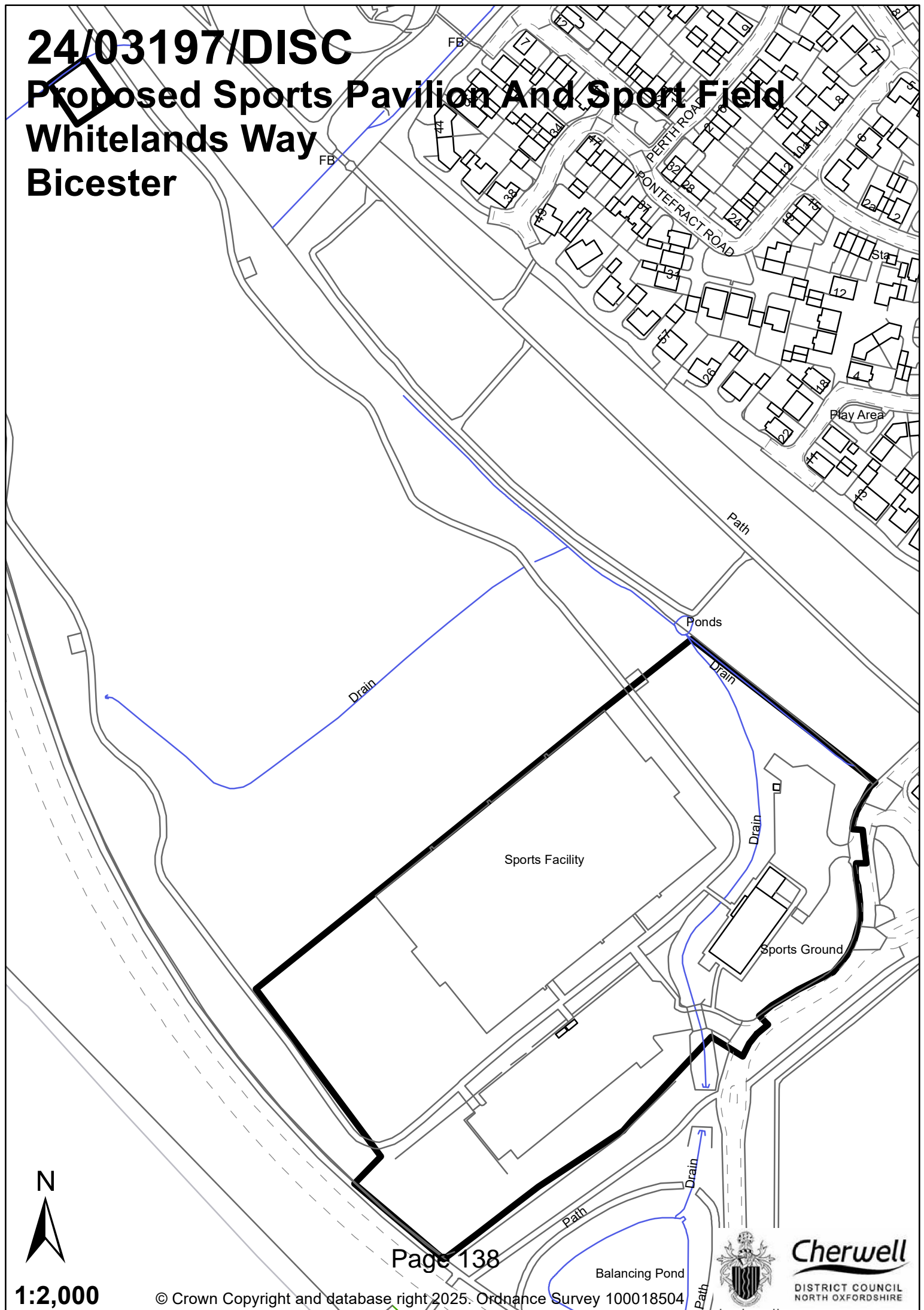
24/03197/DISC

Proposed Sports Pavilion And Sport Field
Whitelands Way
Bicester



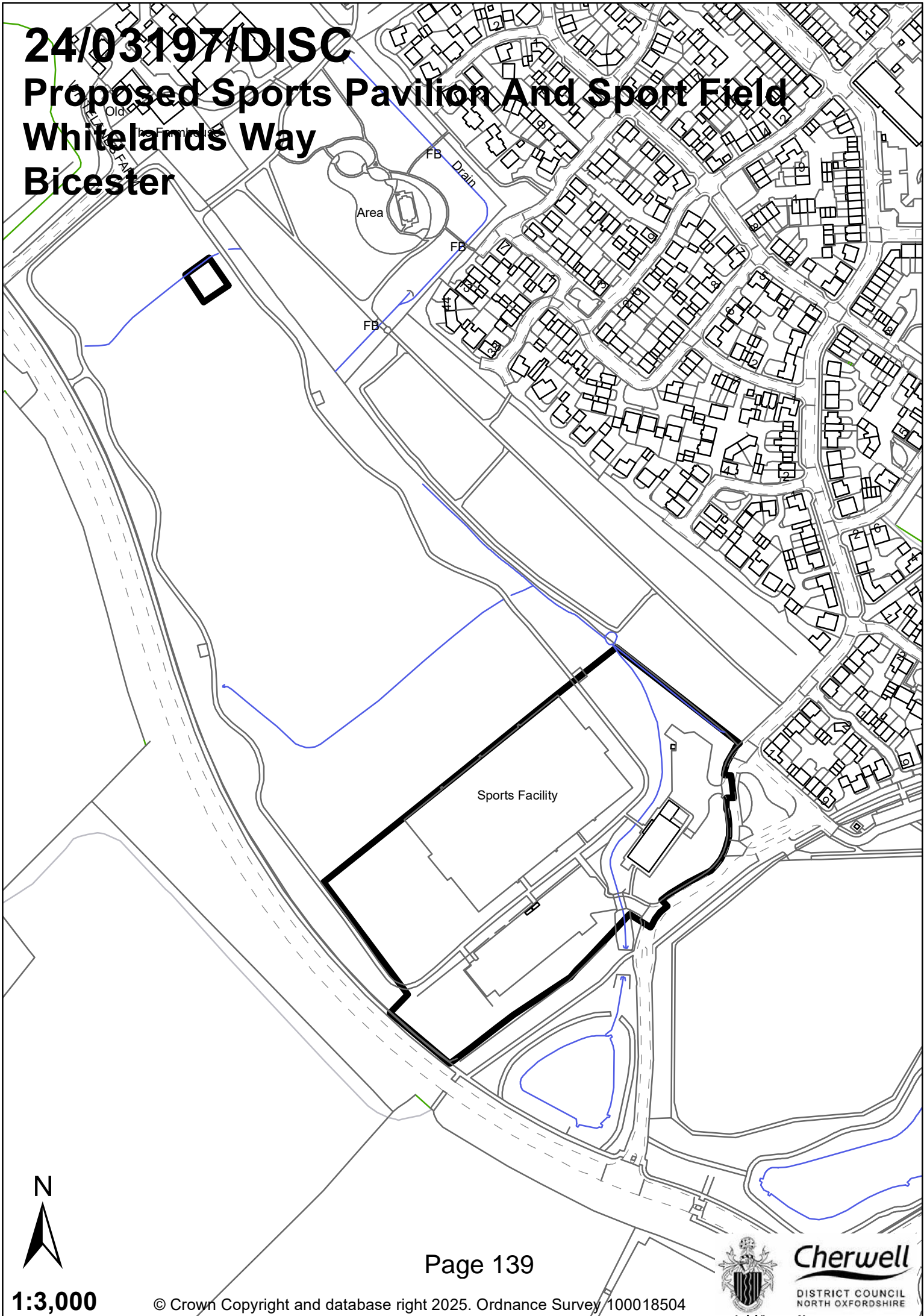
24/03197/DISC

Proposed Sports Pavilion And Sport Field Whitelands Way Bicester



24/03197/DISC

Proposed Sports Pavilion And Sport Field Whitelands Way Bicester



1:3,000



Case Officer: Hansah Iqbal

Applicant: Cherwell District Council

Proposal: Discharge of Condition 7 (means of access) of 15/01615/F

Ward: Bicester South And Ambrosden

Councillors: Cllr. Nick Cotter, Cllr. Frank Ideh and Cllr. Chris Pruden

Reason for Referral: Application affects Council's owned land and the Council is the applicant

Expiry Date: 23 January 2025

Committee Date: 16 January 2025

**SUMMARY RECOMMENDATION: DISCHARGE CONDITION 7 OF APPLICATION
15/01615/F.**

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site relates to the sports ground located at Kingsmere. The Sports Village site comprises 17 hectares, within the wider South West Bicester mixed use development. It is located at the southern edge of the Kingsmere site and is bounded by Vendee Drive to the west.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. Condition 7 to 15/01615/F (means of access) – this condition states:

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

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

3. RELEVANT PLANNING HISTORY

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

15/01615/F - Development of the South West Bicester Sports Village in two phases comprising phase 2: construction of a two-storey sports and functions pavilion

including vehicular access and parking: phase 3A: construction of a 3G synthetic grass rugby pitch, tennis courts and associated fencing and floodlights and the erection of a cricket hut. Approved.

16/00435/DISC - Discharge of Conditions 3a,3b,3c (Landscaping), 5 (Arboricultural) 6 (Tree pits), 7 (Access), 8 (Parking details), 10 (Event management plan) and 14 (Bat and bird boxes) of 15/01615/F. Approved.

17/00361/DISC - Discharge of condition 9 (covered cycle parking facilities) of 15/01615/F. Approved.

17/01488/F - Installation of two height restricting (2.1m) barrier gates at the entrance to the main car park and service yard of Whitelands Farm Sports Pavilion. These replace the previously approved gates under application 15/01615/F. Approved.

4. RESPONSE TO PUBLICITY

4.1. No comments have been raised by third parties.

5. RESPONSE TO CONSULTATION

5.1. 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.

CONSULTEES

OCC Highways – No objection - Condition 7 of 15/01615/F may be discharged.

6. APPRAISAL

6.1. Condition 7 of 15/01615/F has already been discharged following the approval of 16/00435/DISC. Other than the re-positioning of the pedestrian crossing, for which this application seeks consent, the access works have already been completed.

6.2. The pedestrian crossing would be sited approximately 2.3 metres further away from the newly created site access than the previously approved scheme.

6.3. The OCC Highways Officer has raised no objections to the details submitted as they comply with the county's guidance. Therefore, in the absence of any other material planning considerations, it is recommended that the condition be discharged.

7. RECOMMENDATION

That planning condition 7 of 15/01615/F be discharged based upon the following:

Condition 7

In accordance with drawing numbers 5131 Rev P2 'Proposed Service Road GA' and NTBS3971_01 'Proposed Plan'.

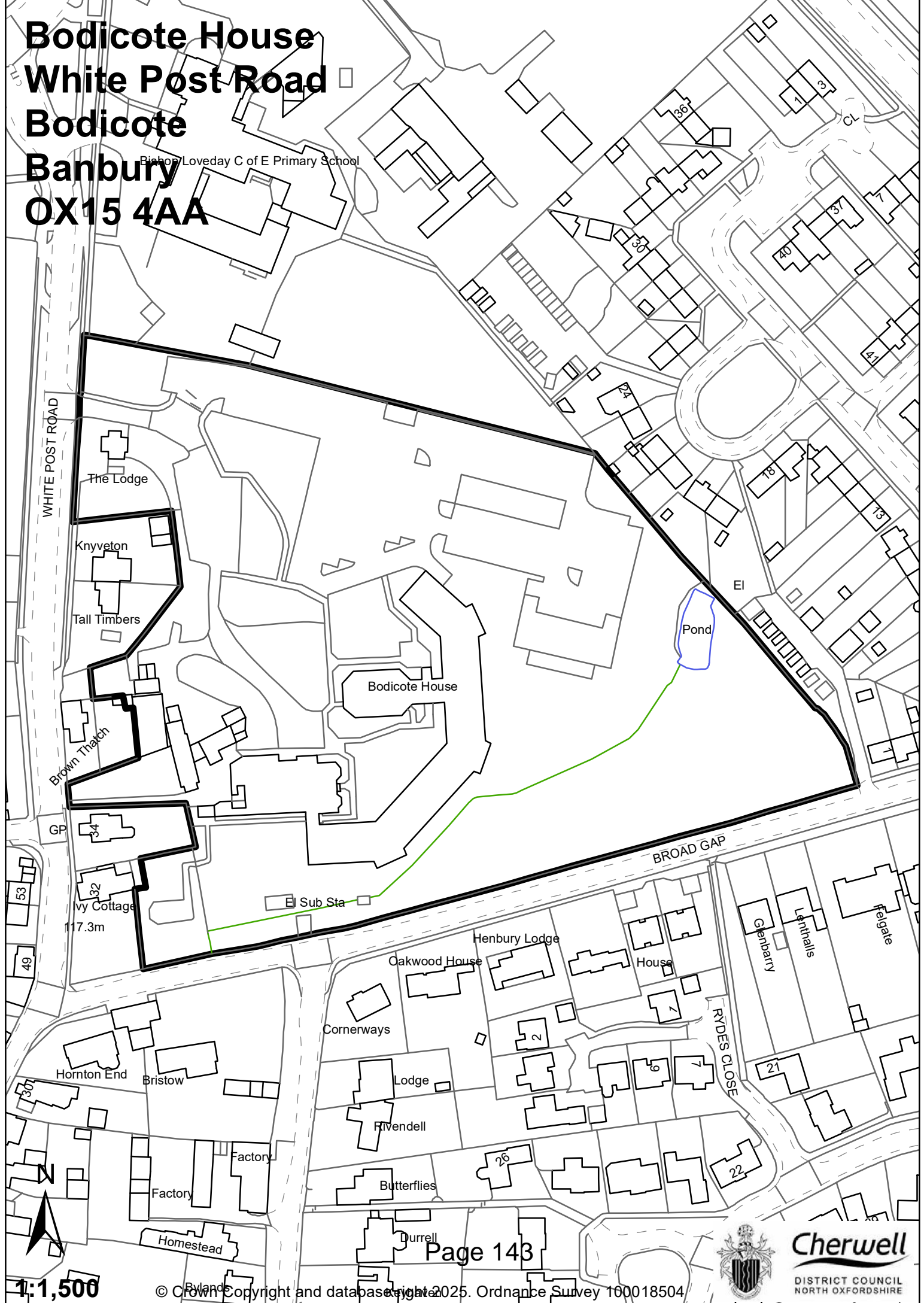
CASE OFFICER: Hansah Iqbal

Agenda Item 14
Boddicote House
White Post Road
Bodicote
Banbury
OX15 4AA



Bodicote House White Post Road Bodicote Banbury OX15 4AA

Bishop Loveday C of E Primary School

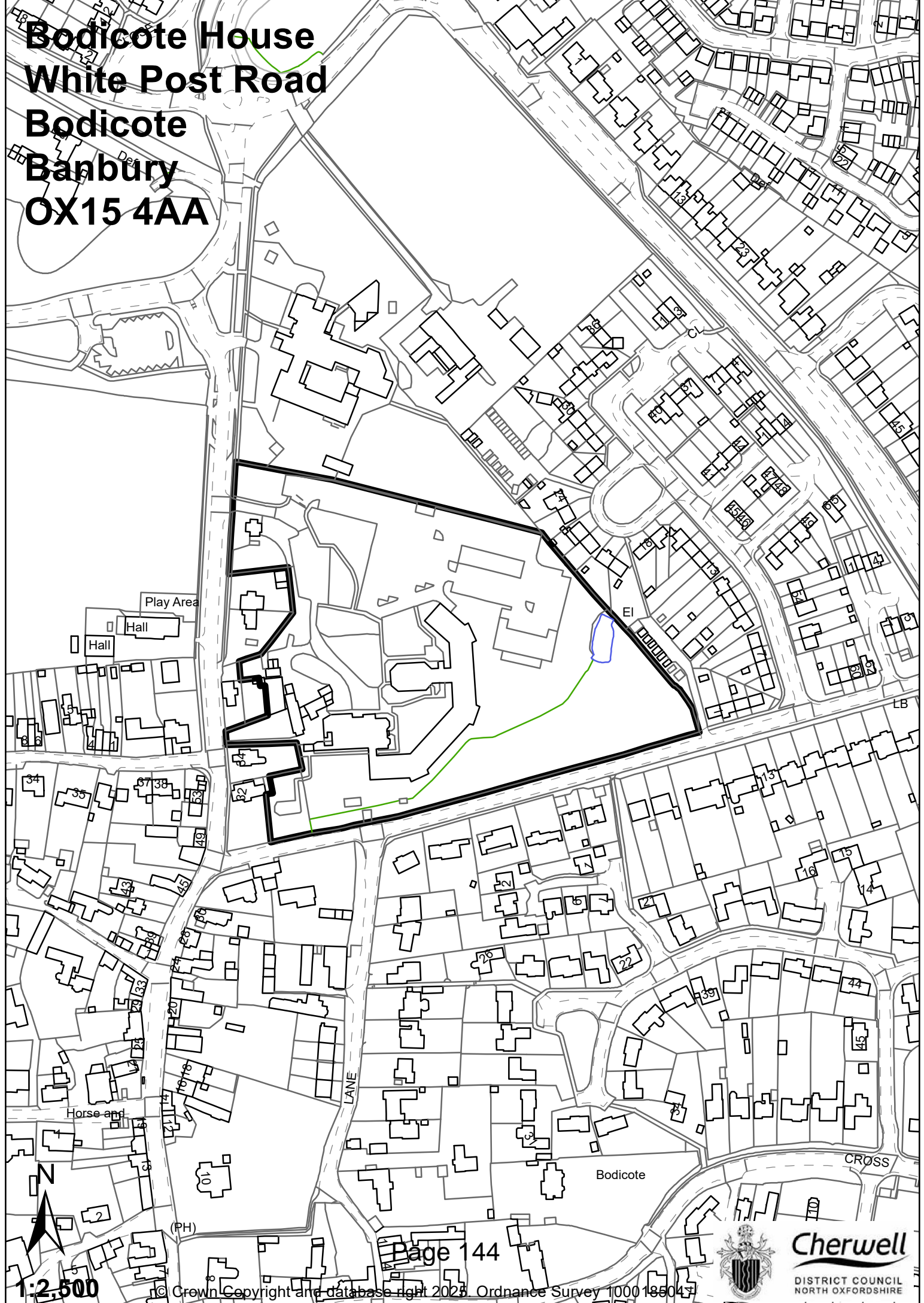


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**Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA**



**Bodicote House, White Post Road, Bodicote,
Banbury, OX15 4AA**

Case Officer: Iain Osenton

Applicant: CDC Arboricultural service.

Proposal: TPO 21/2024 – confirmation following objection received by CDC Properties team

Ward: Adderbury, Bloxham and Bodicote

Councillors: Councillors Gordon Blakeway, Robert Pattenden and David Hingley.

Reason for Referral: Application affects Council's own land. The TPO is served on council owned land. One objection has been received, from Cherwell District Council. Legal guidance advises per CDC constitution, referral to planning committee is required.

Expiry Date: 2 December 2024

Committee Date: 16 January 2025

SUMMARY RECOMMENDATION: Confirm Tree Preservation Order.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is Bodicote House, Bodicote. The site contains numerous trees of high amenity and arboricultural significance visible both internally, and externally to the site. The site is subject to future planning applications, with concerns raised by residents for trees within, and bordering the site.

2. CONSTRAINTS

2.1. There is currently a preliminary Tree Preservation Order ("TPO") on site reference 21/2024.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The TPO in question seeks to protect trees of suitable amenity, and arboricultural merit within the site. The trees have been subject to a TEMPO (Tree Evaluation Method for Preservation Orders) assessment, with qualifying trees included within the order. The TPO is made to ensure trees receive due consideration for future re-development of the site but would not obstruct re-development providing correct process is followed.

4. RELEVANT PLANNING HISTORY

None relevant

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. The site owner was notified of the TPO being served on 29th August 2024.

7. RESPONSE TO CONSULTATION

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

7.2. Cherwell District Council Assistant Director of Property **objects** on the grounds of the way in which the order was served, citing the order being only served electronically, contrary to both the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012. The objection further highlights the plan served with the TPO documentation as being incorrectly scaled, making interpretation of the plan and protected trees difficult. The objection further objects to the amenity value afforded to the trees, but also contends the actual scores cannot be challenged as the plan does not allow for accurate identification of each tree protected. The objection suggests the expediency assessment of 'foreseeable threat to tree' to be incorrect, citing the council has met with the proposed buyer of the site, who has produced plans clearly showing a minority of trees impacted by redevelopment proposals.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- The serving of the TPO.
- The map served with the TPO.
- The amenity value score of the trees.
- The expediency of the TPO.

The serving of the TPO

9.2. The TPO was served both electronically and in hard copy form via the internal CDC property post pigeon hole. The TPO has therefore been served correctly in line with governing legislation, and this has been confirmed with CDC's law and governance team.

The map served with the TPO

9.3. The arboricultural officers note the suggested discrepancies. The TPO plan can easily be amended upon confirmation of the Order, without the need to officially 'vary' the order. However, should it be found a discrepancy is present with an individual tree, the order can be amended to address this discrepancy, without removing protection for all other trees within the site.

9.4. Having reviewed the matter in detail, the arboricultural officers confirm that both T15 and T2 are have been correctly identified.

9.5. In any case, The Town and Country Planning (Tree Preservation) (England) Regulations 2012, regulation 3 point 4 states '*In the case of any discrepancy between the map contained in, or annexed to, an order and the specification contained in the Schedule to that order, the map shall prevail*'.

9.6. In relation to group G1, it should be noted that the presentation of G1 with a dotted line complies with government legislation for TPOs.

9.7. In relation to surveys supporting prospective development of the site, whereas an all-site survey seeks to capture all trees within the site, the TPO survey seeks only to capture those warranting of preservation. Therefore, the exact boundary, species mix and count of a group may vary between maps. This on its own does not demonstrate an error within the TPO map.

The amenity value score of the trees

9.8. It is acknowledged the plans scale creates difficulties interpreting some parts of the plan. However, the majority of the trees are visible on the plan; therefore, a challenge to the given TEMPO score could have been made.

9.9. Amenity score is not a component to a TEMPO assessment. Amenity is not defined in law. However, for the purpose of a TPO, a tree may be considered of sufficient amenity if its damage, or removal would be considered to hold a negative impact on the local environment (Department for Levelling Up, Housing and Communities, 2014). However, in order to capture amenity, a council must have a defensible scoring system.

9.10. For this TPO, a TEMPO assessment scoring the trees condition, retention span, relative public visibility, additional factors (veteran status, groups, or historical trees etc.) and TPO expediency was provided within the schedule. No challenge was made to the given scores.

9.11. The TPO was initiated following receipt of a public enquiry, expressing concerns for trees within the site, should the site be sold. Trees are visible from the publicly accessible areas of the site, and externally to the site, with the majority of trees included predating the sites use as a council office. By comparison to the definition of amenity, it is reasonable to suggest removal or damage to these trees would be detrimental. In addition, many of the trees provide enhancement to the visual amenity of the locality, to the character and appearance of the Conservation Area and to the significance of the listed building Bodicote House. Overall, therefore, their amenity is worth preserving, as evidenced by the TEMPO assessments.

The expediency of the TPO

9.12. The TEMPO guidance includes the receipt of an outline planning proposal as an example of when a 'foreseeable' threat score should be used.

9.13. The next lowest threat under TEMPO assessment is 'perceived threat to tree' which under TEMPO guidance is to be used, as an example, where a qualifying tree is situated in an infill plot, or in an area of potential development. That the site has been confirmed as being subject to future development justifies the given TEMPO score.

9.14. Thus, the amenity score is defensible, and the expediency score is correct.

Conclusion

9.15. The above points highlight that the TPO was served correctly. It is acknowledged areas of the given TPO map are difficult to interpret, but there are avenues whereby this can be corrected upon confirmation of the order, without official 'variation' of the order. Even if a variation is required, this does not automatically warrant the removal of protection for all trees within the site.

9.16. It should be noted that the protection of trees in no way interferes with any proposal to develop the site. Planning permission would supersede a TPO. Whilst CDC Arboriculture, as statutory consultees to any development within the site, will have opportunity to comment on tree removal/retention plans with comments given in line with BS5837:2012 and local/national policy, what the TPO achieves is an assurance that all trees will be considered as a constraint to the development proposal, as amenity assets to the village bearing historical relevance to the site.

9.17. If it is later judged acceptable for a TPO tree to be felled, a replacement can be secured. Whereas any trees not served by a TPO will not be a constraint to the development proposal and replacement cannot be secured.

9.18. It is recommended the TPO be confirmed. On confirmation of the order, the TPO is to attach a clearer map aiding identification.

<p>10. RECOMMENDATION</p> <p>CONFIRM THE TREE PRESERVATION ORDER</p>
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CASE OFFICER: Iain Osenton

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	16 January 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	7 January 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	6 January 2025
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

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

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	Whilst there are no direct implications arising from this report it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold.

	<p>This has meant it has been necessary to call upon the appeals reserve to mitigate the overspend on spend to date. Any further cost incurred in defending appeals will require alternative sources of funding.</p> <p>Kelly Wheeler, Finance Business Partner, 17 December 2024</p>			
Legal	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law & Governance Legal Services 18 December 2024</p>			
Risk Management	<p>This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader 18 December 2024</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			

Consultation & Engagement	Not applicable in respect of this report
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Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/01736/F	Land at Home Farm Close, Ambrosden, Bicester, OX25 2NP.	Erection of 9 dwellings of 1 x 5 bed detached, 4 x 3 bed terraced and 4 x 2 bed terraced.	Delegated Refusal	20.11.2024.
24/00249/F	Land Adj To 6 Lake View, Cottisford, NN13 5ST	New Detached 3 Bedroom Dwelling.	Delegated Refusal	22.11.2024.

24/00912/F	4 The Glades, Launton, Bicester, OXON, OX26 5ED	Erection of a garden building in front of the dwelling with a sliding door and composite decking on the front and a high-level vent window on a right-side elevation. The one-room insulated building will measure 3.8 width, 3 m depth, and 2.5 m at the highest point.	Delegated Refusal	26.11.2024.
24/01810/F	60 Corncrake Way, Bicester, OX26 6UE.	Two storey rear extension with associated internal and external works.	Delegated Refusal	03.12.2024.
24/01740/DISC	Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon, OX25 4SF.	Discharge of Condition 3 (construction details) of 24/00512/LB.	Delegated Refusal	04.12.2024.
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Delegated Refused	10.12.2024.

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00150/CLUE	Unit 22 Beaumont Close, Banbury	Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)	Delegated Refusal	15.06.2023.

24/01489/F	17 Read Place Ambrosden Bicester OX25 2BH	Single storey side extension, flat roof, to add a bedroom for disabled person	Delegated Refusal	29.10.2024.
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
24/01541/F	Cherry Tree House, 7 Evenlode, Banbury, Oxon, OX16 1PQ.	Dropped kerb along with tarmac from road to the access in our rear garden. The current fence height will be lowered to allow safe entry and exit.	Delegated Refusal	04.11.2024.
23/01960/PIP	Barn Farm Planys Garden Centre, Thorpe Road, Wardington	To develop the site for 7-9 dwellings with associated access, parking and amenity space.	Delegated Refusal	06/06/2024.
24/00698/PIP	81 North Street, Fritwell	Permission in Principle - proposed 7-9 dwellings	Delegated Refusal	27.06.2024
21/02058/FUL	Shelswell Inn, Buckingham Road, Newton Purcell	Erection of Barns	Delegated Refusal	02.07.2024
23/01616/F	Leys Farm, Hook Norton, Banbury, OX15 5BZ.	Change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.	Delegated Refusal	08.10.2024.
24/00628/Q56	Quarry Farm, Rattlecombe Road, Shenington	Change of Use and associated building operations to convert existing agricultural building to single dwellinghouse.	Delegated Refusal	09/07/2024.

24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
23/03376/F	5 Mill Lane, Adderbury, Banbury	Natural ironstone rear extension with natural slate roof incorporating 1 No conservation rooflight, internal alterations, removal of timber shed and replacement with timber garden studio (revised scheme of 16/01819/F).	Delegated Refusal	17.07.2024.
24/00620/F	7 Launton Road, Bicester	Demolition of existing detached garage and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.	Delegated Refusal	19.07.2024
23/02071/F	Land to Rear of Wheelright Cottage, Main Street, North Newington	New Build Dwelling.	Delegated Refusal	31.07.2024.
23/03109/F	Land Adj to 20 Almond Road, Bicester	Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.	Committee Refusal (Overturn)	31.07.2024.

23/02865/F	Slatters Barn, Epwell Road, Shutford	RETROSPECTIVE - Installation of two shepherd's huts for use as holiday lets and construction of a driveway to the shepherd's huts - re-submission of 22/02411/F.	Delegated Refusal	01.08.2024.
24/005421/F	1 St Peters Crescent, Bicester	Proposed detached two storey dwelling and two number car spaces	Delegated Refusal	07.08.2024.
24/00466/F	15A South Street, Banbury	Alterations and extension to existing house and outbuildings.	Delegated Refusal	20.08.2024
24/00342/F	141 Bismore Road, Banbury	Erection of Single Storey Garage	Delegated Refusal	21.08.2024
24/01225/F	14 Bismore Road, Banbury	Erection of a single-storey flat roof garage at end of driveway into rear garden	Delegated Refusal	21.08.2024
23/02780/F	Land to West of Griffin Gate, Station Road, Blackthorn	Detached dwelling/holiday let and associated works.	Delegated Refusal	27.08.2024
24/01405/F	Quarry Farm Rattlecombe Road Shenington Oxfordshire OX15 6LZ	Conversion of barn to form a dwellinghouse - self-build	Delegated Refusal	28 10.2024.
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00779/F	6 Railway Cottages, Shipton on Cherwell	1m extension to existing ground floor with new first floor extension over - re-	Delegated Refusal	06.09.2024

		submission of 23/03177/F.		
24/01391/F	82 High Street, Banbury	Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis).	Delegated Refusal	17.09.2024
24/00298/Q56	Malthouse Farm, North Aston Road, Duns Tew	Change of Use of two agricultural buildings to form five dwellinghouses	Delegated Refusal	19.09.2024
24/01766/PIP	Former Paddocks, Land off Backside Lane, Sibford Gower, OX5 5RS.	Permission in Principle - construction of up to 5no. dwellings	Delegated Refusal	04.10.2024
24/00917/LB	Village Farm, Blackbull Lane, Fencott, Kidlington, OX5 2RD.	Single storey front, rear, end extensions and carport with associated internal/external works.	Delegated Refusal	11.10.2024.
24/01732/F	54 Dashwood Ave, Yarnton, Kidlington, OX5 1NJ	Erection of three-bedroom dwelling to the rear, accessed off Meadow Way (Self-Build).	Delegated Refusal	15.10.2024.

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

None

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date

22/01293/F	Land at Manor View (West of Manor Park) Hampton Poyle, Kidlington, OX5 2PW.	Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch.	Delegated Refusal	04.11.2024
23/02355/F	Waverley House, Registrar, Queens Street, Bicester	Demolition of existing building and construction of 33 No apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure	Committee Refusal (Overturn)	23.08.2024

Public Inquiries

4.5. **New Appeals**

Application Number	Location	Description (summary)	LPA Decision:	Start Date

None

4.6. **In Progress/Awaiting Decision**

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024.
23/03428/OUT	Land East of J11 of the M40, (OS Parcel 5616 South West of Huscote Farm and East of Daventry Road, Banbury,	Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths,	Officers Recommendation. Committee.	14.10.2024.

	Oxon, OX17 2FJ	landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.		
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Enforcement Appeals

4.7. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

None

4.8. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.	Enforcement Notice	10.11.2023 Written Reps
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023 Written Reps

20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024 Written Reps
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Forthcoming Public Inquiries and Hearings between 16 January 2025 and 20 February 2025.

4.9

23/03428/OUT	Land East of J11 of the M40, (OS Parcel 5616 South West of Huscote Farm and East of Daventry Road, Banbury, Oxon, OX17 2FJ	Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.	Officers Recommendation. Committee.	Start Letter 14.10.2024 Public Inquiry 4 -21 Feb 2025.
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4.10 **Appeals Results**

24/00753/F - 40 Ardley Road Fewcott OX27 7PA

Removal of existing 1m height 'close boarded' timber fencing and replacement with 1.8m height, including gated vehicular entrance (Retrospective).

Appeal Dismissed

The inspector stated that the main issues would be the effect on the character and appearance of the site and area. The inspector concluded that the introduction of a 1.8 metre high close board fence and gates along the front boundary of the appellants' home introduces a stark and unacceptably intrusive feature within the streetscene. Therefore, they appear incongruous and at odds with the character and

appearance of the appeal site and area. The Inspector was not convinced by any precedent other similar gates within the vicinity would set, arguing that they do not represent the overall character and appearance of the area. The Inspector gave only moderate weight to any safety and security benefits arguing that there would be more sympathetic schemes.

On the basis of this assessment, the Inspector dismissed the appeal concluding that the proposed gates unacceptably harm the character and appearance of the site and area.

24/00792/F - 10 Chestnut Close, Chesterton, Bicester, Oxon.

Single storey side and rear extensions to create a 1 no. new dwelling.

The appeal was dismissed.

“The application was for the extension of an existing dwellinghouse to form a new, additional, semi-detached single storey dwelling. It proposed the same physical works as those approved under a previous, extant, permission for a single-storey flat roofed side extension to the existing dwellinghouse, with the addition of the sub-division of the garden and provision of on-site parking for the proposed new dwellinghouse.

The application was refused on the grounds that the scheme would result a cramped form of development that would fail to reflect or reinforce the existing pattern of development in the area, to the detriment of its character and appearance. Two further refusal reasons cited the failure of the scheme to provide adequate private outdoor amenity space or to provide safe parking and access arrangements for all users.

The Inspector concurred with the first refusal reason, finding that the shared characteristics of the existing dwellinghouses on Chestnut Close, in particular their regularity, definition as distinct units, and manner in which they address the street, “*gives a distinctive order and consistency to the street scene*”. These characteristics would not be shared by the proposed dwelling, by virtue of which it “*would depart from the prevailing character...have a cramped appearance*” and “*as a result, the proposal would not reflect the order, consistency or pattern of development on Chestnut Close*”.

The Inspector also upheld the third refusal reason, finding that the scheme would not provide suitable parking arrangements and did not demonstrate that unfettered access to the dwellinghouses – both existing and proposed – could be achieved in the event of an emergency.

In relation to the provision of private outdoor amenity space, the Inspector found that there is an established degree of overlooking of back gardens in the area from high-level windows. Given this, and that the paved sitting out area to the rear of the proposed dwellinghouse would be partially obscured in views from existing first floor windows by the bulk of the proposed new building, the Inspector was satisfied that acceptable living conditions would be provided for future occupiers, in particular with regard to the provision of private outdoor space.”

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Head of Development Management
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