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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 20 February 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

To confirm as a correct record the Minutes of the meeting of the Committee held on 16 January 2025.

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 updates.

Planning Applications

8. **Land to the North of Anniversary Avenue Graven Hill Bicester OX25 2BF**
(Pages 5 - 38) **24/02058/F**
9. **Building To Rear Of Ocean House Noral Way Banbury OX16 2AA** (Pages 39 - 51) **24/02693/F**
10. **Bodicote House, Banbury, OX15 4AT** (Pages 52 - 58)
11. **Cherwell District Council Lock29 Castle Quay Banbury Oxfordshire OX16 5UN**
(Pages 59 - 64) **25/00043/NMA**
12. **6 & 7 Castle Quay Banbury OX16 5UH** (Pages 65 - 70) **25/00134/F**

Review and Monitoring Reports

13. Appeals Progress Report (Pages 71 - 87)

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.

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

Queries Regarding this Agenda

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

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 12 February 2025

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 16 January 2025 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 Dr Isabel Creed
Councillor David Hingley
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Rob Parkinson
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill

Substitute Members:

Councillor Dr Chukwudi Okeke (In place of Councillor Becky Clarke MBE)
Councillor Douglas Webb (In place of Councillor Ian Harwood)

Apologies for absence:

Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Grace Conway-Murray
Councillor Ian Harwood

Officers:

Paul Seckington, Head of Development Management
Carlos Chikwamba, Principal Planning Officer
Katherine Daniels, Principal Planning Officer
Rebekah Morgan, Principal Planning Officer
Lewis Knox, Senior Planning Officer
Hansah Iqbal, Planning Officer
Karen Jordan, Deputy Principal Solicitor
Martyn Surfleet, Democratic and Elections Officer
Matt Swinford, Democratic and Elections Officer

Declarations of Interest

8. Land Opposite Hanwell Fields Recreation Adjacent to Dukes Meadow Drive, Banbury

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

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

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

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

10. Playground, Morton Close, Kidlington

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

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

11. Bicester Gateway Business Park, Wendlebury Road, Chesterton

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

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

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

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

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

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

13. Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester

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

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

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

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

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

92 **Requests to Address the Meeting**

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

93 **Minutes**

The Minutes of the meeting held on 5 December 2024 were agreed as a correct record and signed by the Chairman.

94 **Chairman's Announcements**

The Chairman made the following announcement:

1. The Head of Development Management requested that item 14 - TPO 21/2024 be withdrawn from the agenda to facilitate further consideration and clarification of the trees to be protected and update/correct the plans where required. The item was therefore withdrawn from the agenda and would be scheduled to come back to the next planning committee meeting.

95 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

97 **Land Opposite Hanwell Fields Recreation Adjacent to Dukes Meadow Drive, Banbury**

The Committee considered application 24/02514/OUT, an 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 at Land Opposite Hanwell Fields Recreation Adjacent to Dukes Meadow Drive, Banbury, for Mr & Mrs Donger & Manor Oak Homes.

Geoff Armstrong, Agent, addressed the meeting in support of the application.

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

Resolved

That, in line with the officer's recommendation, authority be delegated 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) 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.

CONDITIONS AND REASONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1 Quantum of Development

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 ancillary uses) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order to retain planning control over the use of the site.

2 Statutory Time Limit

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

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

3 Compliance with plans

The development shall not be carried out otherwise than in complete accordance with the approved plans:

- 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
- 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)

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

4 Prohibition of Outside Storage

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.

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.

5 Flood Risk

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.

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.

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 SuDS

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

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

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal.

7 Landscape Planting

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.

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.

8 Landscape Management Plan

Wording TBC as waiting for amended document.

9 Land Contamination not Previously Identified

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

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

10 Archaeology

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.

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).

PRE COMMENCEMENT CONDITIONS

11 Construction Management Plan (CMP)

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; 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 onsite 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;
- 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;
- scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the

construction period for the development.

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.

12 Construction Environmental Management Plan (CEMP) for Biodiversity

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:

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

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

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

13 Arboricultural Method Statement (AMS)

No development shall take place until an Arboricultural Method Statement (AMS) (which includes tree protection measures), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14 Materials

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.

The development shall be constructed in accordance with the approved samples, which shall not be removed from site until the completion of the development.

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.

15 Biodiversity Enhancement Management Plan (BEMP) (pre-com)

Wording TCB by Ecology.

16 Habitat Management and Maintenance Plan (pre-com)

Wording TBC by Ecology.

17 Air Quality

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.

Awaiting comments for Environment Protection on acceptability of AQA before finalising the condition to either a pre-commencement or compliance condition.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

18 Framework Travel Plan

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.

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.

19 Travel Plans

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.

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.

20 Thames Water

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.

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 Water Use

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.

The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.

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.

22 Boundary enclosures

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 Authority. Such approved means of enclosure shall be erected prior to the first occupation of any unit.

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.

23 Lighting strategy

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 Energy Measures

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.

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.

25 Electric Vehicle Charging

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.

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.

26 Scheme of Public Art

Wording to TBC.

98 **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

Councillor Robert Pattenden addressed the Committee as Local Ward Member.

David Bunn, Chairman of Bloxham Parish Council, addressed the meeting in objection to the application.

Matt Bull on behalf of the applicant, addressed the meeting in support of the application.

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

It was proposed by Councillor Hingley and seconded by Councillor Parkinson that application 23/03290/F be refused, contrary to the officer recommendation.

On being put to the vote, the proposal was lost, and the motion subsequently fell.

In line to the officer recommendation, it was proposed by Councillor Creed and seconded by Councillor Biegel that application 24/01906/F be approved.

On being put to the vote, the proposal was won, and the motion was subsequently upheld.

Resolved

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

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the 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 (Sports Centre) (1 of 2) 1205 806 F
- Landscape Mitigation and Enhancement (Sports Pitches) (2 of 2) 1205 807 F
- Column Specification HL250S12 Rev A
- Lighthouse Specification

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

3. No development shall commence including any demolition unless and until a

professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area, and which has been 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 National Planning Policy Framework.

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to the commencement of the development including any demolition (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 National Planning Policy Framework.

5. 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 of the Cherwell Local Plan 2011-2031.

6. 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 Policy ESD10 of the Cherwell Local Plan 2011-2031 and government guidance contained within the National Planning Policy Framework.

7. Prior to the construction of each phase (floodlights, Dewey Sports Centre Extension, car park extension and additional courts) no development of the relevant phase 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.

8. 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.

9. 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.

10. No development of any relevant phase (Floodlighting, dewey sports centre extension, car park extension and additional courts) shall commence above slab level unless and until a scheme for landscaping the relevant phase of 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.

11. No development above slab level of the extension hereby permitted shall take place until a scheme for the soundproofing of the extension has been submitted to and approved in writing by the local planning authority. The approved soundproofing measures shall be implemented in strict accordance with the approved details prior to the occupation/use of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. Full details of any proposed air source heat pumps and solar panels used shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall not be carried out other than in accordance with those approved details and shall be retained and maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the first installation of the floodlighting hereby approved details of the specification of the floodlighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

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

14. The floodlighting hereby permitted shall not be illuminated outside the following times 09:00 to 18:00 Monday to Saturday, nor at any time on Sundays.

Reason: To protect the amenities of nearby residents, safeguard 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.

15. Prior to the first use of the floodlights, 5no netball/tennis courts and/or Dewey building extensions, a Community Use Agreement for that respective element shall be submitted to and approved in writing by the local planning authority. The development shall not be used other than in accordance with the approved Community Use Agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with National Planning Policy Framework.

16. 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.

17. Prior to the first use/occupation of the development hereby approved, or in accordance with an alternative timetable/phasing plan, that has been first submitted to and approved in writing by the Local Planning Authority, the parking and manoeuvring area shall be provided in accordance with the plan approved (Drawing No. [0045 Rev P15 and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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Playground, Morton Close, Kidlington

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

Councillor Ian Middleton addressed the Committee as Local Ward Member.

Harry Ramsey on behalf of the agent, addressed the meeting in support of the application.

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

Resolved

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

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'.

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Bicester Gateway Business Park, Wendlebury Road, Chesterton

The Committee considered application 24/01372/F, 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 at Bicester Gateway Business Park Wendlebury Road Chesterton, for Albion Land (Three) Limited

Emma Lancaster, on behalf of the agent, addressed the meeting in support of the application.

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

Resolved

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

Conditions and reasons

Time limits and general implementation conditions

1 Quantum of Development

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 ancillary uses) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order to retain planning control over the use of the site.

2 Statutory Time Limit

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

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

3 Compliance with plans

The development shall not be carried out otherwise than in complete accordance with the approved plans:

- 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
- 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)

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

4 Prohibition of Outside Storage

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.

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.

5 Flood Risk

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.

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.

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 SUDS

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

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

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal.

7 Landscape Planting

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.

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.

8 Landscape Management Plan

Wording TBC as waiting for amended document.

9 Land Contamination not Previously Identified

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

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

10 Archaeology

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.

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).

PRE COMMENCEMENT CONDITIONS

11 Construction Management Plan (CMP)

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;

- 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 onsite 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;
- 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. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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. 12 Construction Environmental Management Plan (CEMP) for Biodiversity 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:

- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs
- The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

13 Arboricultural Method Statement (AMS)

No development shall take place until an Arboricultural Method Statement (AMS) (which includes tree protection measures), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28

of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14 Materials

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. The development shall be constructed in accordance with the approved samples, which shall not be removed from site until the completion of the development.

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.

15 Biodiversity Enhancement Management Plan (BEMP) (pre-com)

Wording TCB by Ecology.

16 Habitat Management and Maintenance Plan (pre-com)

Wording TBC by Ecology.

17 Air Quality

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. Awaiting comments for Environment Protection on acceptability of AQA before finalising the condition to either a pre-commencement or compliance condition.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

18 Framework Travel Plan

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.

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.

19 Travel Plans

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.

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.

20 Thames Water

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.

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 Water Use

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. The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.

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.

22 Boundary enclosures

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 Authority. Such approved means of enclosure shall be erected prior to the first occupation of any unit.

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.

23 Lighting strategy

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 Energy Measures

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.

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.

25 Electric Vehicle Charging

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.

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.

26 Scheme of Public Art

Wording to TBC.

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

The Committee considered application 24/03319/NMA, for 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 nonmaterial amendment to 24/00600/CDC) at Cherwell District Council Lock 29 Castle Quay Banbury OX16 5UN, for Cherwell District Council.

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

Resolved

That, in line with the officer's recommendation, approval be granted in accordance with the drawing number: 40468_01_ELEV01.

102 **Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester**

The Committee considered application 24/03197/DISC, for Discharge of Condition 7 (means of access) of 15/01615/F at Proposed Sports Pavilion and Sport Field, Whitelands Way, Bicester, for Cherwell District Council

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

Resolved

That, in line with the officer's recommendation, 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'.

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

The Chairman advised that application TPO 21/2024 had been withdrawn from the agenda as issues had been discovered with the submitted plans that required correction. The application would be submitted to a future meeting.

104 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 7.45 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 20 February 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

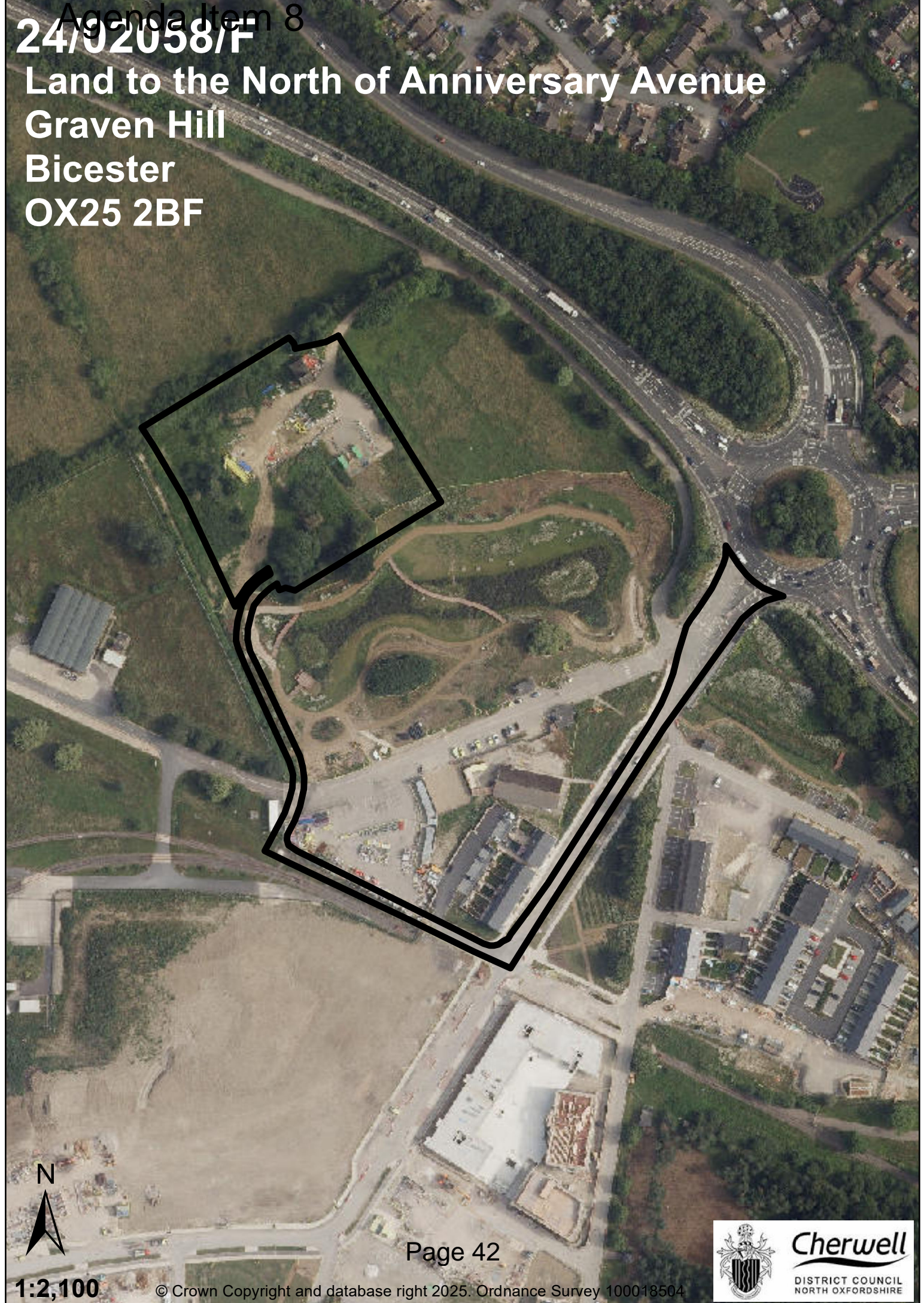
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land to the North of Anniversary Avenue Graven Hill Bicester OX25 2BF	24/02058/F	Bicester South And Ambrosden	Approval*	Andrew Thompson/ Laura Bell
9	Building To Rear Of Ocean House Noral Way Banbury OX16 2AA	24/02693/F	Banbury Hardwick	Approval*	Katherine Daniels
10	Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA	N/A	Adderbury, Bloxham and Bodicote	Approval	Iain Osenton
11	Cherwell District Council Lock29 Castle Quay Banbury Oxfordshire OX16 5UN	25/00043/NMA	Banbury Cross And Neithrop	Approval*	Michael Sackey
12	6 & 7 Castle Quay Banbury OX16 5UH	25/00134/F	Banbury Cross And Neithrop	Approval*	Nina Guy

*Subject to conditions

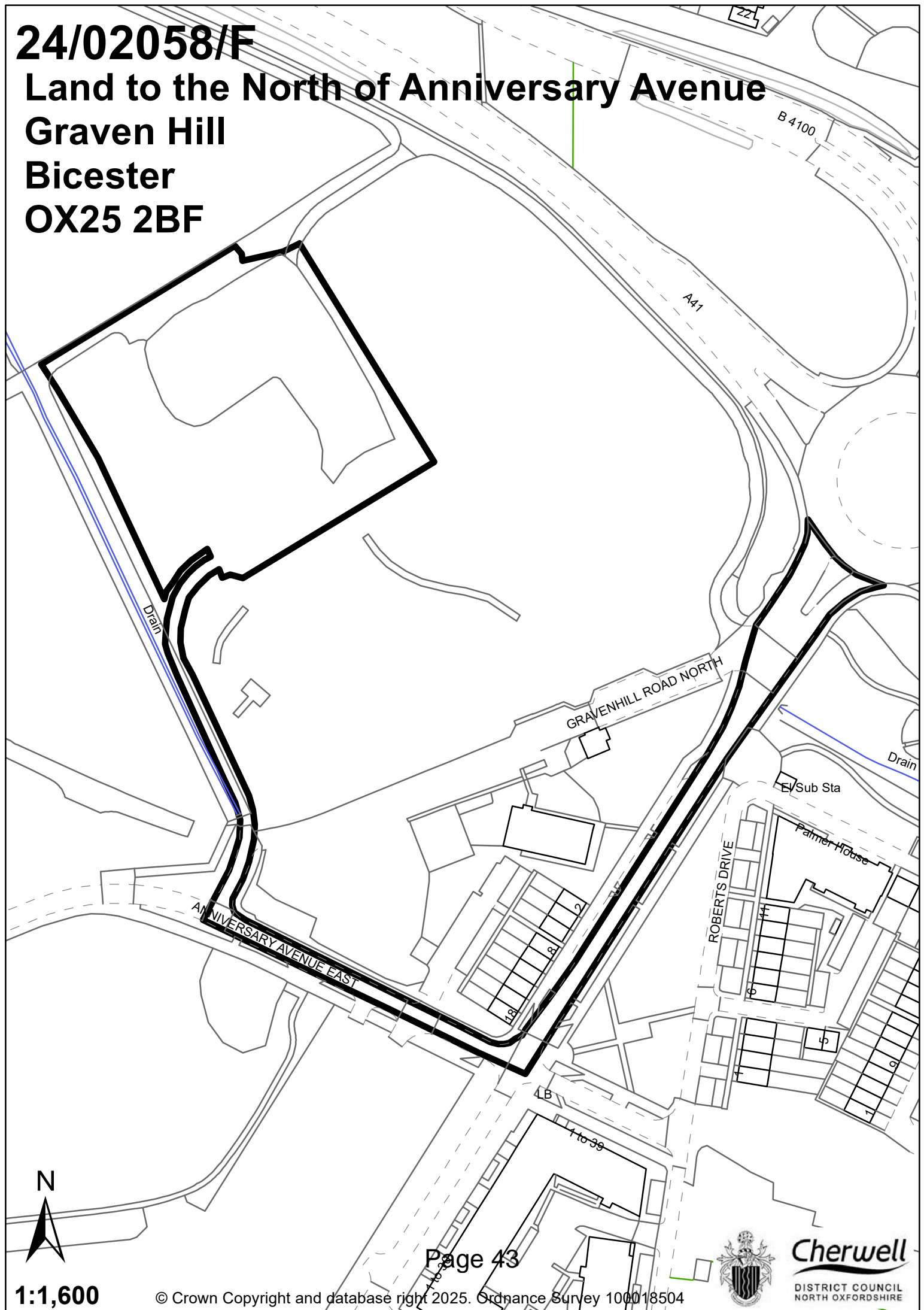
Cherwell District Council Democratic and Elections Team, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA

Land to the North of Anniversary Avenue
Graven Hill
Bicester
OX25 2BF



24/02058/F

**Land to the North of Anniversary Avenue
Graven Hill
Bicester
OX25 2BF**



1:1,600



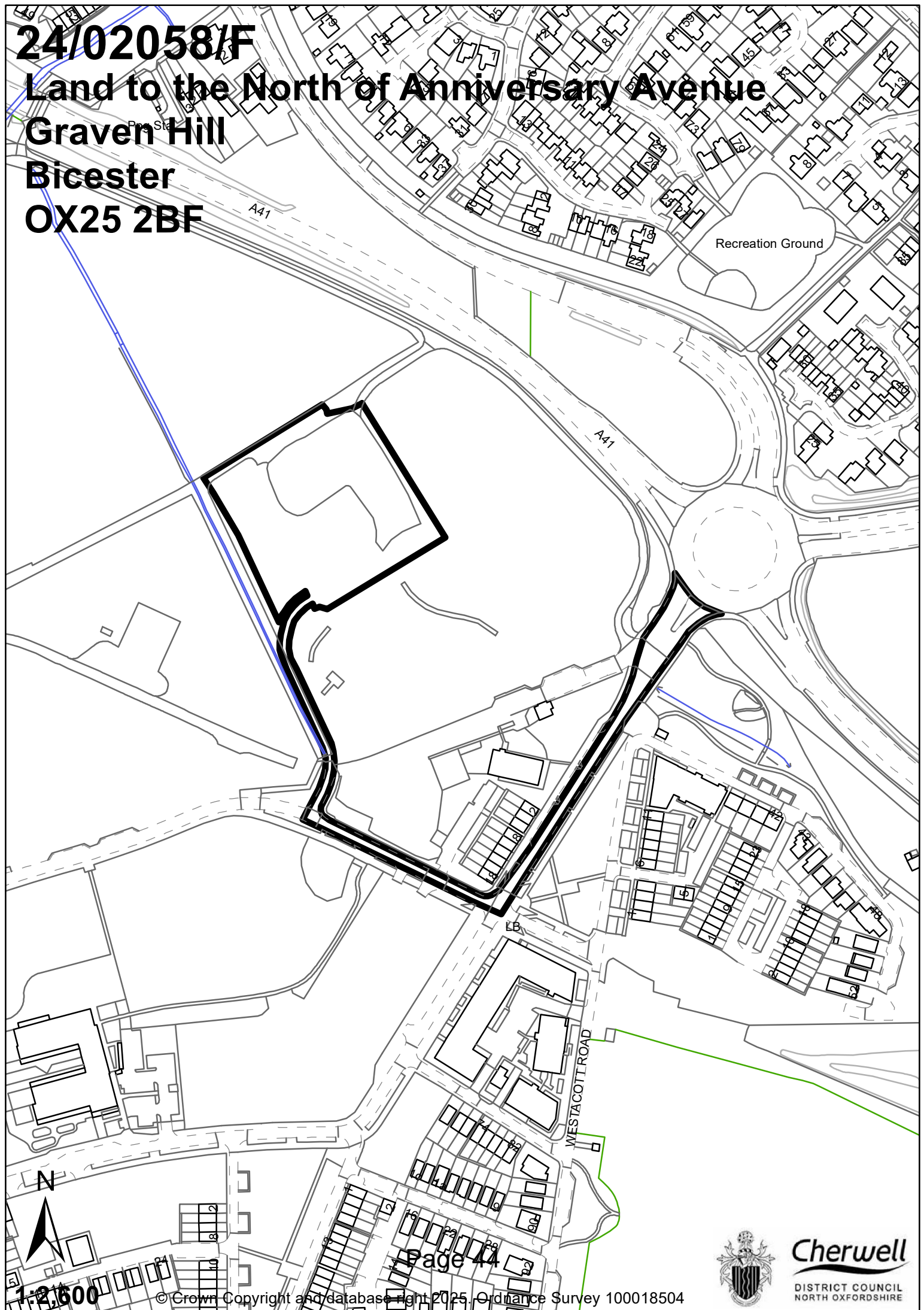
24/02058/F

Land to the North of Anniversary Avenue

Graven Hill

Bicester

OX25 2BF



N



1:2,600



Case Officer: Andrew Thompson/Laura Bell

Applicant: LNT Care Developments

Proposal: Full application for the proposed erection of a two storey building to form a 66 no. bedroom care home for older people with parking, access, landscaping, and associated ground works.

Ward: Bicester South And Ambrosden

Councillors: Councillor Nick Cotter, Councillor Frank Ideh, Councillor Chris Pruden

Reason for Referral: Major development and for development of land owned by Cherwell District Council

Expiry Date: 31 March 2025

Committee Date: 20 February 2025

SUMMARY RECOMMENDATION: DELEGATE TO ASSISTANT DIRECTOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT AND RECEIPT OF A SATISFACTORY NON-MATERIAL AMENDMENT TO THE MASTERPLAN AND RESOLUTION OF THE LEAD LOCAL FLOOD AUTHORITY OBJECTION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site of the principal building and proposals covers 0.99 hectares (2.45 acres) and is located in the Graven Hill development which is still under construction with a number of established residential and commercial properties occupied. The access and redline to the adopted highway extends the site area above 1ha (c.1.2ha) to the roundabout with the A41.
- 1.2. The site previously comprised Rodney House and other buildings associated with the previous MoD use. These buildings were demolished in 2016 (two single storey buildings) and 2020 (a boiler tower).
- 1.3. The application site is located at the northern edge of Graven Hill Village, close to the main entrance junction off the A41 Bicester to Aylesbury Road. A Masterplan and Design Code were produced by the overall developer of the strategic allocation, which is the Graven Hill Village Development Company, in 2015 and have been amended since, which are material considerations. The site for this application is located within an area of amenity space.
- 1.4. The site currently comprises vacant grassland surrounded by unmanaged areas of tall ruderal vegetation, dense scrub, and scattered trees. A small part of the site was most recently used as a site compound for construction activities on the wider Graven Hill site.

- 1.5. The site was previously identified as the proposed Bicester Health and Wellbeing Hub (application reference: 21/01454/F) which received a resolution to grant before being withdrawn.
- 1.6. The surrounding residential development consists of 1-to-5-bedroom homes and a number of self-build plots. To the north the existing dwellings consist of semi-detached and detached housing with a variation of 1, 2 and 3 storeys.

2. CONSTRAINTS

- 2.1. The application site is within the Graven Hill Allocation which is set out as a predominantly brownfield site to the south of Bicester which is proposed for a mixed use development of 2,100 dwellings, significant employment land providing for high quality job opportunities, associated services, facilities, and other infrastructure. The housing development also includes the provision of extra care housing and the opportunity for self-build affordable housing.
- 2.2. The site is also located close to a priority habitat for grassland and ponds which support Great Crested Newts are found in the locality.
- 2.3. Gas pipelines run close to the site and the site is also identified as potentially contaminated land. The site is close to a medium pressure gas pipeline.
- 2.4. Other consultation zones and constraints in the area related to airfield activities are not relevant due to the height of the proposal not exceeding the height or including being of qualifying development.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is set out as a full application for a 66-bed care home for older people with associated access, parking, and landscaping.
- 3.2. The submitted Planning Statement states that the proposals will allow the site to make an important contribution towards an identified need for new care accommodation and provide general residential and dementia care. It will be made available for local people in need of care and staffed by local people, in a highly appropriate, sustainable, and accessible location.
- 3.3. Care Homes fall within Use Class C2 (Residential Institutions) and are classed as specialist housing for older people. The proposed development will address an identified need for care beds within the region. The proposed care home will be a local facility, employing local people and housing residents from the local community or with a local connection.
- 3.4. The development comprises:
 - single room accommodation with en-suite wet room facilities throughout.
 - a variety of high-quality internal amenity spaces, including a shop and cinema.
 - level and amenable access throughout and vertical lift access between floors.
 - an expanse of attractive and useable landscaped gardens and surrounds.
 - 3400 sqm (Gross Internal Area) over two-floors.
 - 25 no. parking spaces (including 3 accessible and 6 EVCP) and 13 cycle spaces.

- 3.5. The applicant sets out that the proposals are designed with resident's comfort and well-being at the heart of the consideration, in order to provide excellent day-to-day amenities and facilities that reflect modern day domestic comforts. These facilities are particularly important for residents, who will rely upon easy and amenable access, regular activity, entertainment, and familiar settings in order to maintain a good quality of life and well-being.
- 3.6. The applicant sets out that the scheme is designed to be fully compliant with the Care Standards Act 2000.
- 3.7. The applicant sets out that wide corridors primarily allow for ease of movement and an open and social environment throughout, but they also have interesting features to provide visual diversity which helps residents with wayfinding by easily being able to identify the different parts of the building.
- 3.8. The development will be split over two-storeys with a building height of c. 7.9m (to the highest parapet). It should be noted that the lower parapet height will be marginally lower in height at 7.5m. Within the building footprint, there is servicing, plant, and back-of-house space. In addition to the main building there is also an ancillary meter house/garden store, bin store, cycle store and battery housing for the solar panels.
- 3.9. The configuration of the proposed care home has been designed to create a building of a suitable and reflective scale to the local setting and neighbouring development. The building provides an attractive frontage from Anniversary Avenue and will provide development on a current greenfield site.
- 3.10. The layout provides a central hub, that is easily accessible from all areas of the care home. The building is positioned to allow communal areas to maximise the views of the surrounding landscape, whilst benefiting from good privacy and amenity. The care home will benefit from high quality landscaping at the front and rear of the development, providing an attractive setting surrounding the development.
- 3.11. All bedrooms will enjoy views of the surrounding gardens and ground floor rooms facing onto the courtyards or residents garden will have direct access to the garden/courtyard, respectively. Bedrooms will enjoy views into the rear gardens (framed by attractive landscaping) alongside views onto the wider Graven Hill development.
- 3.12. The main entrance is situated facing south east with ancillary parking located to the south of the site. This enables a contained and private garden space to the site's southern boundary. The building will provide an attractive frontage from Anniversary Avenue with in-keeping design and material palette.
- 3.13. A high-quality landscaping scheme will ensure the site contributes to biodiversity throughout its lifetime. New planting will provide trees and vegetation that support and enhance local habitats and wildlife connectivity. This approach also ensures that the site and landscaping arrangements are beneficial to the needs and quality of life of future residents.
- 3.14. Secured landscaped areas around the buildings will have direct access from ground floor bedrooms. These spaces will be used by residents and will provide space for planting that will enhance the wider area's character and amenity.
- 3.15. Soft landscaping will comprise of trees, shrubs, flowerbeds, including raised planters and lawn (using native/indigenous and sensory species where appropriate). Hard

landscaping will also be provided to allow level surfaced pathways around the building so residents of different mobilities can use them easily and safely.

- 3.16. The nature of the use requires a uniform window pattern; however, this reflects the character of residential development in the wider area and emphasises the glazing features central to the building's elevations. Windows will be dark framed, recessed, and large to complete the attractive and coordinated façade and enable a large amount of natural light infiltration.
- 3.17. The roof will be flat which will integrate well with the general character of the area. The nature of the flat roof will also reduce the scale and massing of the proposal.
- 3.18. Solar Photovoltaic (PV) Panels are proposed on the roof of the care home. The solar panels are mounted into the roof and will provide sustainable energy for the proposed care home.
- 3.19. The overall façade treatments provide a high-quality, visually interesting façade, that is suited to the surrounding area's character whilst being distinctive in its own right (therefore being easily recognisable); overall this will strengthen and enhance the area's sense of place.
- 3.20. In addition to the care home there are also ancillary buildings comprising of the bin store, meter house/garden store, cycle store and battery housing for the PV panels. These are placed in the most appropriate location for them on the site and will be housed in materials that complement the main building design.
- 3.21. The application is supported by the following documents:

- Planning Statement
- Design And Access Statement
- Transport Statement and Travel Plan
- Arboricultural Impact Assessment
- Tree Survey
- Tree Protection and Removal Plan
- Archaeological Advice Note
- Biodiversity Net Gain Assessment
- Biodiversity Net Gain Assessment Metric
- Flood Risk Assessment and Drainage Strategy
- Sustainability and Renewable Energy Statement
- Noise Impact Assessment
- Preliminary Ecological Appraisal

- 3.22. The application has also been updated during the course of the application to include information pertaining to Great Crested Newts and the District Licence Scheme.

4. RELEVANT PLANNING HISTORY

- 4.1. Graven Hill as an allocation has a long and varied planning history since the original approval of the outline planning permission. The following planning history is considered relevant to the current proposal:

21/03749/F - Variation of condition 2 (plans) of 19/00937/OUT - The submitted proposals show the relocation of the Community Centre, Extra Care Facility, Nursery and Pub, as explained in the submission. The masterplan is amended to include these proposals, and excludes the employment land, for clarity – Approved 22/03/2022.

21/00585/REM - Sites B, C, D and E MOD Bicester, reserved matters application to 19/00937/OUT - Proposed details of Western access road. Approved 30/9/21.

19/00937/OUT - Variation of Conditions 2 (plans), 28 (Phasing) and 29 (Masterplan and Design Code) of 18/00325/OUT - to amend the site wide phasing plan and to include proposed earlier phasing for the employment land. (Original outline reference 11/01494/OUT, amended by 15/02159/OUT.

16/01802/OUT - Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1,900 homes; local centre to include a 2-form entry primary school (class D1); a community hall of 660m²; five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1,358m²; up to 1,000m² gross A1 uses; a pub/restaurant/hotel (class A4/A3/C1) up to 1,000m² and parking areas; employment floor space comprising up to B1(a) 2,160m², B1(b) 2,400m², B1(c) and B2 20,520m² and B8 uses up to 66,960m²; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure; erection of a 70,400m² fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas) – Application approved.

N.B. The above application 21/03749/F is the most up to date outline planning consent issued for the wider Graven Hill site and includes the site set out in this report.

11/01494/OUT - Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking, and circulation areas. (Permitted 23.1.2012)

4.2. The site:

21/01454/F - Proposed Bicester Health and Wellbeing Hub which received a resolution to grant before being withdrawn.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, 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 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:

- 6.3. Graven Hill Village Development Company Limited (“GHVDC”): Object on the impact of the proposals on the ability of the Company to implement the overall masterplan and the variation in the proposals from the masterplan. If a care home permission is implemented in this location it will render it physically impossible to complete the remaining 190 homes permitted by Stage 1 in the context in which they are permitted whereby this land is used as green space. This is known as the Pilkington Principle and has been amplified by a case known as the Hillside Case.
- 6.4. The GHVDC also comment that the Council’s EHO should satisfy the Council that the proposed mitigation will be enough to insulate against likely levels of noise which will be created by the Sports Pitches (including the pavilion and community centre) once in use.
- 6.5. Further the GHVDC comment that there is a slight error in relation to retained tree T13. The trunk for this should be shown within the red line to the LNT Proposal such that conditions to protect it can be applied to any planning permission if permitted.
- 6.6. 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. BICESTER TOWN COUNCIL: No objection

- 7.3. **OCC HIGHWAYS: No objections** subject to a s106 Contributions towards public transport and travel plan monitoring and appropriate planning conditions

7.4. ENVIRONMENTAL PROTECTION: No objection subject to conditions

General: 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 should be conditioned.

Noise: Having read the noise report provided I am satisfied with its contents and findings and have no further comments

Contaminated Land: No objection subject to appropriate conditions.

Air Quality: No objection subject to a condition requiring an air quality impact assessment to identify the impact of the development on local air quality and implementation of appropriate mitigation.

Odour: There is potential for the development to be affected by odours from the nearby Sewage Treatment works. An odour assessment should be conditioned and mitigation carried out.

Light: A lighting condition should be added.

- 7.5. **ENVIRONMENT AGENCY: No comment** – the LPA are advised to use the Environment Agency’s Flood Risk Standing Advice (FRSA)

7.6. CDC DRAINAGE: **No comments or objections.** Agreed that the site is not subject to material flood risk. The surface water management strategy is based on a maximum discharge.

7.7. LEAD LOCAL FLOOD AUTHORITY: **Holding Objection:** The LLFA previously requested details of how the allowable discharge rate has been calculated. It is important that this is based on the developable area rather than the whole site area. The FRA has been revised to Issue 3. It is not clear whether there is a missing surface water drainage strategy document that would address our concerns.

(NB A drainage strategy was submitted to the LPA on 4 February 2025 and has been forwarded to the LLFA for comment)

7.8. THAMES WATER: **No objection with comments and recommended conditions**

Waste Comments: Recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development does not materially affect the sewer network and as such we have no objection; however, care needs to be taken when designing new networks to ensure they do not surcharge and cause flooding. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development does not materially affect the sewer network and as such we have no objection; however, care needs to be taken when designing new networks to ensure they do not surcharge and cause flooding.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

There are public sewers crossing or close to the development.

SURFACE WATER - approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

FOUL WATER no objection to the planning application, based on the information provided.

WATER COMMENTS There is an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.

7.9. BUILDING CONTROL: **Comment.** It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010. It is recommended that consideration be given to the provision of a sprinkler system in care homes. Site plans show limited access routes around the premises and a secure garden area. It should be ensured that suitable fire service access can be provided in accordance with Approved Document (B)

7.10. BUCKINGHAMSHIRE, OXFORDSHIRE, AND BERKSHIRE WEST INTEGRATED CARE BOARD (NHS) – **No objection** subject to a contribution of £23,760 towards

enhancement of the Alchester Medical Group surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.

- 7.11. BICESTER BIKE USERS GROUP – **Comment.** We have a particular concern that the current design of the development is very car dependent. The current design closes off the opportunities for visitors, residents, or employees to travel between the facility or the town centre or Langford Park by wheelchair, mobility scooter, foot, or cycle.

The issue is that the shortest and quickest route for non-motorised means of transport is from the existing means of access to the former Rodney House social centre site is via the northeastern corner. This connects via land due for development to the A41 underpass, to the London Road, and to the Langford Fields park via a new parallel crossing over the London Road currently in development with Active Travel England funds. This route has been earmarked to be preserved in the Local Cycling and Walking Infrastructure Plan

- 7.12. COMMUNITY AND INFRASTRUCTURE TEAM: **No objection.** Seek a contribution towards community hall, outdoor sport, and indoor sport provision.
- 7.13. CHERWELL SWIFTS CONSERVATION PROJECT: **No objection.** Pleased to see that some provision for integrated swift nest bricks is proposed. However, this is a large building and offers ample space for this type of biodiversity enhancement. The bricks themselves are inexpensive and unobtrusive and once used; the presence of swifts would add to the well-being of residents. Propose that a minimum of 12 integrated nest bricks should be a condition of approval of the application. This would be closer to the figure recommended in the Council's Guidelines for the Built Environment.
- 7.14. NATURESPACE: Should you be minded to approve planning for the above planning application there are mandatory conditions and informatives within the submitted Report (on pages 6/7) that must be used in verbatim on the decision notice. This is in order to comply specifically with conditions in the council's district licence.

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
- SLE4: Improved Transport & Connections
- BSC8: Securing Health & Well-Being
- BSC10: Open Space, Outdoor Sport, and Recreation Provision
- BSC11: Local Standards of Provision -Outdoor recreation

- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15: The Character of the Built and Historic Environment
- Policy Bicester 2: Graven Hill

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Cherwell Design Guide (2018)
- Graven Hill Master Plan (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- OCC Walking and Cycling Strategy for Bicester Area
- OCC Design for Streets
- LTN1/20

9. APPRAISAL

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

- Principle of development
- Design and character of the area.
- Highways and access
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Sustainable Construction
- S106 and Conditions
- Environmental Impact Assessment Regulations
- Public Sector Equality Duty

Principle of Development

Policy Context

- 9.2. The application site is the same as the proposed Health Hub proposals which obtained a resolution to grant in 2022. There have been no substantive changes to the allocation or the Development Plan since that time and the emerging local plan proposes to save the allocation for development at Graven Hill. The site would be considered to be previously developed land.
- 9.3. The application site falls within a far larger adopted local plan strategic mixed use but primarily residential site. Part of that policy (Bicester 2) notes that there is need for care facilities within the site allocation.
- 9.4. The current land use plan for the development of the wider site is confirmed in Condition 2 of 21/03749/F (as amended by 24/00597/NMA) as Amenity Space. This falls within the policy definition of 'General green space (parks and gardens/natural semi-natural/amenity green space).'
- 9.5. A non-material amendment to vary the outline permission to ensure that there are no legal ramifications related to the implementation of the masterplan has been agreed. Determination of this application would not be made until such time as that has been completed appropriately in order to ensure there are no legal issues arising.
- 9.6. There is a total of 34.94ha Amenity Space shown on the plan, which together with other land meeting the general green space definition (woodland 27.64ha and amenity woods 10.39ha) provides a total of 72.97ha of general green space. The site area for the application measures ~0.99ha, meaning that there is a remaining 71.98ha of general green space.
- 9.7. CLP Policy Bicester 2: Graven Hill allocated the site for 2,100 dwellings though the outline consent granted, most latterly by 21/03749/F is for only 1,900. Multiplying the overall allocation of 2,100 dwellings by an average household size of 2.4 people would give a population of about 5,040 people.
- 9.8. CLP policy BSC11: Local Standards of Provision – Outdoor recreation sets a requirement of 2.74ha per 1000 rural/urban edge dwellers, equating to a minimum requirement of 13.61ha of general green space. Without the inclusion of the application site, there is presently more than five times the amount of general green space required on site.

Assessment

- 9.9. The application site is within an area designated for development as the Policy includes the provision of extra care/nursing home on Graven Hill.
- 9.10. The application site is also currently designated, by virtue of a master plan for the wider site, as an area of green space. However, the over provision of green space for the Bicester 2 strategic development as set out above is such that even at the designated number of dwellings in the Policy there is considerable overprovision and even more if the extant consent for the scheme of 1,900 dwellings is considered. In addition, and as set out above, permission for a health hub on the land was previously supported by a resolution for approval being made, which provides further support for this proposal in principle.

Conclusion

- 9.11. The proposals accord with adopted policy Bicester 2, as the wording of the policy explicitly notes that the use is part of development proposals on Bicester 2. Further the site being previously developed land also weighs heavily in favour of the development.
- 9.12. The loss of an area of green space given the considerable overprovision for the site as a whole is such that it is not contrary to policy with respect to adopted policy for green space and amenity provision.

Design and character of the area.

Policy Context

- 9.13. 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 fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 echo this. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policies BSC10 and BSC11 outline the requirements for open space provision on sites of this scale which has been discussed above.
- 9.14. Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 –5 is also set out as a requirement of Policy Bicester 2.
- 9.15. Policy Bicester 2 highlights that creative experimentation is encouraged with a view to achieving the informal, vibrant, and easy-going feel desired. The development aims to offer the highest level of design freedom with only the 'generic' site-wide design rules here being applied to residential properties.
- 9.16. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.17. The submitted Design and Access Statement sets out that the residential properties through Graven Hill vary in terms of their type, design, and overall appearance. This creates a vibrant built environment with contrasting bricks, render colours and overall design. Dominant materials include an array of red brick types, white coloured render with grey cladding alongside both flat and gable rooflines. The materials are used in different combinations throughout the existing built environment which creates an interesting and visually diverse environment.
- 9.18. The nature of the use requires a uniform window pattern; however, this reflects the character of residential development in the wider area and emphasises the generous glazing features central to the building's elevations. Windows will be dark framed, recessed, and large to complete the attractive and coordinated façade and enable a large amount of natural light infiltration.

- 9.19. The roof will be flat which will integrate well with the general character of the area. The nature of the flat roof will also reduce the scale and massing of the proposal. Solar Photovoltaic (PV) Panels are proposed on the roof of the care home.
- 9.20. The solar panels are mounted into the roof and will provide sustainable energy for the proposed care home. The application is supported by a sustainability statement which outlines that the proposal complies with the Council Policies ESD1-5 through the provisions of appropriate forms of renewable energy (including Ground Source Heat Pumps and Solar PV panels) and waste will also be regularly monitored and appropriately managed through construction and operation stages.
- 9.21. The proposed layout, design, materials, and landscaping have been designed to be resilient, minimise energy demand and maximise the benefits of natural heating, cooling, and ventilation. Local materials will be sourced where possible and landscaping will be improved with new planting to enhance biodiversity in the immediate area.
- 9.22. The applicant also sets out that the ground floor layout of the building provides easy access for staff and residents to the landscaped gardens. This relationship between indoor and outdoor space is a key element of the proposal, as the connection between indoor and outdoor amenity spaces increases the quality of the environment which is important for the wellbeing of residents.
- 9.23. The scheme would continue to build on the contemporary designs and the overall masterplan and the character of the wider Graven Hill development. The scheme would use the roof space to support renewable energy, and the proposals would be an enhancement in terms of the layout to the previously approved Health Hub due to the increased landscaping and garden space.
- 9.24. The façade treatment would be reliant on the recesses and nuances proposed in the contemporary design detail and therefore it will be necessary to have care to these elements in the discharge of materials conditions to avoid the uniformity of the building becoming blander and more institutional in appearance.

Conclusion

- 9.25. Overall, the proposals design and layout would be acceptable in terms of the overall character of the area. The proposal includes attractive landscaping and gardens which would create a high quality landscaped character to the proposals and the proposed design and use of a simple materials palette would be appropriate.
- 9.26. The proposals have also been designed to mitigate the impact of the proposals on climate change and include significant provision of renewable energy.
- 9.27. Overall, it is considered that the proposals would be in accordance with Policy Bicester 2, ESD1-5, ES13, and ESD15 of the Cherwell Local Plan 2015, saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Highways and Access

Policy Context

- 9.28. The Bicester 2 strategic allocation requires that the development on the overall site comply with ESD 1, which if taken together with material non-statutory documents such as LTN1/20 and the Bicester Cycling and walking strategy, requires that new

development should be in a sustainable location and offer a choice of modes of transport to users of the facility.

9.29. At Paragraph 115 the NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

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

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

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

9.30. Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios. This test is reflected in Policy SLE 4 of the Cherwell Local Plan.

Assessment

9.31. In response to Bicester Bike Users Group (BBUG) the applicant has explored and understood the desire to improve cycle connectivity throughout the Graven Hill development. However, the applicant highlights that the request for a cycle route in this location is not viable and does not consider the proposed use as a residential care home for older people. The indicative markup of the Site Plan shows a cycle way running through the secure landscaped garden of the care home. Given the nature of the use, this area needs to be enclosed for residents' safety and will be attractively landscaped to create an aesthetically appealing environment for residents.

9.32. The care home during its lifetime will cater to a broad spectrum of needs including Dementia care so the implementation of a cycle path through the garden space is not a practical addition or something the care home operator would want in this area. The response also refers to residents of the care home benefiting from the proposed connection which will not be the case as the users of the home will likely have serious mobility issues requiring 24/7 residential care and as a result certainly will not be cycling. It should also be noted that in response to separate Highways comments the applicant has increased the cycle parking provision on site to 16 spaces to encourage cycling as mode of transport to the proposed development.

9.33. It is further noted that the provision of a cycle link could still be made to the north of the application site and principal connections to the surrounding area can be still achieved without diversion.

9.34. Officers note that the Bicester LCWIP promotes crossing at the roundabout with the A41 and the underpass to London Road to the north with perimeter routes along the A41 connecting the two crossing points. A route in this location is not shown as part of the LCWIP.

- 9.35. Further it is considered that the route proposed by Bicester BUG would not be the most direct route to shops and facilities or to the crossing points of the A41 and would compromise the operation and amenity of the proposed care home.
- 9.36. It is noted that a route was not proposed, nor did it form part of the Health Hub scheme (reference: 21/01494/F) and was not requested by Bicester BUG at that time.
- 9.37. It is noted that OCC Highways have raised no objection to the proposals and are satisfied with elements of highway safety and parking provision which shows 25 parking bays, including 6 charging stations. Three spaces are shown as being capable of being used for disabled parking provision and space for emergency vehicles is safeguarded at the building entrance.
- 9.38. The level of cycle parking is currently shown as 16 spaces (including 10 within a cycle store and 3 Sheffield hoops). This is the agreed provision of cycle spaces for visitors and staff.

Conclusion

- 9.39. As such the proposals would support the use of the site in a safe manner and through the design and layout would promote the use of sustainable modes of transport. Whilst the comments of the Bicester BUG have been carefully and fully considered it is considered that the proposals to add further connections through the site would not be viable or attractive as part of the wider masterplan.

Heritage Impact

Legislative and policy context

- 9.40. Policy ESD 15 of the adopted Local Plan seeks to protect Heritage assets alongside the requirements of s66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. The guidance in the National Planning Policy Framework is also noted.

Assessment

- 9.41. There are no listed buildings or conservation areas in the vicinity of the site.
- 9.42. The application site is situated in an area of archaeological interest and Iron Age and Roman settlement features were recorded ahead of the construction of the pond immediately south of the nearest house. An archaeological evaluation undertaken to the east of the application site also recorded a series of Roman linear features. It is therefore likely that further archaeological deposits would be present on the site and be impacted by the development.
- 9.43. John Moore Heritage Services carried out an archaeological investigation at the site in 2022 and concluded that there are no further archaeological constraints to the scheme. The approved report for this work has not been submitted with the scheme should be submitted with the application to demonstrate that the archaeological potential of the site has been examined.

Conclusion

- 9.44. The applicants have submitted an archaeological written note. No comments have been received however Officers have liaised with County Archaeology Officers. It is noted that conditions were requested as part of the Health Hub proposals, and as a result of the updated work, County Archaeology Officers consider that the policy

requirement to protect Heritage assets is satisfied and whilst they would prefer for the John Moores Report to be submitted as part of this application, it is the view of Officers that the work has been completed and that the archaeological note submitted by the applicant is appropriate in this instance.

Ecology Impact

Legislative context

- 9.45. 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.
- 9.46. The Regulations require competent authorities to consider or review planning permission, applied for, or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.47. The achievement of Biodiversity Net Gain (BNG) as a statutory requirement was introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Policy Context

- 9.48. 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.
- 9.49. 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.
- 9.50. 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.
- 9.51. 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.

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

Assessment

- 9.54. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it is 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 is 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 are not affected at each stage (this is known as a 'condition survey')

- 9.55. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site is close to a stream and ponds and that 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.

- 9.56. The application is supported by a suite of ecological supporting documents and detailed Biodiversity Enhancement Management Plan which concluded that the terrestrial habitats at the Site were assessed during the survey visit, for their suitability to support Great Crested Newts (GCN) and were considered to offer GCN with minimal shelter, foraging and dispersal opportunities categorised as 'poor.' The GCN eDNA survey water sampling was undertaken at P1, P2, D1 and D2 on 21st June 2024. The result of the survey was negative for P1 & D2 (GCN likely absent) and positive for P2 & D1 (GCN likely present). Given the established likely presence of GCN at P2 and D1 it is considered reasonable to conclude that GCN may potentially be encountered within, and dependant, at least in part, on, terrestrial habitats at the Site. Therefore, the species poses a constraint to the proposed works. The Site is located within a Nature Space Partnership (NSP) GCN Amber Risk Zone. Nature Space state: 'Amber zones contain suitable habitat and GCN are likely to be present.' P2 which is located 200 m west of the Site falls within the Nature Space Red Risk Zone.

- 9.57. A formal enquiry to enter the Site into the NSP and West Oxfordshire District Council Great Crested Newt District Licencing (NSP GCN DL) scheme has been

prepared and submitted to NSP for determination. A copy of this is on the planning file.

- 9.58. In respect of BNG the submission sets out that there will be an 8.75% gain in Habitat Units and a net gain of 2.88 Hedgerow Units, which is a 976.47% uplift and a 15.49% increase in Watercourse Units. This should be achieved via the implementation of a Biodiversity Enhancement Management Plan (BEMP) that will be implemented during the construction phase and 30-years post-development to achieve the target net gain. The implementation of the BEMP is a proposed condition.
- 9.59. The key Enhancement, Ecological and Management objectives in order to achieve this aim are described as follows:
- Retention and/or enhancement of key habitat types to retain existing habitat structure for use by foraging/commuting bats and birds, and potential wildlife corridor links for invertebrates and small mammals. The functionality of the existing retained habitat will also be maintained for nocturnal wildlife, namely bats, via the implementation of a sensitive lighting strategy; and
 - Long-term management, involving producing a habitat management plan (HMP) which details a long-term (30 years) monitoring and management regime. Works undertaken in accordance with good industry practice guidance.
- 9.60. Officers are satisfied, on the basis of the advice from the Nature Space 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.

Flood Risk and Drainage

Policy Context

- 9.61. 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.'
- 9.62. 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.
- 9.63. 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

- 9.64. The application is supported by a Flood Risk and Drainage Strategy which has been updated and received on 4 February 2025. The updated comments of the LLFA have been sought.
- 9.65. 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.
- 9.66. Development is not proposed within areas where the risk of surface water flooding should arise, and the proposals include significant areas of sustainable drainage potential.
- 9.67. It should be noted that the watermains which service much of Graven Hill are operated by GTC, not Thames Water. As a result, it may well be the case that there is insufficient capacity within the Thames Water infrastructure, however, the development is not proposing to discharge through this network. The proposed condition in relation to water requirements is therefore not necessary.

Conclusion

- 9.68. Subject to confirmation of no objection from the LLFA to the recently received information and considering the application site is located in Flood Zone 1 and the applicant's updated Flood Risk Assessment and Drainage Strategy, the proposals are considered to be acceptable and in accordance with Development Plan policy and national planning policy guidance subject to conditions.

Sustainable Construction

- 9.69. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.
- 9.70. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan and the County Councils Electric Vehicle Infrastructure Strategy (2021).
- 9.71. The application is supported by a Sustainability Strategy and includes the provision of electric vehicle charging points, significant levels of Solar PV on the roof and other measures to reduce waste and energy use. It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

S106 Contributions

Policy Context

- 9.72. Policy INF1 of the CLP 2015 states that: “Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”
- 9.73. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.74. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e., legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development;
 - c) Fairly and reasonably related in scale and kind to the development.
- 9.75. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.76. The proposals include contributions to meet healthcare provision, public transport, and monitoring of the Travel Plan for the premises. These contributions have been fully assessed and are considered to be compliant with the tests. Other contributions would not be considered appropriate due to the nature of the use (i.e. a care home for those with the need for high levels of care that are unlikely to access external facilities (i.e. local outdoor sport provision, the local indoor sports centre for example) and impact on the local infrastructure.

Environmental Impact Assessment Regulations

- 9.77. As part of the application submission, Officers assessed the proposals against the EIA Regulations as the wider Graven Hill site is subject to EIA. The proposal is well below the threshold of a development falling within Schedule 2, Section 10(b)(iii) of the Regulations, where the area of development exceeds 5 hectares which is the applicable threshold for the purpose of classifying the development as Schedule 2 Development. It is noted that the proposals are just below the 150dwelling threshold set out in Part (ii). The site is not within a ‘sensitive area’ as defined by Schedule 3 of the Regulations. For the development to be considered EIA development, it would be likely to have significant effects on the environment by virtue of factors such as the developments nature, size, or location. Irrespective of the considerations on the planning merit it is considered that this proposal is unlikely to have significant

environmental effects for the purposes of the EIA Regulations and that the proposal is not EIA Development.

Duty under The Equalities Act 2010

- 9.78. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.79. Officers have considered the application and resolved that the following protected characteristics are affected or potentially affected by the application in terms of age and potentially disability. The proposals and considerations have been made with knowledge and without prejudice to the requirements of the future residents and based on the policies of the development plan. It is considered that there would be benefit for residents of the above protected characteristics generated by the supply of new accommodation.

10. PLANNING BALANCE AND CONCLUSION

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

Positive - Economic

- 10.2. The proposals would create the opportunity for the delivery of care provision and specialist housing on an allocated site. In light of the Council’s housing land supply, this attracts significant positive weight given the scale and opportunity presented.
- 10.3. The support to the Development Plan and national objectives also supports long-term investment choices. This should be given substantial and significant weight.
- 10.4. The creation of construction and future jobs in terms of the provision of care services carry significant positive weight.
- 10.5. s106 contributions should also be afforded positive weight.

Positive benefits – Social

- 10.6. The proposals would provide the opportunity for the provision of specialist housing and dementia care on an allocated site.

10.7. The proposals would also present a positive uplift to the area and appearance to the wider area.

Positive benefits - Environmental

10.8. Environmentally the proposals would offer a modern development that would accord with building regulations and include substantial renewable energy. The proposals would also secure biodiversity net gain and new habitats. This should carry significant positive weight.

10.9. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable.

Negative Impacts – Economic

10.10. There are no identified material negative economic impacts that are identified, any minor impacts (e.g. on the existing occupants of the Graven Hill) could be mitigated accordingly.

Negative Impacts – Social

10.11. The proposals could have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a limited negative consideration on the social well-being of residents as it is a matter which could be managed through appropriate mitigation and management of the construction process. The loss of an element of the former open space has also been considered.

10.12. Overall, the impacts on the existing residents of the surrounding should be given moderate weight.

Negative Impacts – Environmental

10.13. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.

Overall Conclusion

10.14. It is clear that the positive elements of the proposals present a clear and significant benefit to the District both in terms of specialist housing and the delivery of care-based jobs. There would be connections and improvements to the surrounding area. The objections, comments, and concerns of Bicester BUG in particular have all be carefully considered but in considering the development as a whole it is clear that the delivery of this allocation should be supported in the view of officers subject to the resolution of matters with the Lead Local Flood Authority. The proposal is considered to be in compliance with the Development Plan, in particular Policy Bicester 2 Cherwell Local Plan 2015, and in considering the Development Plan as a whole and the aims and objectives of the National Planning Policy Framework the proposals are recommended for approval.

11. RECOMMENDATION

DELEGATE TO ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT AND RECEIPT OF A SATISFACTORY NON-MATERIAL AMENDMENT TO THE MASTERPLAN AND RESOLUTION OF THE LEAD LOCAL FLOOD AUTHORITY OBJECTION

- :
- a) Payment of a financial contribution of £23,760 (index linked) towards primary health care provision serving the locality
 - b) Payment of a financial contribution towards public transport services serving the development
 - c) Payment of a financial contribution of £1,985 (RPIx Index Linked from April 2024) towards travel plan monitoring
 - d) Payment of the Council's monitoring costs of £1000

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31 MARCH 2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. **In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate transport, healthcare and monitoring costs required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE4 and INF1 of the Cherwell Local Plan 2011-2031 (2015)**

CONDITIONS/REASONS FOR REFUSAL

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.
 - Site Location Plan (Ref: OX25 2BF A-01)
 - Topographical Survey (Ref: OX25 2BF A-02 Rev A)
 - Proposed Site Plan (Ref: OX25 2BF A-03 Rev B)
 - Proposed Floor Plans (Ref: OX25 2BF A-04)
 - Proposed Elevations (Ref: OX25 2BF A-05 Rev A)
 - Proposed Internal Elevations (Ref: OX25 2BF A-05.1 Rev A)
 - Proposed Bin Store (Ref: SDL-033 Rev A)
 - Proposed Cycle Store (Ref: CYSH-PREM-2250 X 3000 X 2100 Rev A)
 - Proposed PV Meter Housing (Ref: SDL-090.4 Rev A)
 - Proposed PV Battery Housing (Ref: PV-01)
 - Tree Protection and Removal Plan (Ref: WIE AA 72 002 Rev P02)
 - Arboricultural Constraints Plan (Ref: WIE AA 72 001 Rev P02)
 - Soft Landscaping Detail (Ref: 24_330_101 Sheet 1 and Sheet 2)

Proposed Block Plan (Ref: A-03)
Vehicle Tracking (Ref: A-07 Rev A)
GCN Impact area (Ref: A-01.1)
Drainage Strategy (Ref: GHBO-BSP-ZZ-XX-DR-C-SK240 Rev P05)
EV Charger Details (Ref: EVQRTMD-04)
Details Of Solar PV Ref: JAM60S21-355-375)

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.

Samples/Materials

3. A schedule and detail of external materials to be used in the construction 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 be carried out in accordance with the samples so approved.

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

Sections – window reveal and architectural detail.

4. Prior to above ground works commencing section details of window reveals, gable projections and material and façade treatment (including those detailed at Paragraph 5.37 of the submitted Design and Access Statement) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the samples so approved.

Reason: The proposals use a contemporary design solution with architectural treatment to ensure design interest and ensure that the proposals create interest and achieve a high quality design. These further details are required to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Timing of Landscaping

5. All planting, seeding or turfing shown on Soft Landscaping Detail (Ref: 24_330_101 Sheet 1 and Sheet 2) 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 in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Retention of hedge

6. The existing hedge(s) shown as G2 in the approved Arboricultural Impact Assessment (Ref: WIE11386-182-R-4-4-1-AIA Issue 3) along the north west boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

Tree T1

7. No development shall take place until the existing tree T1 to be retained on the south east boundary (shown on approved plan Ref: WIE AA 72 002 Rev P02) has been protected in accordance with the approved Arboricultural Impact Assessment (Ref: WIE11386-182-R-4-4-1-AIA Issue 3) unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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

Parking/Turning/Manoeuvring Areas

8. The approved parking and turning/loading/unloading facilities (shown on Proposed Site Plan (Ref: OX25 2BF A-03 Rev B) shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning/loading/unloading spaces shall be retained for the parking and turning/loading/unloading of vehicles at all times thereafter.

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

Surface Water

9. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved

in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the building hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Unidentified Contamination

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

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

Construction hours

11. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996.

Construction Method Statement and CTMP

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

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

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

Biodiversity Enhancement Plan

13. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Biodiversity Enhancement and Management Plan (Issue 1.0) 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 the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework

District Licence Condition

14. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land to the North of Anniversary Avenue: Impact plan for great crested newt District Licensing (Version 1)", dated 8th January 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

District Licence Condition

15. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Swift Boxes

16. Prior to above ground works details of the location and height (being at least 4.5m above ground level) of at least 12 swift boxes shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To support nature conservation aims to support the enhancement of swift population in accordance with the aims to support Biodiversity Enhancement of the development.

Sustainability

17. The development hereby permitted shall be constructed in accordance with the recommendations of the approved Sustainability & Renewable Energy Statement (Dated November 2024)

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

Electric Vehicle Charging Points

18. Prior to the first occupation of the development the approved six electric vehicle charging points (shown on Proposed Site Plan (Ref: OX25 2BF A-03 Rev B and EV Charger Details (Ref: EVQRTMD-04) shall be installed and made available for use.

Reason: To ensure approved electric vehicle charging points are implemented into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

Cycle Parking

19. Notwithstanding the submitted details prior to commencement of the development hereby approved, covered cycle parking facilities (with a minimum capacity of 16 bicycles) shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

LEMP

20. Prior to construction of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

Solar Panels Implementation

21. Prior to any occupation of the building the solar PV panels shown on plan number Proposed Floor Plans (Ref: OX25 2BF A-04 – Roof Plan and Details Of Solar PV Ref: JAM60S21-355-375) shall be implemented and made available for use.

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

Travel Plan

22. Prior to first occupation a Full Travel Plan based on the approved Draft Travel Plan should be submitted to and agreed in writing by the Local Planning

Authority.

Reason: To ensure that the development promotes sustainable transport and active travel in accordance with the Policies Bicester 2 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and in accordance with Government guidance contained within the National Planning Policy Framework.

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Healthcare	£23,760.00	First occupation or an alternative agreed trigger	<p>Necessary – This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.</p> <p>Directly related – Yes. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.</p> <p>Fairly and reasonably related in scale and kind – Yes</p>
Public transport services contribution	£tbc	First Occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision.</p> <p>Directly related –</p>

			<p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – TBC</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans.	£1,985 index linked from April 2022 using RPIX Index	At appropriate stages	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
CDC Monitoring Fee	£1,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule

Building To Rear Of Ocean House
Noral Way
Banbury
OX16 2AA



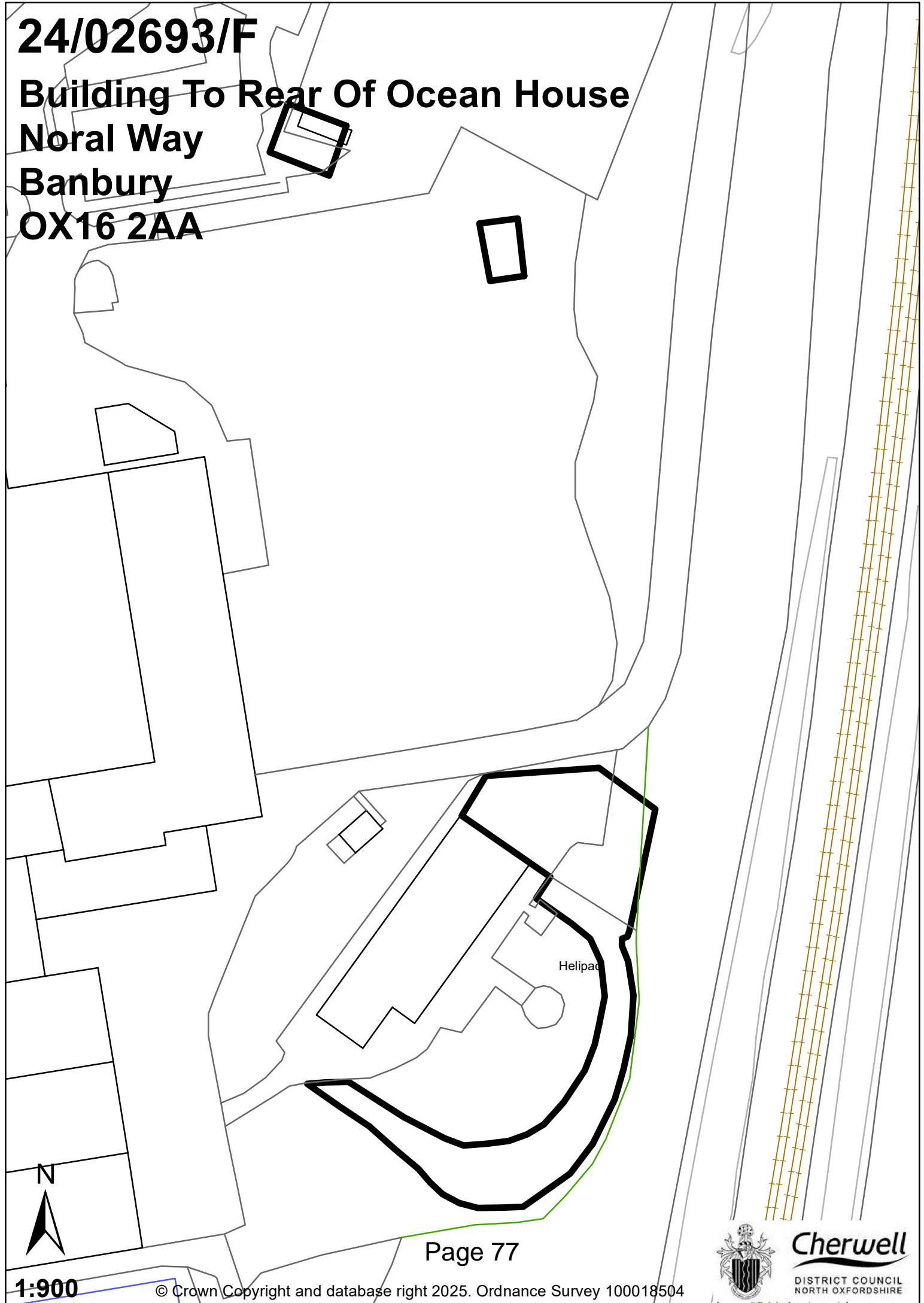
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Building To Rear Of Ocean House

Noral Way

Banbury

OX16 2AA



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**Building To Rear Of Ocean House
Noral Way
Banbury
OX16 2AA**

Balancing
Pond

El Sub Sta

Ocean House

Helipad

MP 87.75

Ward Bdy

Towing Path (um)

Ward Bdy Oxford Canal

Ward Bdy

N



Case Officer: Katherine Daniels

Applicant: DCS Group UK

Proposal: The erection of a transport Office, vehicle storage building, maintenance building extension, and road track to the vehicle storage building (Part-Retrospective)

Ward: Banbury Hardwick

Councillors: Councillor Crichton, Councillor Thornhill, Councillor Brasha

Reason for Referral: Major development resulting in 1,000+ sq. m floor space

Expiry Date: 17 January 2025

Committee Date: 20 February 2025

SUMMARY RECOMMENDATION:

GRANT DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a parcel of land on the DCS Group site. The site is located in the north of the town of Banbury, at the end of Noral Way and to the east and north of the existing building at Ocean's House. The application site is currently occupied by the existing lorry park and an area of grassland. The wider site of Ocean's House is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road to the east and Oxford Canal to the south. The former SAPA works to the west has now been redeveloped as large employment units occupied by The Entertainer and Amazon.
- 1.2. The site is located in an existing strategic employment site, as identified in the Cherwell Local Plan. It is within an area of potentially contaminated land. The site is not located in a conservation area and there are no listed buildings in the immediate vicinity.

2. CONSTRAINTS

- 2.1. The site is not located within a conservation area and there are no listed buildings in the immediate vicinity of the application site. The site lies within an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The Transport Office, Vehicle Storage Building, a Maintenance Building extension, and a road track to access the vehicle storage facility at Noral Way, Banbury. The application seeks approval for the development of new facilities to enhance

operational efficiency and capacity at the existing industrial site. The Vehicle Storage building was granted planning permission under planning application ref. 21/03949/F on 8th February 2024. As part of this application, the use, scale, and appearance of the building is remaining the same as that approved. The only difference being applied for as part of the subject application is a slight change in location of the building itself.

- 3.2 The road track, vehicle storage building, and transport office are retrospective elements of this application, as construction for these components has already commenced. The maintenance building extension is not retrospective.

4. RELEVANT PLANNING HISTORY

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

Application: 01/00781/F Permitted 22 June 2001

Erection of extension to contain and sort finished goods prior to despatch

Application: 04/01491/F Permitted 26 August 2004

Extension to provide extended Finished Goods Store, New Components Store and by-pass road to allow continuation of one-way site traffic

Application: 09/00097/F Permitted 13 March 2009

Change of use of existing buildings from class B2 and ancillary B1(A) to flexible uses: use class B2 and/or B8 and ancillary B1(A).

Application: 11/01868/F Permitted 10 February 2012

Refurbishment of premises to include changes to external appearance of the building, and new entrance and gatehouse totalling 175sqm. External changes involving new car parking, hard standing, landscaping, footpaths, and amenity areas.

Application: 16/00927/F Permitted 8 July 2016

Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a)

Application: 16/01610/F Permitted 13 October 2016

Erection of dual helicopter hanger, formation of access roadway, path, helipads, and fencing/gates

Application: 17/00484/F Permitted 27 April 2017

Installation of proprietary bunded helicopter refuelling tank to rear of existing warehouse

Application: 19/00010/F Permitted 19 June 2019

Erection of warehouse extension, and relocation of lorry park and drivers amenity building, together with associated external works

Application: 19/01254/F Permitted 23 December 2019

Relocation of existing loading canopy and replacement with "infill" warehouse between existing warehouses

Application: 21/00427/F Permitted 28 April 2021

Variation of Condition 2 (plans) of 19/00010/F - Minor changes are proposed to the approved scheme: new roof profile direction (same overall volume), changes to the elevations of the warehouse

Application: 21/01854/F Permitted 26 March 2024

The proposals comprise the following changes: -

_The area immediately in front of the warehouse has been simplified to reflect the need for more manoeuvring space for the lorries, and the need to separate further the circulation of cars from lorries on the site.

_The "future parking extension area" of the previous application has been designed and built out.

_There is a new extension to the east elevation of the proposed warehouse, which will house fork lift chargers.

_Two mezzanine levels have been added within the latest warehouse extension.

_A new entrance canopy and an additional area of second floor offices has been added to the proposals. No change in staff numbers is forecast, with the additional space providing meetings rooms, an executive office suite allowing relief to more cramped office conditions elsewhere.

_New "over-cladding" has been introduced along the north elevation.

_A replacement lorry drivers cafe.

Application: 21/03949/F Permitted 8 February 2024

Erection of a vehicle storage and roadway maintenance building

Application: 24/02371/F Permitted 9 December 2024

Variation of Condition 2 (plans) of 19/00010/F - amendments to the wording of condition

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **17 December 2024**, although

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

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

7.2. BANBURY TOWN COUNCIL: **No objections**

7.3. OCC HIGHWAYS: **no objections** subject to compliance with S106 obligations and transport/highways conditions relating to planning application 19/0010/F.

7.4. OCC LEAD LOCAL FLOOD AUTHORITY: Holding Objection as comments required from others regarding developing in flood risk areas. Sufficient freeboard in the attenuation basin should be maintained.

7.5. OCC ARCHAEOLOGY: **No objections**

7.6. ENVIRONMENT AGENCY: **No objections**

7.7. THAMES WATER: Have no objections to Foul Water and no objections to surface water drainage.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigation and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – Oxford Canal

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal

- ENV1 – Development likely to cause detrimental levels of pollution.
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area.
- Heritage Impacts
- Neighbour amenity
- Flooding and Drainage
- Ecology

Principle of Development

9.2. The application site is identified in the Cherwell Local Plan 2011 – 2031 Part 1 ('CLP 2015') as an existing strategic employment site. Policy SLE1 of the CLP 2015 states, in part, that: *on existing operational or vacant employment sites at Banbury...employment development, including intensification, will be permitted subject to compliance with other Policies in the Plan and other material considerations.*

9.3. The use of Ocean House falls within Class B8 warehousing with ancillary B1(a) offices. The new warehousing and offices would be ancillary to the main building on the site and be in the same use. The proposed development would not extend outside the existing site and there would be no change of use. Therefore, the principle of development of increasing operational floorspace with ancillary alterations to parking and elevational details is acceptable, with overall acceptability subject to the other material considerations discussed below.

Design, Character & Heritage Impacts

9.4. Government guidance contained within the NPPF requiring good design states that: *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*

9.5. Policy ESD15 of the CLP 2015 reflects this advice and states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Development should respect the traditional pattern of spaces, blocks and plots and the form, scale, and massing of buildings.

9.6. Policy ESD16 of the CLP 2015 states that proposals which would be detrimental to the character and appearance of the Oxford Canal will not be permitted.

- 9.7. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that the standards of layout, design, and external appearance, including the choice of materials, are sympathetic to the character of the context of that development.
- 9.8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.9. The proposed warehouse extension would be of a design form and constructed from materials to match those of the existing warehouse on the site.
- 9.10. The site is well screened from the public domain by nearby buildings and vegetation and would not be clearly visible from the Oxford Canal or from the M40 motorway. The extensions may be visible from the Southam Road development to the north of the site. However, it would be seen in the context of the existing industrial site and would be visually contained within the existing site.
- 9.11. The site is located in close proximity to the Oxford Canal Conservation Area, and, under this proposal, the buildings would be extending closer to the heritage asset. However, the site is well screened from the Oxford Canal and is in an industrial use, which would not change under this application.
- 9.12. It is considered that the development would not cause harm to the character and appearance of the Oxford Canal Conservation Area or the visual amenities of the wider area and that the development is therefore acceptable in this regard.

Neighbour Amenity

- 9.13. Policy ESD15 of the CLP 2015 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.14. Saved Policy ENV1 of the CLP 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.15. Saved Policy ENV12 of the CLP 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site, the development is not likely to result in contamination of surface or underground water resources or the proposed use does not conflict with the other policies in the plan.
- 9.16. The development is set away from the houses (approx. 74m), on the Bellway development to the north to not result in any impact through loss of light or privacy. The boundary to the north comprises of mature vegetation (trees and hedges).
- 9.17. The proposal has the potential to result in additional disturbance to the nearby neighbours through noise, however the Environmental Health Protection Officer does not have any comments on this application. Therefore, the proposal is considered to be acceptable in terms of noise disturbance to the nearby residents.
- 9.18. Overall, the impact on residential neighbours is considered to be acceptable.

Highway Matters

- 9.19. Policy SLE4 of the CLP 2015 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. New development in the district will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.
- 9.20. Government guidance contained within the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Development should first give priority to pedestrian and cycle movements and second to facilitating access to high quality public transport.
- 9.21. The current proposal does not seek to revise any access arrangements and seeks retrospective consent for the construction of the surface level northern staff car park containing 54 no. spaces.
- 9.22. OCC as local highway authority (LHA) has been consulted on the proposals and has sought the following S106 contribution obligations:
- £1,240 to monitor the Travel Plan;
 - £3,120 to administer a Traffic Regulation Order and an additional £1,000 towards lining and signage if the Order is successful.
- 9.23. The Traffic Regulation Order has been undertaken along Noral Way, therefore there is no longer a requirement for this to be undertaken.
- 9.24. In addition, the LHA also seeks a contribution towards the monitoring of a travel plan for staff on site. However, the proposal does not seek to increase staff numbers and has been put forward purely to improve existing facilities/operations for existing employees. Furthermore, the previous approval (16/00927/F and 19/00010/F) imposed a condition to secure the monitoring of a travel plan. As such Officers do not consider the request for money towards further travel plan monitoring to be justified in this case.
- 9.25. Finally, the LHA requests the imposition of a condition to secure revised cycle storage provision on site. Such a request is considered appropriate in this case.

Flooding and Drainage

- 9.26. The LLFA have been consulted on the proposal and have submitted a holding objected to the proposal to allow for further comments from other parties.
- 9.27. The Environment Agency has no objections, and no comments have been received from Thames Water. Therefore, on the basis of the comments received, and the previous applications on site, the proposal is unlikely to result in a detrimental impact on flooding or drainage.

Ecology Matters

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

It also states that LPAs can also ask for:

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

9.29. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a large area of grassland, is adjacent to the Oxford Canal and there are several mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for reptiles, otters, great crested newts and badgers.

9.30. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017, when considering a planning application where ecological protected species (EPS) are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing, the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.31. In respect of planning applications and Councils discharging their legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant a licence then the Council may grant planning permission.

9.32. The Ecologist has raised a query about BNG; however, this application is for a retrospective application and therefore is not required in this particular case. The new element which is not retrospective is on existing hardstanding. Therefore, BNG is not required in this particular case.

10. PLANNING BALANCE AND CONCLUSION

10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The proposed development would help support the local economy by providing improved facilities for an existing business that employs nearly 300 local people on a strategic employment site that is recognised in the Local Plan. The development would provide a development that – through conditions – would ensure that the amenities of neighbouring occupiers are protected. It is therefore considered that the development would comply with the provisions of Paragraph 8 of the NPPF and is acceptable subject to the conditions set out below.

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:
 - Site Location Plan (0712/101)
 - Existing Block Plan (0712/102)
 - Proposed Block Plan (0712/103)
 - Proposed Elevations and Layouts for the Transport Office (0712/115)
 - Proposed Elevations and Layouts for the Maintenance Building Extension (0712/120)
 - Proposed Site Plan, Ground and First Floor Layouts for the Vehicle Storage Building (0712/125)
 - Proposed Elevations for the Vehicle Storage Building (0712/126)

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

Cycle Storage Provision

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

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

Drainage Strategy

4. Notwithstanding the previously submitted drainage strategy, before any above ground works commence, a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the extensions hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

External Lighting

5. Details of the external lighting, including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be

installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

Update to Out of Date Ecological Protected Species Check

6. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked through an updated walkover survey by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous ecological surveys that are now out of date were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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

CASE OFFICER: Katherine Daniels

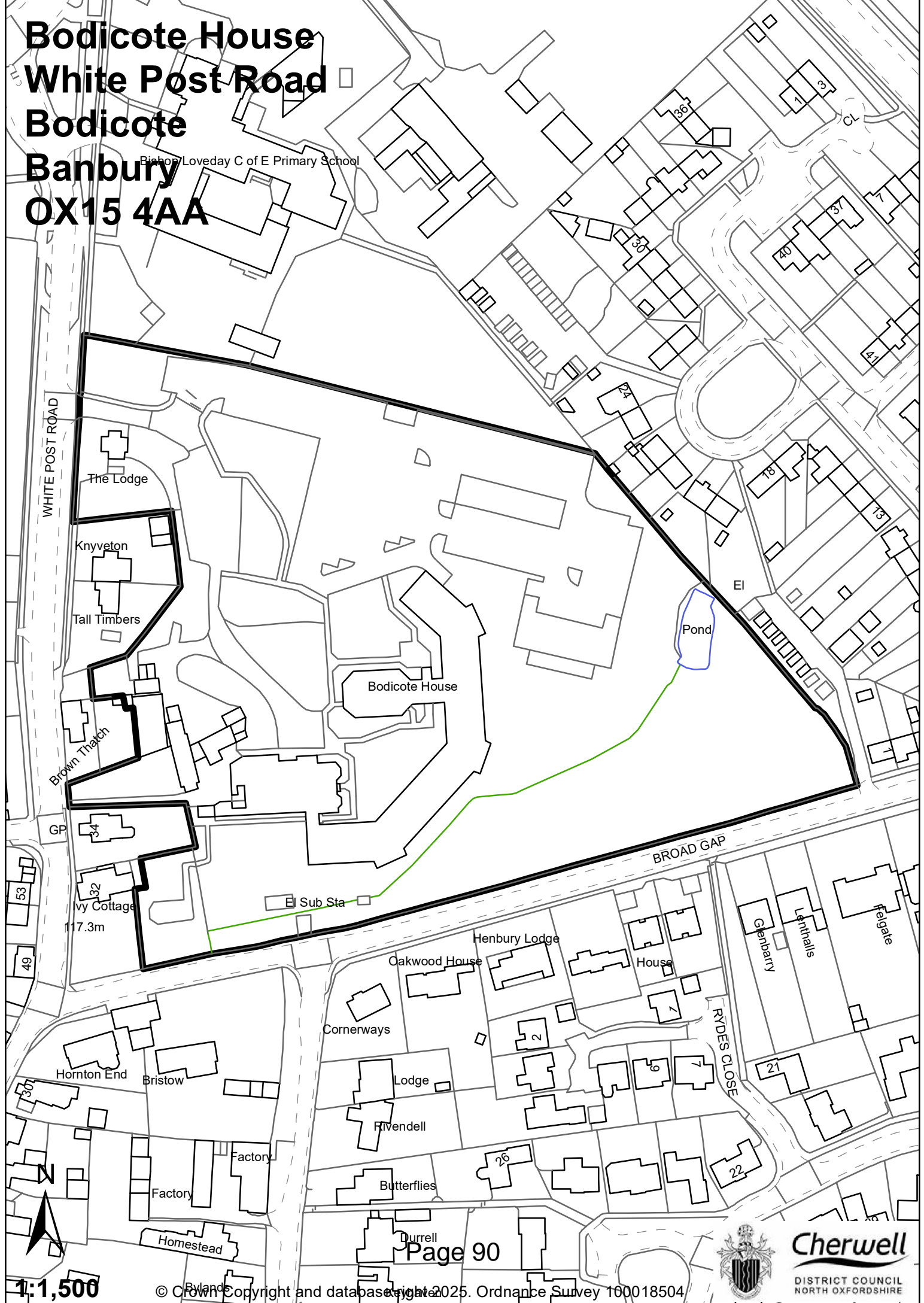
**Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA**



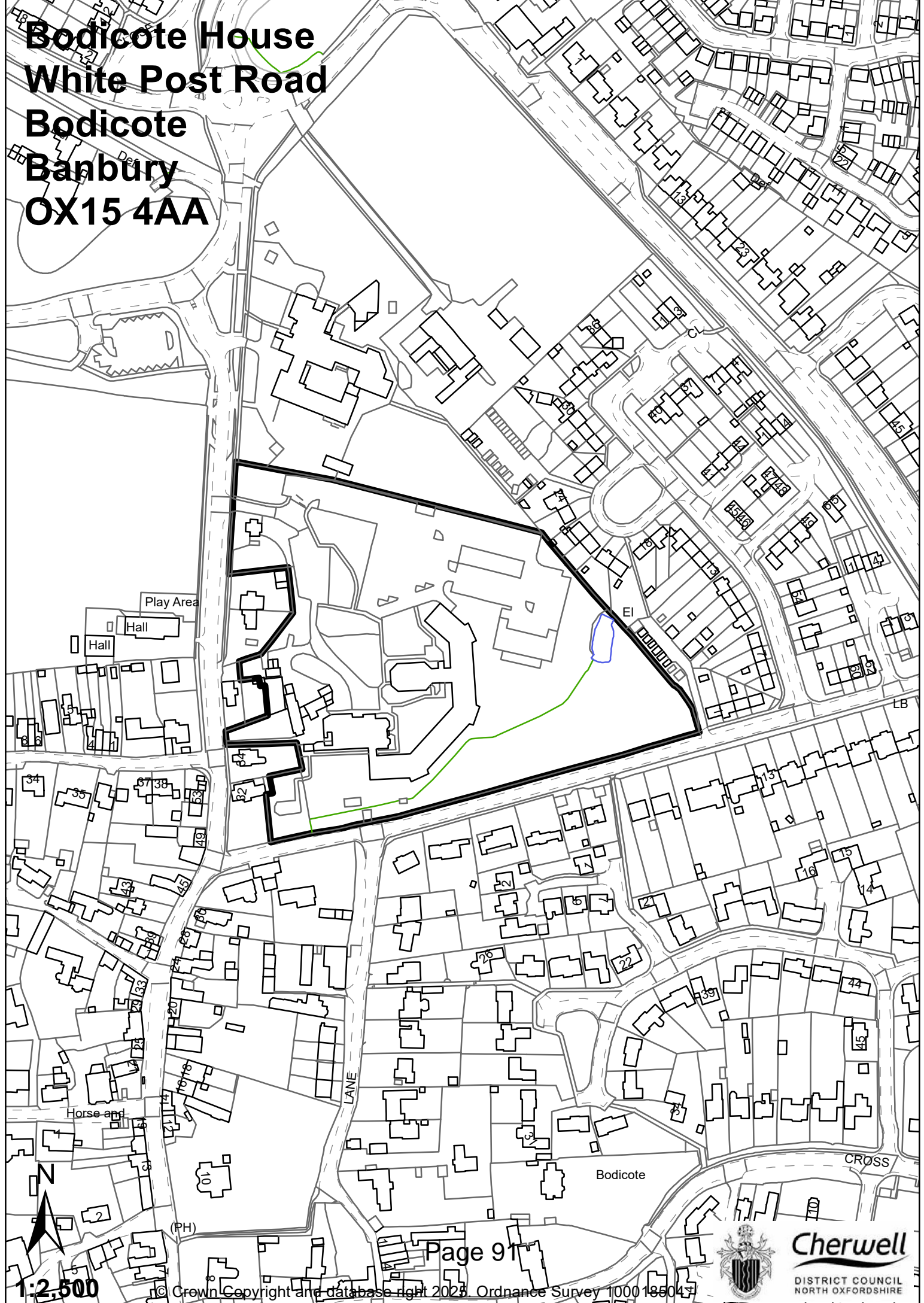
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Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA

Bishop Loveday C of E Primary School



**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

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. RESPONSE TO PUBLICITY

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

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report.

6.2. Cherwell District Council Assistant Director of Property - **No objection**

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)

- 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

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)

8. APPRAISAL

8.1. 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

8.2. The TPO was served both electronically and in hard copy form. 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.

8.3. The arboricultural officers confirm that that the map served with the TPO is compliant with the Regulations and should there be any discrepancies found with the TPO plan,

these can easily be amended upon confirmation of the Order, without the need to officially 'vary' the order.

The amenity value score of the trees

- 8.4. 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.
- 8.5. 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.
- 8.6. 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

- 8.7. The TEMPO guidance includes the receipt of an outline planning proposal as an example of when a 'foreseeable' threat score should be used.
- 8.8. 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.
- 8.9. Thus, the amenity score is defensible, and the expediency score is correct.

Conclusion

- 8.10. The above points highlight that the TPO was served correctly.
- 8.11. 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.
- 8.12. 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.
- 8.13. It is recommended the TPO be confirmed.

9. RECOMMENDATION

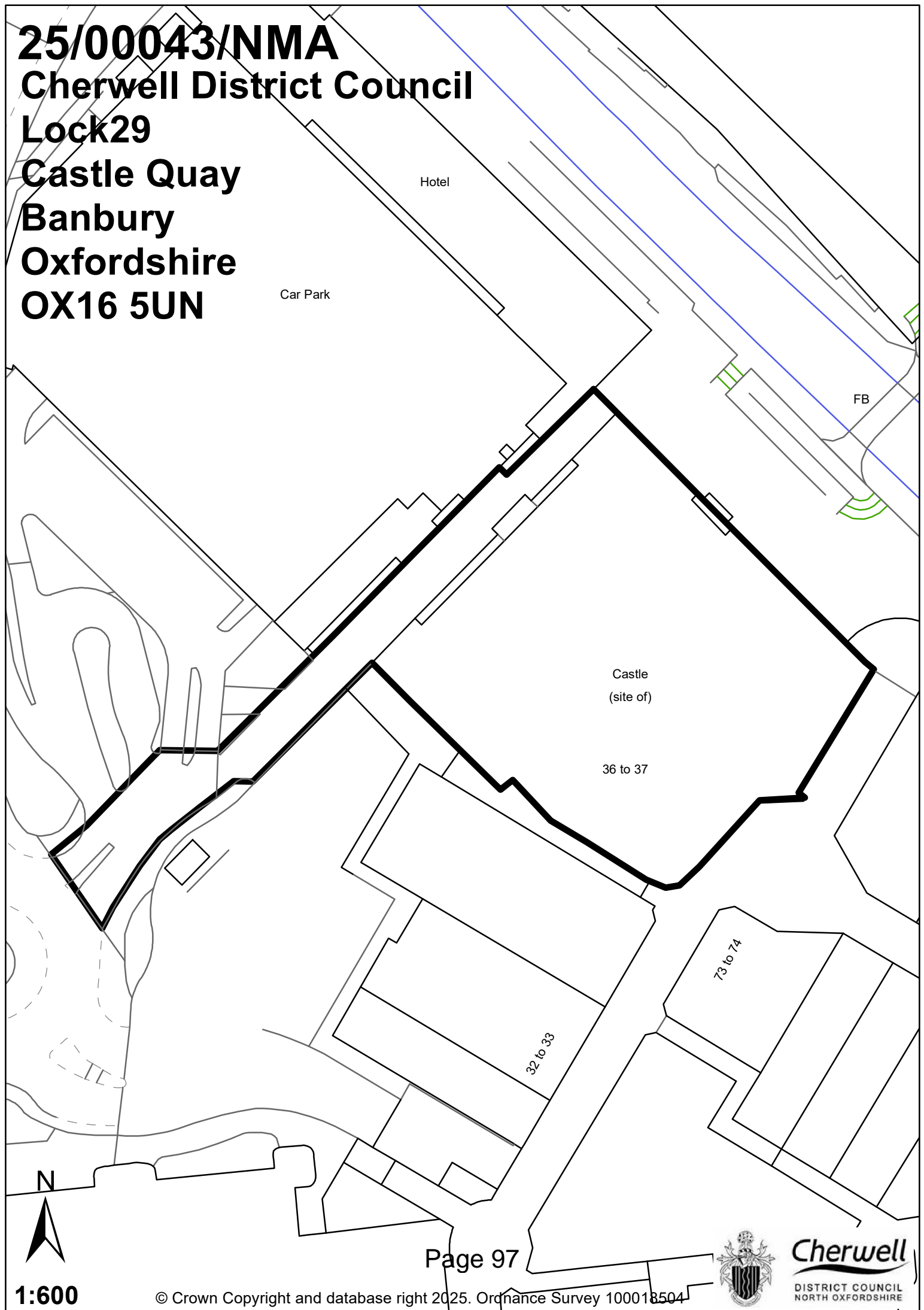
CONFIRM THE TREE PRESERVATION ORDER

CASE OFFICER: Iain Osenton

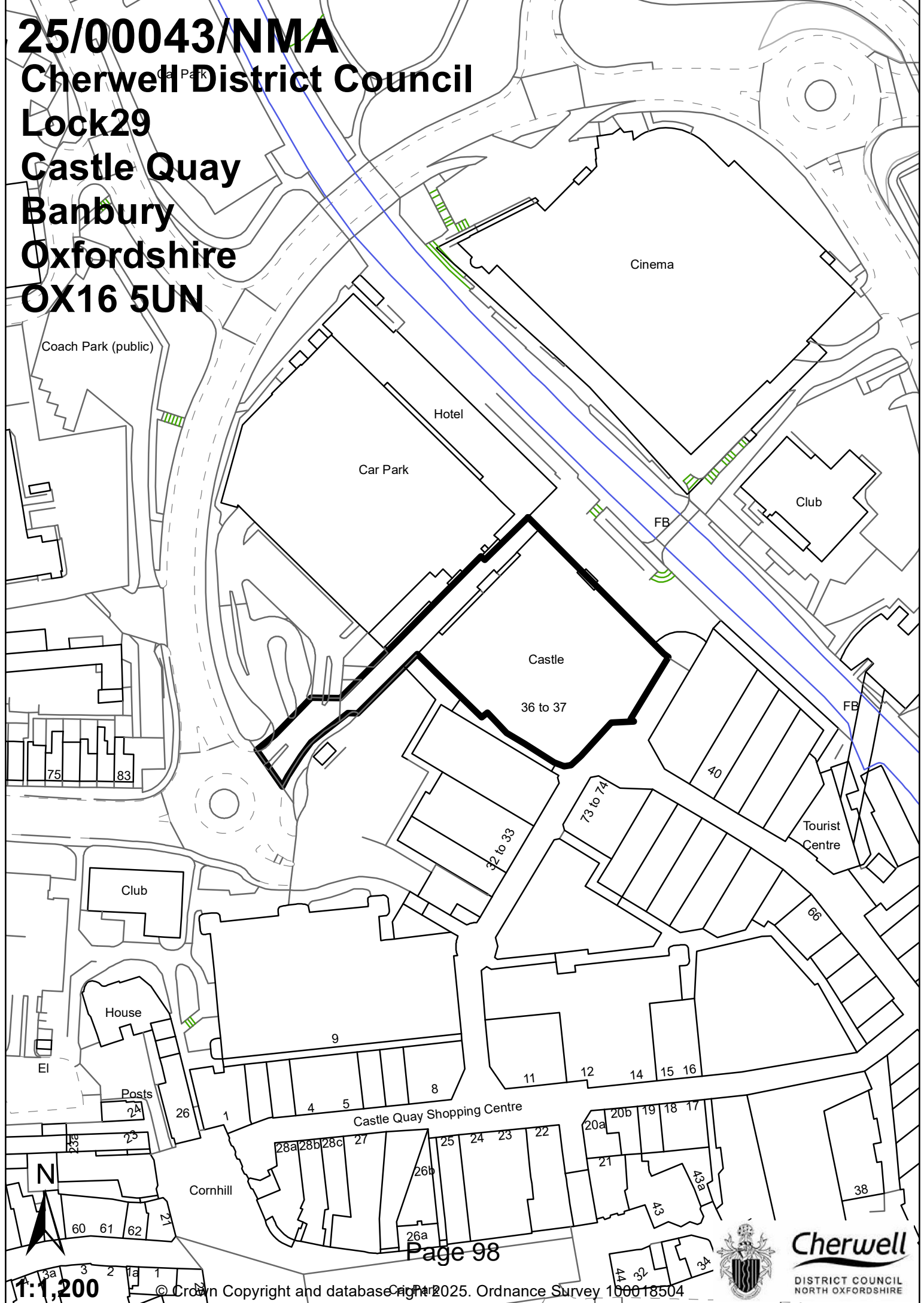
Agenda Item 11
25/00043/NMA
Cherwell District Council
Lock29
Castle Quay
Banbury
Oxfordshire
OX16 5UN



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25/00043/NMA
Cherwell District Council
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Castle Quay
Banbury
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OX16 5UN



Case Officer: Michael Sackey

Applicant: Mr Chris Hills

Proposal: Works to the existing roof are simplified, as well as the addition of 3no new flag poles. Alternative location for Air Handling Unit (AHU); courtyard roof no longer proposed, remain as existing; ductwork step-overs removed, and existing ductwork stepped up and over to form walkway Value (proposed as Non-Material Amendment of 24/01224/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: 24 February 2025

Committee Date: 20 February 2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to 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. 24/01224/CDC, specifically to make the following changes:

- The relocation of an Air Handling Unit (AHU)
- Omission of the previously proposed glazed courtyard roof
- The existing ductwork modified to form a new walkway.
- 3no new flags (to display Cherwell District Council, Union Jack, and Ukraine flags)

4. RELEVANT PLANNING HISTORY

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

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: 24/01150/DISC Permitted 15 July 2024

Discharge of Condition 22 (details of operational plant and mitigation) of 16/02366/OUT

Application: 24/01224/CDC Permitted 15 July 2024

New courtyard roof and roof mounted air handling units

Application: 24/03319/NMA Permitted 17 January 2025

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)

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

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. RESPONSE TO CONSULTATION

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 nonmaterial 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 proposed changes would all be situated on the roof of the existing building and, apart from the proposed flags, given their scale and positioning would not be readily visible from the public domain or within the setting of the Oxford Canal Conservation Area.
- 7.5. The proposed flags benefit from permitted development under (Class 7: flag advertisements – Outdoor advertisements and signs (June 2007)).
- 7.6. Given the permitted development fallback position of the proposed flags, the nature , extent and lack of visibility of the other elements of the proposed, it is considered that the proposed changes would not have any significant visual impact on the site's surroundings or significantly affect the character of the development or locality or raise any new issues in relation to the visual and residential amenity.
- 7.7. 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: 40131_RF-GA

Informative (proposed works)

This consent relates to the redline area of (Drawing No. 7165-GBS-XX-XX-DR-A-104-P01) of the previously approved application reference (24/01224/CDC) and the other works illustrated on the proposed plans which fall outside of the redline area of the original consent are not covered by this permission.

CASE OFFICER: Michael Sackey

Agenda Item 12
25/00134/F

6 & 7 Castle Quay
Banbury
OX16 5UH



1:300

25/00134/F

6 & 7 Castle Quay

Banbury

OX16 5UH

9

8

5

4

Castle Quay Shopping Centre

27

28b

28c

25

26b



1:200

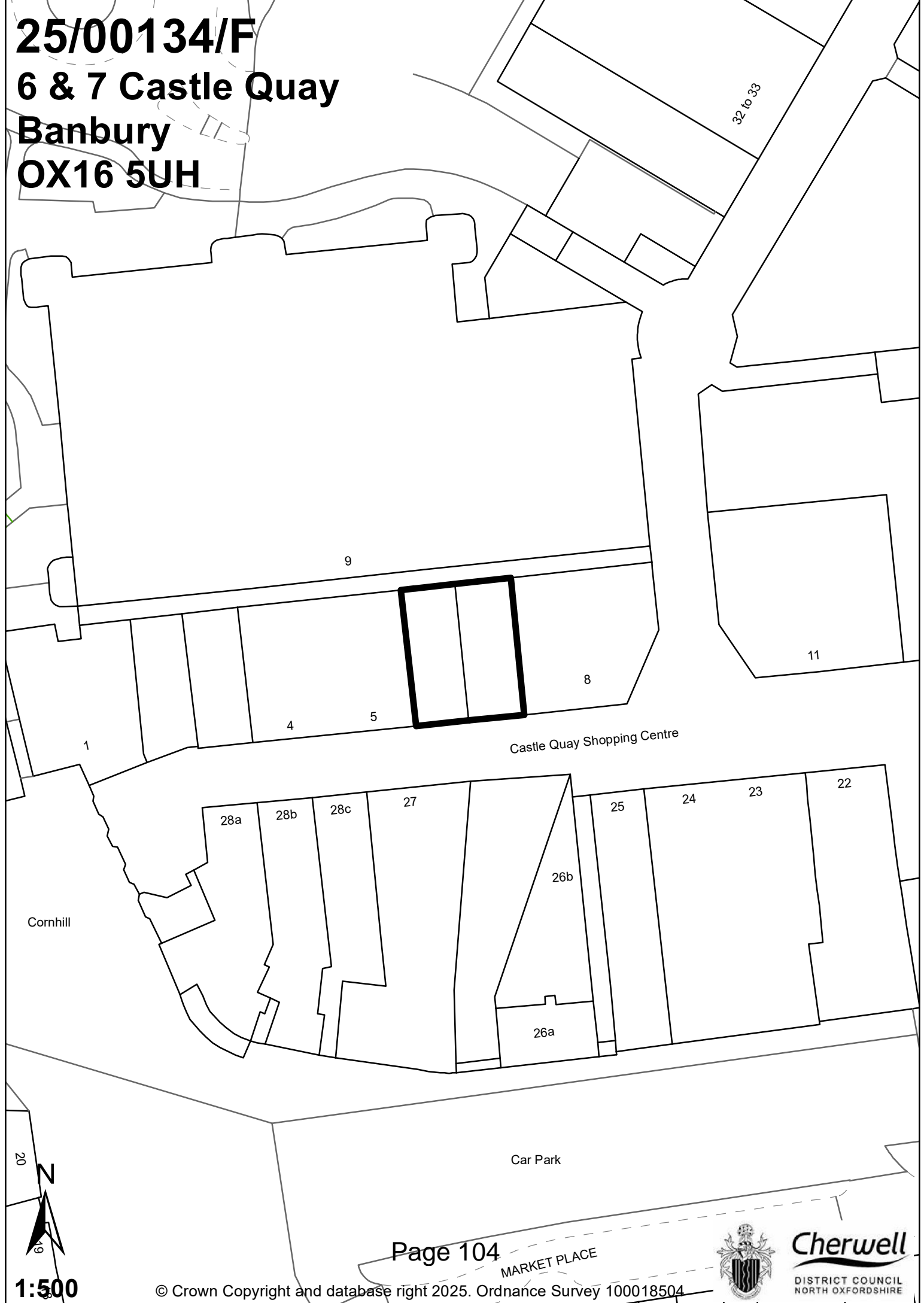
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

25/00134/F
6 & 7 Castle Quay
Banbury
OX16 5UH



1:500



Case Officer: Nina Guy

Applicant: Greggs PLC

Proposal: Replace existing two single air conditioning condensing units with one single and one double condenser units

Ward: Banbury Cross And Neithrop

Councillors: Councillor Becky Clarke MBE, Councillor Matt Hodgson, Councillor Dr Chukwudi Okeke

Reason for Referral: Application affects Council's own land

Expiry Date: 17 March 2025

Committee Date:

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to Units 6 and 7 of Castle Quay, at first floor level, which backs onto a service yard.

2. CONSTRAINTS

2.1. The application site is not within a Conservation Area, although other parts of Castle Quay are. It is not a listed building or within a listed building. The site is within the Archaeological Alert Area for Banbury Castle, Tooleys Boatyard, and associated buildings, and within Potentially Contaminated Land, albeit neither of these bears any constraint on the current proposal.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the installation of two air conditioning units to replace the two existing units. One unit will be a double unit.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **18 February 2025**, and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **18 February 2025**.

- 6.2. No comments have been raised by third parties, and any representations received between the publication of the agenda and the consultation expiry date will be reported to members at Planning Committee.

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. PARISH/TOWN COUNCIL:

Banbury Town Council: No objections

- 7.3. CDC ENVIRONMENTAL HEALTH: no comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

9. APPRAISAL

- 9.1. The proposals subject of this application have no implications for ecology or highway safety and, given their siting, no implications for heritage assets. The key issues for consideration in this case are:

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

Design, and impact on the character of the area.

- 9.2. The proposed air conditioning units would be similar in appearance to the existing units. Although one unit would be larger in scale than the existing, given the character of the area and the number of air conditioning units around the service yard it is

considered that the proposed units would not be incongruous and would have minimal visual impact.

Residential amenity

- 9.3. The distance from residential properties in the locality means that there is little potential for noise impacts. It is relevant to note that the proposed air conditioning units would replace an existing unit performing the same function, and that the proposed units are sited on the roof area of the building within a car park setting.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: RCEN/S6631/02A, RCEN/S6631/03P, and RCEN/S6631/04P.

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.

Informative Note

Planning permission may be required for the proposed use i.e. if the latter is a different use class to the last / lawful use of the site.

CASE OFFICER: Nina Guy

Agenda Item 13

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	20 February 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	10 February 2024
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	12 February 2024
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</p>			
Legal	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law & Governance Legal Services</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</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		<p>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.</p> <p>Celia Prado-Teeling, Performance Team Leader.</p>
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
24/01476/F	133 Warwick Road, Banbury, Oxon, OX16 2AR.	RETROSPECTIVE - Single storey rear extension and outbuilding (not built in accordance with 23/01466/F)	Delegated Refusal	02.01.2025.
24/01295/F	Duns Tew Manor Main Street Duns Tew OX25 6JP	Erection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.

24/02205/F	26 Winchester Close Banbury OX16 4FP	Change of Use of land to residential and erection of a detached double garage ancillary to No. 26 Winchester Close - re-submission of 23/03406/F	Delegated Refusal	10.01.2025.
24/02259/F	28 Buckhurst Close Banbury OX16 1JT	RETROSPECTIVE - Single storey shed to rear garden	Delegated Refusal	29.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchington Kidlington OX5 3DP	Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015	Delegated Refusal	29.01.2025.

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,	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac"	Delegated Refusal	23.04.2024.

	Middleton Stoney	driveway with a gravel driveway.		
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 Plants 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.
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	Delegated Refusal	06.07.2024.

		Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.		
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.
23/02071/F	Land to Rear of Wheelright Cottage, Main Street, North Newington	New Build Dwelling.	Delegated Refusal	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.
24/00342/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
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-submission of 23/03177/F.	Delegated Refusal	06.09.2024
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.
24/01391/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.

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.
24/01810/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.

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/03802/OUT	Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way Hempton Road Hempton	Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025.

		infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.		
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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	Refusal. Committee.	28.11.2024.

		reserved except for access.		
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.	Refusal. Committee.	14.10.2024.

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

Forthcoming Public Inquiries and Hearings between 20 February 2025 and 20 March 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.
22/01293/F	Land at Manor View (West of Manor Park) Hampton Poyle,	Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and	Delegated Refusal	04.11.2024 .

	Kidlington, OX5 2PW.	the erection of 1 dayroom per pitch.		
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4.10 **Appeals Results**

24/01732/F – 54 Dashwood Avenue, Yarnton, Oxfordshire, OX5 1NJ

Construction of 3 bed dwelling to the rear of 54 Dashwood Avenue, accessed off Meadow Way.

Appeal Dismissed.

The Inspector considered that the main issues were the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of neighbouring properties with regards to daylight, outlook and privacy.

The Inspector concluded the proposal would not constitute an uncharacteristic development in terms of the sitting of the proposed dwelling within the plot, and its plot size, and raised no concerns regarding the design. However, the proposal would result in only approximately 10 metres between the front elevation of the proposed dwelling and the neighbouring properties in Meadow Way, and therefore a close spatial relationship that would not be characteristic of the existing street scene; the proximity of the front facing elevations would be visually discordant with the more spacious separation between front facing dwellings in the street. As such, the Inspector concluded the proposal would result in a cramped and incongruous form of development that would harm the character and appearance of the surrounding area.

In considering impact on neighbouring properties, the Inspector concluded the proposal would not unduly harm privacy of the occupiers of No. 54 Dashwood Avenue due to the positioning of proposed windows, the obscured nature of first floor windows, the distance between the properties and the intervening fence. Nevertheless, it was noted that due the height of the proposed dwelling and the reduction in garden size, a decreased level of light received would have a markedly harmful effect on the living conditions of the occupiers of that property. With regards to neighbouring properties in Meadow Way, the Inspector concluded that due to the limited distance between properties the proposal would result in harm to privacy due to direct overlooking, result in overshadowing and loss of light, and would unacceptably dominate the outlook from the neighbouring properties.

The Inspector considered the benefit of an additional dwelling contributing to the housing land supply for the area; however, this was only considered to be a modest benefit due to the scale of the scheme and only given moderate weight. The Inspector concluded the proposal would result in harm to character and appearance of the surrounding area and significant harm to the living conditions of neighbouring properties with regards to daylight, outlook and privacy. The adverse impacts of the development were considered matters of significant weight that outweighed the benefits identified, as such, the appeal was dismissed.

23/3109/F – Land adj. to 20 Almond Road, Bicester, Oxfordshire, OX26 2HT

Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.

Appeal Allowed.

The application was refused by the planning committee against the officer recommendations because members considered the proposal to have a significant impact on visual amenities of the area.

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area. The Inspector held that the siting, massing, materials, form and height of the dwellings would be broadly consistent with the pattern and form of development in the surrounding area. Each dwelling would be sited within a plot consistent in size with others in the area with adequate private amenity space. The separation between dwellings would be consistent with that in the surrounding area. The Inspector concluded the proposal would not cause harm to the character and appearance of the area.

The Inspector considered the suggested conditions submitted by the Local Planning Authority and comments made by the Appellant; the Inspector concluded all the conditions were necessary and met the tests for conditions. The appeal was allowed subject to conditions.

24/00620/F – 7 Launton Road, Bicester, Oxfordshire, OX26 6PX

Demolition of existing detached garage and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.

Appeal Dismissed.

The Inspector considered that the main issue was the effect of the proposed development upon the character and appearance of the area and the setting of the Bicester Conservation Area.

The inspector concluded the proposal would cause harm to the character and appearance of the area. The inspector raised two areas of concern:

- The addition of a dwelling would fail to respect the context, layout and character of the surrounding area. Given the regular and uniform pattern of the surrounding development and its spacious character, the proposal would not be compatible with the surrounding regular pattern of development and, as a result, it would fail to respond to the local character or reflect the identity of the surroundings.
- The shape of the appeal site and the position of the host property, along with the substantially reduced plot size, would result in a cramped appearance, indicative of overdevelopment. As a result, the proposal would introduce a pattern of development which would be out of keeping and harmful to the character and appearance of the area.

Regarding impact on the Bicester Conservation Area, the Inspector concluded that, whilst the proposed development would harm the character and appearance of its immediate locality, due to the distance and the intervening development, along with

the reasons for its designation, the proposal would not cause harm to the setting of the designated heritage asset.

In weighing the planning balance, the Inspector considered the appeal of the basis that the Council could not demonstrate a 5-year Housing Land Supply and therefore paragraph 11d of the Planning Policy Framework applied. The Inspector acknowledged the benefit of providing an additional new dwelling but concluded the harm caused by the proposed development, significantly and demonstrably outweighed this limited benefit.

24-00542/F - 1 St. Peters Crescent Bicester, OX26 4XA

Detached two storey dwelling.

Appeal Allowed.

The main issue in this case was the impact the proposed new dwelling would have on the character and appearance of the area.

Officers had concluded that the proposal would result in a cramped form of development which would be at odds with the spacious character of the area. The Inspector acknowledged *that the development would introduce a change which would be significant in the immediate locality... and the proposal would be a single aspect dwelling with modest amenity space*. However, the Inspector did not agree with officers in respect of the harm concluding that *the dwelling would be well related to the development pattern surrounding*.

Based on this assessment the appeal was allowed.

24/00466/F - 15A South Street, Banbury, Oxfordshire OX16 3LB

Alterations and extension to existing house and outbuildings.

Appeal Allowed.

The Inspector considered the main issue to be the effect of the proposed development on the living conditions of occupiers at 16 South Street (No 16) with particular regard to privacy and at 15 South Street (No 15) with particular regard to privacy and outlook.

The Inspector held that, due to the narrowness of the plots to this part of South Street, the tightly packed relationships between properties and the presence of high-level windows and balconies, there is an established degree of mutual overlooking of rear gardens that forms part of the character of this locality. The Inspector noted that these views tend to be focused on the back ends of neighbouring gardens, whereas the proposed first-floor window to the outbuilding would face towards the rear openings on the dwellings and flats at Nos 15 and 16, as well as the rear amenity spaces that sit close to the rear elevations of these neighbouring properties.

The inspector was satisfied that a suitable condition to ensure that the first-floor window is obscure glazed and has restricted opening could be used to mitigate any potential harm to privacy.

The inspector considered that the proposed single storey rear extension to the dwelling at No 15A would be set away from the neighbouring rear openings and in combination with its modest depth and height, the extension would not be highly perceptible beyond the existing situation and so would not significantly alter the quality of outlook when viewed from the rear openings or garden of No 15.

The Inspector concluded that, subject to appropriate conditions in relation to standard time limit, the development to be carried out in accordance with the approved plans, and obscure glazing and restricted opening to the window to the first floor of the outbuilding, the proposal would have an acceptable effect on the living conditions of the occupiers at No 16 with particular regard to privacy and at No 15 with particular regard to privacy and outlook.

24/00698/PIP - Land Adjoining And At 81 North Street, Fritwell OX27 7QR

Permission in Principle - proposed 7-9 dwellings.

Appeal Dismissed.

The Inspector considered the main issues to be whether the site is suitable for residential development, its location, the proposed land use and the amount of development with regard to (i) the character and appearance of the area, including the setting of the Fritwell Conservation Area ("the CA"); (ii) whether the development would be in a suitable location having regard to the development strategy; and (iii) whether the development would be in a suitable location having regard to accessibility to services and amenities.

The inspector stated that at the time of the site visit, while overgrown in part, the land beyond that immediately to the rear and side of the existing dwelling, had the general appearance of open agricultural land, occupied in part by a small chicken coup.

The Inspector noted that the Conservation Area Appraisal (January 2008) sets out that the significance of the CA is derived from features of special interest including the large number of well-preserved historic buildings dating back to the 17th and 18th century. It also identifies that key views along North Street include views of open fields which are visible across walls and through field gates, which add to the rural feel of the area.

The Inspector considered that the appeal site, which is beyond the built-up confines of the settlement, is generally free from development and has an open, rural character and appearance, which contributes positively to the setting of the CA. The close relationship between the village and its agricultural setting, including views out of the CA towards the surrounding open countryside, and from the surrounding fields, including the public right of way (PRoW) which crosses the site, towards the village also contribute to the significance of the CA.

The Inspector held that the appeal proposal would extend development out from the current extent of the built form of the settlement into an area of open countryside, and

that it would diminish the rural character of the site and would harm the significance of the CA derived from its open landscape setting.

The inspector found that the proposal would not conflict with the purposes of Policy BSC2 and Policy PD1 of the MCNP given that the figure is only indicative and is not set out as a maximum amount.

The Inspector considered the approvals for the alterations to 81 North Street and the erection of a linked dwelling (3-bed) and new dwelling on land to the north-east of the site within the CA not to be directly comparable to the appeal proposal.

The inspector concluded that the proposal would cause *less than substantial* harm to the character and appearance of the area, including the significance of the CA arising from harm to its setting, and that the public benefits would be insufficient to outweigh this identified harm.

The Inspector noted that even if the Council is unable to demonstrate a sufficient housing land supply, and that the 'tilted balance' under para 11d of the NPPF applied, footnote 7 of the NPPF meant that the harm identified to the setting and significance of the CA provides clear reason for refusing the proposal as set out in the Framework, i.e. paragraph 11 of the NPPF is not applicable in respect of this appeal, irrespective of the housing land supply position.

The Inspector concluded that the proposal would offer benefits in terms of housing delivery and would be in a suitable location having regard to the development strategy set out in the MCNP and accessibility of future occupiers to services and amenities. However, the Inspector found the development would adversely affect the character and appearance of the area, including the setting of the CA as a heritage asset, to which significant weight is attributed, and the proposal would therefore conflict with the development plan taken as a whole.

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
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