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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 5 June 2025

Time: 4.00 pm

Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Barry Wood (Chair)

Councillor Rebecca Biegel
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor Chris Pruden
Councillor Dr Kerrie Thornhill

Councillor Amanda Watkins (Vice-Chair)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Robert Parkinson
Councillor Les Sibley
Councillor Douglas Webb

Substitutes

Councillor Nick Cotter
Councillor Harry Knight
Councillor Lynne Parsons
Councillor Edward Fraser Reeves
Councillor Nigel Simpson
Councillor Linda Ward

Councillor Andrew Crichton
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor David Rogers
Councillor Dorothy Walker
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 Chair to report on any requests to address the meeting.

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

4. **Minutes** (Pages 5 - 37)

To confirm as a correct records the Minutes of the meetings of the Committee held on 15 May 2025 and 21 May 2025.

5. **Chair's Announcements**

To receive communications from the Chair.

6. **Urgent Business**

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

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

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

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

Planning Applications

8. **Land North West Of Railway Farm Station Road Hook Norton** (Pages 40 - 69)
24/03243/OUT

9. **Land West of Chinalls Close, Adj. To Banbury Road, Finmere** (Pages 70 - 112)
24/01078/OUT

10. **The Old Priory, Priory Lane, Bicester, OX26 6BG** (Pages 113 - 119)
25/00804/LB

Review and Monitoring Reports

11. **Appeals Progress Report** (Pages 120 - 133)

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.

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Queries Regarding this Agenda

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

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 28 May 2025

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 15 May 2025 at 4.00 pm

Present:

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

Substitute Members:

Councillor Dr Chukwudi Okeke (In place of Councillor Dr Isabel Creed)
Councillor Dorothy Walker (In place of Councillor Grace Conway-Murray)
Councillor Douglas Webb (In place of Councillor Phil Chapman)

Apologies for absence:

Councillor Phil Chapman
Councillor Grace Conway-Murray
Councillor Dr Isabel Creed

Officers:

Paul Seckington, Head of Development Management
Karen Jordan, Deputy Principal Solicitor
Nat Stock, Team Leader - North Area General Developments
Caroline Ford, Team Leader - South Area Major Developments
Ian Boll, Corporate Director Communities
Sophie Browne, Principal Planning Officer
Emma Harrison, Senior Conservation Officer
Nick Wyke, Principal Planning Officer
Matt Swinford, Democratic and Elections Officer

Officers Attending Virtually:

Carlos Chikwamba, Principal Planning Officer

137 **Declarations of Interest**

10. Church View, Manor Road, Great Bourton, OX17 1QP

Councillor Chris Brant, Declaration, advised that he would speak a Local Ward Member on the item and then leave the meeting for the duration of the item after speaking as Ward Member on the item.

11. 73 High Street, Kidlington, OX5 2DN

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.

Councillor Doroty Walker, Declaration, advised that he would speak a Local Ward Member on the item and then leave the meeting for the duration of the item after speaking as Ward Member on the item.

138 **Requests to Address the Meeting**

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

139 **Minutes**

The Minutes of the meeting held on 10 April 2025 were agreed as a correct record and signed by the Chairman.

140 **Chairman's Announcements**

The Chairman made the following announcement:

1. Members of the public were reminded that only registered speakers were entitled to speak at the committee meeting at the time instructed by the Chairman and members of the public should remain quiet during the meeting and not cause disturbance.
2. A reminder to Members that interests should be declared at item 2 of the agenda usually and if Members realised that they did not declare an interest before an agenda item starts, please declare your interest at the

start of that agenda item. All applications should be considered with an open mind, and your decision should be based on what is before you.

3. Members were reminded that the mandatory training for members appointed to the Planning Committee for the municipal year of 2025/26 would be held on Monday 2 June. The time would be confirmed in course.

141 **Urgent Business**

There were no items of urgent business.

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

The Head of Development Management advised members of a potential site visit for 24/00539/F (Oxford United stadium) on 1 July 2025 ahead of the application potentially being submitted to the 3 July 2025 Planning Committee meeting. Members would be updated should timeframes change.

143 **Land South Of 3 To 5 Hartshill Close Bloxham**

The Committee considered application 24/02541/F, an outline planning application (with all matters reserved except for primary means of vehicular access from the A361) for the residential development of up to 130 dwellings, alongside associated access, green and blue infrastructure (including public open space, a play area, and drainage), required ground remodelling and supporting infrastructure at Land South of 3 to 5 Hartshill Close, Bloxham for William Davis Homes, Rebecca Lyndsay Smith, Alista.

Councillor Rob Pattenden addressed the committee as Local Ward Member.

Amanda Baxter, on behalf of Bloxham Parish Council, addressed the Committee in objection to the application.

Mark Rose, agent for the application, addressed the Committee in support of the application.

It was proposed by Councillor Hingley and seconded by Councillor Brant that application 24/02541/F be refused, contrary to the officer recommendation, for the reasons that there was a lack of a S106 agreement, and that the proposed development would be unsustainable as well as cause harm to the surrounding village and it was contrary to policy reasons Village 1, Village 2, ESD10, ESD13 and saved policies C28 and C30.

The proposal was debated. On being put to the vote, the motion was lost and therefore fell.

It was subsequently proposed by Councillor Watkins and seconded by Councillor Okeke that application 24/02541/F be approved, in line with the officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, 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 for application 24/02541/F subject to conditions, a S106 legal agreement and subject to overcoming the objection by Thames Water.

Conditions

Compliance with the Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents:
 - Site location plan. Drawing no. DE 196 001.
 - Development Concept Plan. Drawing no. DE 196 003 Rev L.
 - Bloxham Movement Plan. Drawing no. DE196_006-7 Rev D.
 - Proposed Site Access Arrangement. Drawing No. 173902-ACE-XX-00-DR-C-0001 Rev D.
 - Proposed shared pedestrian and cycle access. Drawing no.173902-ACE-XX-00-DR-C-0005 Rev B.
 - Concept drainage strategy. Drawing no.17901002 Rev H

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.

Statutory Time Limit

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

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

Reserved Matters

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

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

Design Code

4. Prior to the submission of any reserved matters application, a Design Code to include the distribution of land uses, form of buildings, street frontage, materials, servicing, parking and sustainability features shall be submitted to and approved in writing by the local planning authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Design Code.

Reason: To ensure a high quality development and appropriate infrastructure in accordance with Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Biodiversity Enhancement Strategy

5. The recommendations of the Biodiversity Net Gain Assessment Design Stage Assessment and Ecological Impact Assessment prepared by CSA Environmental, dated April 2025, must be implemented prior to the occupation of the dwellings hereby approved. The development shall be carried out in accordance with these details and shall be retained as such thereafter.

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

Arboricultural Method Statement

6. The Arboricultural Method Statement prepared by Barton Hyett Associates dated April 2025 submitted in support of the application shall be adhered to in full.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 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.

Retained Trees

7. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority. In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the commencement of development.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 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.

Planting, seeding or turfing

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part

1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping and Treatment of Open Space

9. No development shall commence above slab level unless and until full details of the provision, landscaping and treatment of open space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Electric Vehicle Charging Points

10. Prior to the first occupation of the development, a scheme for the provision of a vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Removal of Hedgerow

11. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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.

Construction Traffic and Environment Management Plan

12. No development shall commence unless and until a Construction Traffic and Environment Management Plan (CTEMP) has been submitted to and approved in writing by the Local Planning Authority. The CTEMP should include:
- a. The CTMP must be appropriately titled, include the site and planning permission number;
 - b. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site;
 - c. Details of and approval of any road closures needed during construction;
 - d. Details of and approval of any traffic management needed during construction;
 - e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
 - f. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
 - g. The erection and maintenance of security hoarding / scaffolding if required;
 - h. A regime to inspect and maintain all signing, barriers etc;.
 - i. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
 - j. The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc;.
 - k. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500;
 - l. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;.
 - m. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution;
 - n. Any temporary access arrangements to be agreed with and approved by Highways Depot;
 - o. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours;
 - p. Details of the measures to be taken to ensure construction works do not adversely affect nearby residential buildings and the nearby Northern Valleys Conservation Target Area. Details shall also be provided of the consultation and communication to be carried out with local residents.

The development shall not be carried out other than in strict accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Protected Species Check

13. Within two months of the commencement of the development the site shall be thoroughly checked by an ecologist (member of the IEEM or similar related professional body) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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

Habitat Management Plan

14. No development shall 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
 - Details and number and location of bird and bat boxes to be provided.

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.

Surface Water Management Strategy

15. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a. A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- b. Full drainage calculations for all events up to and including the 1 in 100-year plus 40% climate change;
- c. A Flood Exceedance Conveyance Plan;
- d. Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- e. Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
- f. Details of how water quality will be managed during construction and post development in perpetuity;
- g. Confirmation of any outfall details;
- h. Consent for any connections into third party drainage systems; and
- i. Details of the management of the culvert running between the site and the recreation ground opposite to ensure it is kept clear from debris at all times.

Reason: To prevent environmental and amenity problems arising from flooding and to comply with government guidance contained within the National Planning Policy Framework.

SuDS As Built and Maintenance Details

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

Reason: To prevent environmental and amenity problems arising from flooding and to comply with government guidance contained within the National Planning Policy Framework.

Travel Information Pack

17. Prior to first occupation of any of the dwellings hereby approved, a Travel Information Pack shall be submitted to and approved in writing by the local planning authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

Access

18. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

Cycle Parking Provision

19. 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: To ensure acceptable cycle provision and to comply with ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

Contamination Intrusive Investigation

20. 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 "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

Contamination Remediation

21. If contamination is found by undertaking the work carried out under condition 20, 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 "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

Contamination. Completion of Remedial Works

22. If remedial works have been identified in condition 20, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. A verification report that demonstrates the effectiveness of the

remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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Church View, Manor Road, Great Bourton, OX17 1QP

The committee considered application 24/03218/F for the change of use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works at Church View Manor Road, Great Bourton, OX17 1QP for Mr James Day.

Councillor Chris Brant addressed the Committee as Local Ward Member.

Christopher Handler, on behalf of Save the Bell Inn Group, addressed the Committee in objection to the application.

Will Whitelock, agent for the applicant, addressed the Committee in support to the application.

It was proposed by Councillor Webb and seconded by Councillor Watkins that application 24/03218/F be refused, contrary to the officer recommendation, for the reasons that the application was contrary to paragraphs P88 and P98 of the National Planning Policy Framework (NPPF), and that there would be substantial socio-economic and wellbeing harm to the surrounding village. The application was also contrary to policy S29.

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

Resolved

That, contrary to the officer's recommendation, application 24/03218/F be refused for the following reason:

1. The proposal would result in the unjustified loss of the public house, a valued village service and designated Asset of Community Value. The applicant has failed to robustly demonstrate that the pub is no longer financially viable. The loss of this important community facility would cause significant harm to the social and economic well-being of the village, contrary to saved Policy S29 of the Cherwell Local Plan 1996, which aims to retain community facilities, Paragraph 88 of the National Planning Policy Framework (NPPF), which seeks to retain public

houses, and Paragraph 98 of the NPPF, which guards against the unnecessary loss of valued facilities.

145

Land Adjacent to Symmetry Park Morrell Way Bicester OX26 6GF

The Committee considered application 24/03259/F for the erection of two Use Class B8 floorspace units (with ancillary office floorspace (Use Class E(G(i)))) with associated infrastructure including: a building for the use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yards; external plant; bin stores, vehicle parking (HGV, lorry, car and motorcycle); cycle parking, amenity areas, landscaping including permanent landscaped mounds; sustainable drainage details. Demolition of three vacant agricultural building (and two smaller structures) to the northeast corner of the site. Access from the existing Symmetry Park estate road, at Land Adjacent to Symmetry Park Morrell Way Bicester OX26 6G, for Tritax Symmetry Bicester 3 Ltd.

Louise Steele addressed the Committee as the Agent in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, written updates 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 for application 24/03259/F 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 infrastructure provisions (and any amendments to those obligations as deemed necessary);
 - a) Public Transport services - £83,241.26 (index linked)
 - b) Walking and Cycling improvement - £80,575 (index linked)
 - c) Travel Plan Monitoring - £6,530 (index linked)
 - d) Payment of the District Council and County Council monitoring costs – TBC

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. The development hereby permitted shall be used only for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting the Order, no more than 20% of the Use Class B8 floorspace hereby approved shall include occupation by any use for 'Last Mile Parcel Delivery Services'.

'Last Mile Parcel Deliver Services' means the movement of goods by parcels to residential and business users where product is moved from the warehouse shelf (or distribution center) to the customer's doorstep by Light Goods Vehicle (LGV), as distinct from a retail warehouse and distribution centre where goods are distributed on pallets by Heavy Goods Vehicle (HGV).

Reason: To ensure, taking account of the material difference in traffic generation and impacts of last mile parcel delivery by LGV as compared to more traditional Use Class B8 uses with delivery by HGV, the traffic impact of which (above 20% occupancy) has not been assessed on the surrounding road network, in accordance with saved Policy TR1 in the Cherwell Local Plan 1996.

4. Notwithstanding the provisions of Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building hereby approved shall be extended without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

5. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management

Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within any buildings permitted by this application shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing, and traffic generation on the site in accordance with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and paragraph 116 of the NPPF.

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

Site Location Plan, ref; 4036-X3-101 PL01, dated; 22 October 2024

Proposed Site Plan, ref; 4036-X3-100 PL02, dated; 19 November 2024

Proposed Site Plan, ref; 4036-X3-SK030PL02, dated 10 March 2025

Proposed Elevations – Unit E, ref; BSP-PHP-06-EL-DR-A-4036-300-PL01, dated; 16 October 2024

Proposed Elevations – Unit F, ref; BSP-PHP-07-EL-DR-A-4036-300-PL01, dated; 16 October 2024

Proposed Ground Floor Unit E, ref; BSP-PHP-06-00-DR-A-4036-200-PL01, dated; 16 October 2024

Proposed Ground Floor Unit F, ref; BSP-PHP-07-00-DR-A-4036-200-PL01, dated; 16 October 2024

Proposed Office Plan – Unit E, ref; BSP- PHP- 06- ZZ-DR- A- 4036- 201 PL01, dated 16 October 2024

Proposed Office Plan – Unit F, ref; BSP- PHP- 07- ZZ-DR- A- 4036- 201 PL01, dated 16 October 2024

Proposed Roof Plan – Unit E, ref; BSP-PHP-06-RL-DR-A-4036-202-PL01, dated; 22 October 2024

Proposed Roof Plan – Unit F, ref; BSP-PHP-07-RL-DR-A-4036-202-PL01, dated; 22 October 2024

Proposed Unit E External Finishes, ref; 4036-X3-105 PL02, dated; 19 November 2024

Proposed Unit F External Finishes, ref; 4036-X3-106 PL02, dated; 19 November 2024

Proposed Unit E Section, ref; BSP-PHP-06-SX-DR-A-4036-400-PL01, dated; 16 October 2024

Proposed Unit F Section, ref; BSP-PHP-07-SX-DR-A-4036-400-PL01, dated; 16 October 2024

Proposed Site Section, ref; 4036-X3-400 PL02, dated; 1 May 2025

Proposed Demolition Plan, ref; 4036-X3-SK040 PL01, dated; 19 November 2024

Proposed Levels, ref; 22281-HYD-XX-XX-DR-C-0100 -P02, dated; 26 September 2024

Proposed Levels, ref; 22281-HYD-XX-XX-DR-C-0101 -P02, dated; 26 September 2024

Detailed Proposed Landscaping Proposals Sheet 1, ref; edp7480_d021c, dated 28 November 2024

Detailed Proposed Landscaping Proposals Sheet 2, ref; edp7480_d021c, dated 28 November 2024

Detailed Proposed Landscaping Proposals Sheet 3, ref; edp7480_d021c, dated 28 November 2024

Proposed Site Access Visibility, ref; 22281-HYD-XX-XX-DR-TP-0010 P01, dated; 10 March 2025

Proposed Energy Centre, ref; 4036-X3-107 PL01, dated; 01 May 2025

Air Quality Assessment, ref; 22281-HYD-XX-ZZ-RP-Y-2001-P04, dated; 21 November 2025

Arboricultural Impact Assessment, ref; edp7480_r007, dated; November 2024

Phase 1 Desk Study (Part 1 to 8), ref; 22281-HYD-XX-XX-RP-GE-1003-S2-P01, dated; 18 September 2024

Drainage Strategy Report, ref; 22281-HYD-XX-XX-RP-C-0001, dated; 20 November 2024, including;

- Appendix A - Greenfield Run-Off Calculations
- Appendix B - Microdrainage Data & Results
- Appendix C – Drainage Strategy Drawings
- Appendix D – Simple Index Approach

Flood Risk Assessment, ref; 22281-HYD-XX-XX-RP-WENV-0001 P03, dated; 21 November 2024

Drainage Technical Note, ref; 22281-HYD-XX-XX-TN-C-0003, dated 29 January 2025

Written Scheme of Investigation for an Archaeological and Heritage Assessment, ref; edp7480_r002a, dated; November 2024

Noise Impact Assessment, ref; 22281-HYD-XX-ZZ-RP-Y-3001, dated; 21 November 2024

Transport Assessment (Part 1-5), ref; 22281-HYD-XX-RP-TP-4001-P04, dated; 20 November 2024

Sustainability Statement (Part 1-7), dated; 25 November 2024, including appendices;

- Appendix A – BREEAM Pre-assessment report
- Appendix B – Low and zero carbon feasibility report
- Appendix C – Passive design assessment report

Ecological Appraisal (Parts 1-3), ref; edp7480_r004c, dated; November 2024

Ecology Response Note, ref; edp7480_r011, dated; February 2025

Landscape and Ecological Management Plan, ref; edp7480_r008d, dated; April 2025

Ray Conservation Target Area (CTA) Briefing Note, ref; edp7480_r012a, dated; March 2025

Biodiversity Net Gain Review, ref; edp7480_r013a, dated; April 2025

Waste Management and Servicing Strategy, dated; November 2024

Construction Environmental Management Plan, dated; November 2024

Planning Statement, ref; LS/JB/10689, dated; November 2024

Design and Access Statement, ref; PL01, dated; November 2014

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.

7. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (except in service yard areas)

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

8. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, ref; 22281-HYD-XX-XX-RP-WENV-0001 P03, dated; 21 November 2024 and Drainage Strategy Report (including appendix A-D), ref; 22281-HYD-XX-XX-RP-C-0001, dated; 20 November 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 and flood mitigation measures have 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.

9. 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 to demonstrate the SuDS and site wide drainage scheme has been implemented in accordance with the approved plans referenced in Condition 8. The details shall comprise:

- (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.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting

season with others of similar size and species, 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.

11. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

13. As a potential risk from contamination was identified in the Phase 1 desk study, ref; 22281-HYD-XX-XX-RP-GE-1003-S2-P01, dated; 18 September 2024, 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 "Land Contamination Risk Management (LCRM)" 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.

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

14. If contamination is found by undertaking the work carried out under condition [13], 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 "Land Contamination Risk Management (LCRM)" 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.

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

15. If remedial works have been identified in condition [13], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [14]. A verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy

ENV12 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The development hereby permitted shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP), dated; November 2024.

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. No mechanical equipment (including energy generating equipment within the energy centre) shall be installed on the site unless and until supplementary air quality and noise impact assessments have been submitted to and approved in writing by the Local Planning Authority. The noise impact assessment shall be based upon the finalised and confirmed plant details and demonstrate, by calculation, compliance with the noise limits proposed in Table 9 of the approved Hydrock Noise Impact Assessment 22281-HYD-XX-ZZ-RP-Y-3001, dated; 21 November 2024. The air quality assessment shall take into consideration the impact of emissions on, and associated with, the proposed new energy centre on existing receptors. The energy generating equipment shall not be provided other than in accordance with the approved details.

The mechanical plant shall be installed and thereafter maintained in accordance with the approved details.

Reason: To ensure the appropriate control of noise and air emission levels during operational phase of the development in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. Prior to the installation of any external lighting, the design, position, orientation, any screening of the lighting and 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 and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. 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

Appraisal by. 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.

21. The development hereby permitted shall be carried out and maintained in strict accordance with the Landscape and Ecological Management Plan (LEMP), ref; edp7480_r008d, dated; April 2025.

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.

22. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement Management Plan (BEMP) for enhancing biodiversity on the site so that an overall net gain is achieved has been submitted to and approved in writing by the local planning authority. This shall also include a timetable for provision of measures. Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details.

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

23. 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.

24. 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 Adjacent to Symmetry Park: Impact plan for great crested newt District Licensing (Version 2)", dated 24th April 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.

25. 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.

26. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR150, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to 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 (WML-OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

27. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details. The CTMP will need to incorporate the following in detail:

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.

- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions. The erection and maintenance of security hoarding / scaffolding if required.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval.
- 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 0345 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

28. 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.

29. 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.

30. The scheme for parking, manoeuvring and the loading and unloading of vehicles shown on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

31. No development shall commence above slab level unless and until a layout of the cycle parking spaces and details of the covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and maintained in accordance with the approved details.

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

32. The external surfaces of the development shall be constructed of the materials shown on the External Finishes Plan and Elevation Plans outlined in Condition 5.

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

33. Prior to their installation details and specifications of the Pump Station, PV Inverter, Sprinkler Tanks and Pump House outlined in the approved Proposed Site Plan, ref; 4036-X3-SK030PL02, dated 10 March 2025, 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 – To ensure the scale of this ancillary infrastructure is 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.

34. Prior to the construction of any building above slab level, details of the exact energy output, materials, specifications, location of the measures outlined in the submitted Sustainability Statement (Part 1-7), dated; 25 November 2024, (including appendix A-C) 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 energy output, materials, specifications, and the provision of renewable energy measures shall be installed prior to the first occupation of the buildings.

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.

35. 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 electric vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the building 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

36. The buildings hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies ESD 1 - 5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

37. 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.

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

Reason; To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

39. Following the approval of the Written Scheme of Investigation referred to in condition [38] and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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).

40. Prior to any demolition and the commencement of the development information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information and no construction shall take place within 5m of the water main. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

The Committee considered application 24/03350/F for retrospective planning consent for a first floor extension over an existing garage with eaves height

increment to accommodate new windows at 73 High Street, Kidlington, OX5 2DN for Mr Rajinder Parshad.

Councillor Dorothy Walker addressed the committee as Local Ward Member.

Robert Packard, Local Resident, addressed the Committee in objection to the application.

Solape Shodunke, Agent, addressed the Committee in support of the application.

It was proposed by Councillor Conway and seconded by Councillor McLean that application 24/03350/F be refused, against the officer recommendation, as it was contrary to policies ESD15, C28, C30, The Kidlington Masterplan 2016 as well as government guidance within the National Planning Policy Framework (NPPF) (exact wording for reasons for refusal to be delegated to officers).

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

Resolved

That, contrary to the officer's recommendation, application 24/03350/F be refused for the following reason:

1. The extension, by virtue of its size, scale and form, has an adverse impact on the character, appearance and significance of the application property, which is considered to be a non-designated heritage asset. The proposal therefore runs contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996, The Kidlington Masterplan 2016 and government guidance contained within the National Planning Policy Framework.

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Botley West Solar Farm NSIP

The committee considered a report of the Head of Development Management which sought approval of the Councils written representation and individual local impact report in response to an application for a Solar Farm (Nationally Significant Infrastructure Project) for Photovolt Development Partners and SolarFive Ltd.

The application site was split into three separate areas with part of the northern and central sections within the Launton and Otmoor and Kidlington West wards. The site also covered areas in West Oxfordshire District Council and the Vale of White Horse District Council.

The Committee was advised that the scale of this application means that it was defined as a Nationally Significant Infrastructure Project (NSIP). Developments of this type were determined by the relevant Secretary of State

(SoS) with the Planning Inspectorate (PINS) acting as the examining authority who made a recommendation to the SoS as to whether a Development Consent Order (DCO) should be granted. Local Authorities (LAs) were consultees in this process and were not determining authorities.

In considering the report, the Committee sought clarification on the process for agreeing the response and highlighted that, subject to the advice of the Monitoring Officer, further Member input may be necessary.

It was proposed by Councillor Wood and seconded by Councillor Conway that the report be referred to the Monitoring Officer, with consultation with the Leader of the Council and Chairman of the Planning Committee, to advise whether it would be appropriate for the decision to be determined at an extraordinary meeting of Full Council, or, if not, an extraordinary Planning Committee.

Resolved

- (1) That, unless the Monitoring Officer provides advice to the contrary and considers it appropriate, the consultation response may be referred to an extraordinary meeting of Full Council, if not, subject to consultation with the Monitoring Officer, to an extraordinary Planning Committee meeting

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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 9.35 pm

Chair:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 21 May 2025 at 7.33 pm

Present:

Councillor Barry Wood (Chair)
Councillor Amanda Watkins (Vice-Chair)
Councillor Rebecca Biegel
Councillor Chris Brant
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor Ian Harwood
Councillor David Hingley
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor Les Sibley
Councillor Dr Kerrie Thornhill
Councillor Douglas Webb

Apologies for absence:

Councillor Phil Chapman

1 Appointment of Chairman for the municipal year 2025/2026

It was proposed by Councillor Harwood and seconded by Councillor Watkins that Councillor Wood be appointed Chair of the Planning Committee for the municipal year 2025/2026.

There were no further nominations.

Resolved

- (1) That Councillor Barry Wood be appointed Chair of the Planning Committee for the municipal year 2025/2026.

2 **Appointment of Vice-Chairman for the municipal year 2025/2026**

It was proposed by Councillor Thornhill and seconded by Councillor Parkinson that Councillor Watkins be appointed Vice-Chair of the Planning Committee for the municipal year 2025/2026.

There were no further nominations.

Resolved

- (1) That Councillor Amanda Watkins be appointed Vice-Chair of the Planning Committee for the municipal year 2025/2026.

The meeting ended at 7.34 pm

Chair:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 5 June 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 North West Of Railway Farm Station Road Hook Norton	24/03243/OUT	Deddington	Approval*	Katherine Daniels
9	Land West of Chinalls Close, Adj. To Banbury Road, Finmere	24/01078/OUT	Fringford and Heyfords	Approval*	Sophie Browne
10	The Old Priory, Priory Lane, Bicester, OX26 6BG	25/00804/LB	Bicester South and Ambrosden	Approval*	Hansah Iqbal

*Subject to conditions

Cherwell District Council Democratic and Elections Team, 39 Castle Quay, Banbury, OX16 5FD

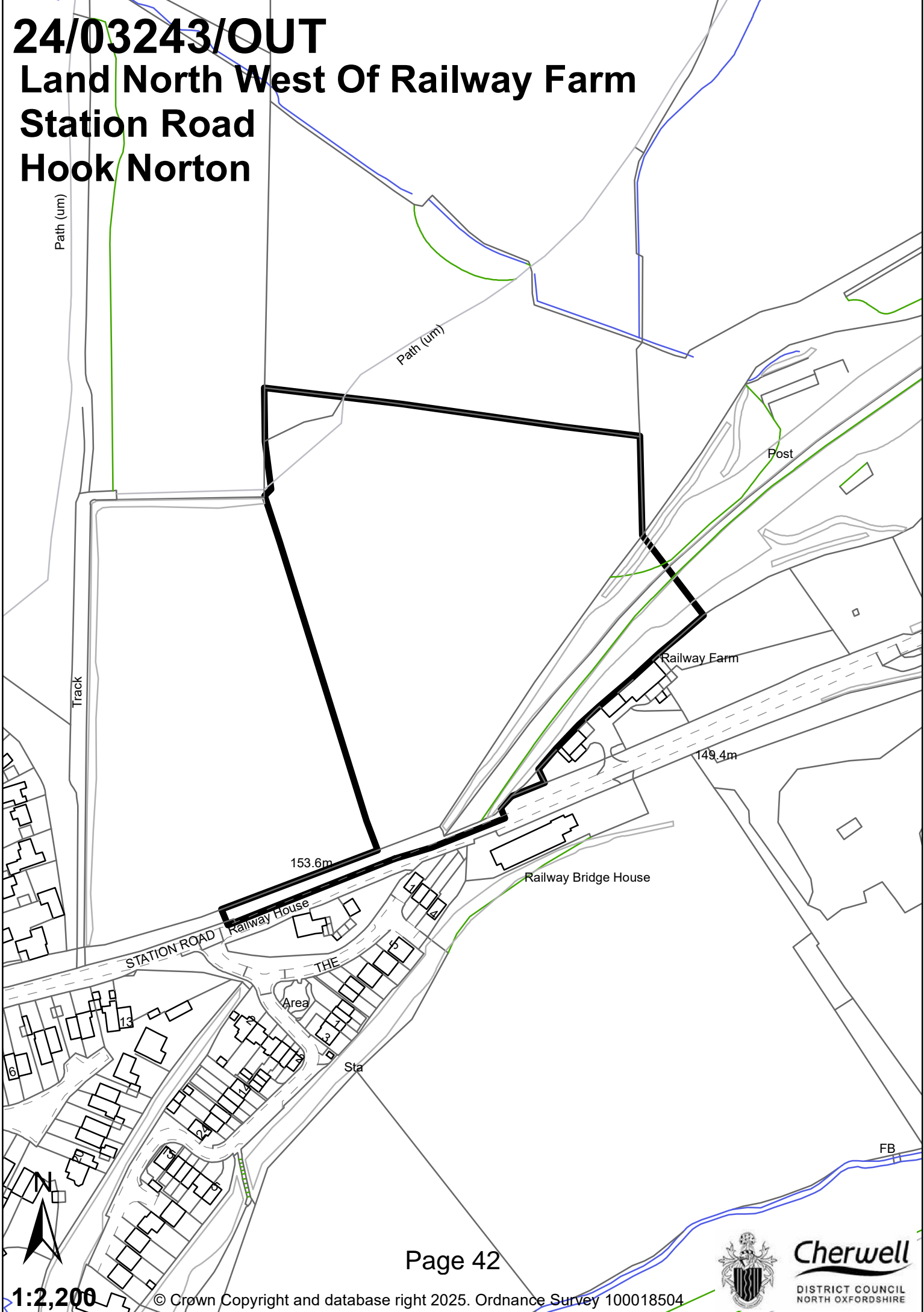
**Land North West Of Railway Farm
Station Road
Hook Norton**



24/03243/OUT
Land North West Of Railway Farm
Station Road
Hook Norton



24/03243/OUT
Land North West Of Railway Farm
Station Road
Hook Norton



Case Officer: Katherine Daniels

Applicant: Gladman Developments Ltd

Proposal: Outline application for the demolition and re-building of former railway abutment wall and erection of up to 55 dwellings with associated infrastructure. All Matters Reserved except for means of access

Ward: Deddington

Councillors: Councillors Zoe McLernon, Eddie Reeves and David Rogers

Reason for Referral: Major Application

Expiry Date: 6 June 2025

Committee Date: 5 June 2025

SUMMARY RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO OVERCOMING OBJECTIONS FROM LEAD LOCAL FLOOD AUTHORITY, NATURE SPACE AND SUBJECT TO CONDITIONS/ S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the east of the village of Hook Norton, to the north of Station Road. The adjoining field is currently under construction for 42 houses. The site slopes away to the north-east, and contains the former railway embankment to the east of the application site. Mature vegetation bounds the site to the north. Residential development is located to the south, on the opposite side of Station Road.

2. CONSTRAINTS

- 2.1. The application site is within open countryside, which the land is classed as the Best and Most versatile land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the development of the site for residential development of up to 55 dwellings, including the re-building of the former railway abutment wall. All matters are reserved except for access.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history (adjacent to the site) is considered relevant to the current proposal:

Application: 21/0500/OUT

Permitted

Erection of up to 43 homes, access from Station Road, and associated works including attenuation pond.

Application: 24/01045/REM Permitted

Reserved Matters application to 21/00500/OUT – approval of appearance, landscaping, layout and scale.

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 **28 January 2025**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. 36 letters of representation have been received and are summarised as follows:

- Highway Safety
- Overdevelopment of Hook Norton
- Impact on the historic core of the village
- Insufficient infrastructure
- Impact on Ecology
- Impact on flooding

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

7. RESPONSE TO CONSULTATION

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

- 7.2. HOOK NORTON PARISH COUNCIL: **Objects** on the following grounds; contrary to the Hook Norton Neighbourhood Plan, outside the established confines of Hook Norton, not close to day to day services, doctors is at capacity as is dentist, premature.

- 7.3. CDC ECOLOGY: **No objections** following submission of amended information and suggests conditions can be imposed.

- 7.4. CDC RECREATION AND LEISURE: **No objections** but request S106 contributions for community hall facilities, outdoor sports provision, indoor sports provision, and public art.

- 7.5. CDC URBAN DESIGN: Has some concerns regarding the location of the dwellings on the north side of the proposed masterplan.
- 7.6. NATURESPACE: **Holding objection** in regards to the potential impact on Great Crested Newts.
- 7.7. OCC HIGHWAYS: **No Objections** subject to the imposition of planning conditions, and contributions towards bus service and public rights of way.
- 7.8. OCC LEAD LOCAL FLOOD AUTHORITY; **Holding objection** subject to further information being submitted.
- 7.9. OCC ARCHAEOLOGY: No archaeology constraints on site
- 7.10. OCC EDUCATION: **No objections** subject to S106 contributions for Special Education.
- 7.11. OCC WASTE MANAGEMENT: **No objections** subject to S106 contributions for household waste recycling centres.
- 7.12. THAMES VALLEY POLICE CRIME PREVENTION DESIGN ADVISOR: Makes **comments** on future layout, and security on the site.

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.
- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Hook Norton Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:
- 8.4. The relevant planning policies of the Development Plan are set out below:

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

Policy PSD 1: Presumption in Favour of Sustainable Development
 Policy BSC 1: District-Wide Housing Distribution
 Policy BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
 Policy BSC 3: Affordable Housing
 Policy BSC 4: Housing Mix
 Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
 Policy BSC 11: Local Standards of Provision – Outdoor Recreation
 Policy BSC 12: Indoor Sport, Recreation and Community Facilities
 Policy ESD 1: Mitigating and Adapting to Climate Change

Policy ESD 3: Sustainable Construction
 Policy ESD 5: Renewable Energy
 Policy ESD 6: Sustainable Flood Risk Management
 Policy ESD 7: Sustainable Drainage Systems (SuDS)
 Policy ESD 8: Water Resources
 Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
 Policy ESD 13: Local Landscape Protection and Enhancement
 Policy ESD 15: The Character of the Built and Historic Environment
 Policy ESD 17: Green Infrastructure
 Policy Villages 1: Village Categorisation
 Policy Villages 2: Distributing Growth across the Rural Areas
 Policy Villages 4: Meeting the Need for Open Space, Sport and Recreation

SAVED POLICIES CHERWELL LOCAL PLAN 1996 (CLP 1996)

C28 – Layout, design and external appearance of new development
 C30 – Design control
 ENV1 – Environmental pollution
 TR7 - Development attracting development on minor roads
 H18 - New Dwellings in the Countryside

DRAFT CHERWELL LOCAL PLAN (DCLP) limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

HOOK NORTON NEIGHBOURHOOD PLAN (HNNP)

Policy HN - CC 1: Protection and enhancement of local landscape and character of Hook Norton
Policy HN - CC 2: Design
Policy HN - CC 3: Local distinctiveness, variety, and cohesiveness
Policy HN - CC 4: Resource efficient design
Policy HN - H1: Sustainable housing growth
Policy HN - H2: Location of housing
Policy HN - H3: Housing density
Policy HN - H4: Types of housing
Policy HN - H5: Provision and retention of affordable housing
Policy HN - T1: Access and parking

8.5. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

9. APPRAISAL

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

- Principle of development
- Highways
- Character and appearance, landscape impact
- Heritage and archaeology
- Residential amenity
- Flood risk and Drainage
- Ecology
- Sustainable Construction
- Infrastructure Requirements

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and the policies in the Hook Norton Neighbourhood Plan (HNNP).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes

and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.

- 9.4. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.5. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.6. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell. Hook Norton is categorised by PV1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Hook Norton is categorised as a Category A Village by PV1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions. The fact it is a Category A settlement further shows that it is a sustainable location to accommodate development.
- 9.7. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District. The Hook Norton Neighbourhood Plan does not identify a settlement boundary for Hook Norton either.
- 9.8. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Hook Norton as a Category A Village Settlement. These are classified by the Draft Local Plan as being larger villages that have essential local services and facilities and often serve nearby smaller villages.
- 9.9. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.10. Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.11. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.12. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 9.13. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.14. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.15. The Hook Norton Neighbourhood Plan (HNNP) was adopted in October 2015. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*
- 9.16. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The HNNP became part of the development plan in 2015 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the HNNP cannot therefore be considered up-to-date.
- 9.17. The recently published National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.
- 9.18. The refence to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

Assessment

- 9.19. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, well over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct

housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged.

9.20. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that “a total of 750 homes will be delivered at Category A villages”. It is acknowledged, as stated in the Planning Policy consultation response, that this figure has now been exceeded, however various Appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development and that proposals at Category A villages that are otherwise acceptable can nevertheless still be supported.

9.21. Policy Villages 2 states that “In identifying and considering sites, particular regard will be given to the following criteria:

- *Whether the land has been previously developed land or is of lesser environmental value*
- *Whether significant adverse impact on heritage or wildlife assets could be avoided*
- *Whether development would contribute in enhancing the built environment*
- *Whether best and most versatile agricultural land could be avoided*
- *Whether significant adverse landscape and impacts could be avoided*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided*
- *Whether the site is well located to services and facilities*
- *Whether necessary infrastructure could be provided*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period*
- *Whether land the subject of an application for planning permission could be delivered within the next five years*
- *Whether the development would have an adverse impact on flood risk.”*

9.22. The majority of these criteria will be assessed in detail in the following sections of this report, however it is self-evident that the site is not previously developed land. As detailed in later sections, the site is not of high environmental value and is not sensitive in heritage terms. With appropriate design and mitigation, significant adverse impacts on wildlife assets and the wider landscape could be avoided, satisfactory vehicular and pedestrian access/egress could be provided, and the development would contribute to enhancing the built environment.

9.23. It is considered that the proposed development would be in a sustainable location on the edge of a Category A village, and is close to a wide range of facilities including a school, shops, community centres and has good transport links to towns including Bloxham, Banbury and Chipping Norton.

9.24. The site is bounded by the former railway line to the east, residential development to the west and south. Open countryside is located to the north. It is therefore considered that the site would be connected to the built form of Hook Norton and would not appear as a standalone development within the open countryside. The southern part of the site has most connection to the existing built form but it is

considered that the northern part of the site could be developed in a way that ensures it has connection to the existing built form.

- 9.25. The provision of 55 dwellings will make an important contribution to the overall housing needs of the District along with the government's wider objective for 1.5 million homes. This includes the high need for affordable housing which is recognised across the country.
- 9.26. The applicant has confirmed that there are no land ownership constraints that would prevent the development coming forward should it be approved.

Conclusion

- 9.27. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.
- 9.28. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years (2.3 years supply). As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. The extent of this housing shortfall offsets the policy conflict in this instance, and the site is located on the edge of one of the more sustainable villages within Cherwell and would benefit from proximity to existing infrastructure and facilities. These matters will need to be weighed in the planning balance.

Design and impact on the character of the area, including designated heritage assets

Legislative and policy context

- 9.29. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 9.30. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, new development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.
- 9.31. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Furthermore, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.32. PV2 of CLP 2015 states that in identifying sites, particular regard will be given to:
- Whether land has been previously developed land or is of less environmental value;

- Whether development would contribute in enhancing the built environment
- Whether significant adverse landscape and impacts could be avoided

9.33. HNNP Policy HN-CC1 seeks to ensure development must be located and designed so it is readily visually accommodated into the landscape. Policy HN – CC2 relates to design. This should reflect local distinctiveness, reflect the historic environment of the parish. Policy HN-CC3 relates to development reflecting local distinctiveness.

Assessment

9.34. The site is adjacent to a development of 42 dwellings by Deanfield Homes, which was allowed at appeal and which is currently under construction. The Inspector noted that there would be some change to the rural landscape around Hook Norton. The Inspector also concluded that the site would form a logical extension to the village. The benefits of providing a scheme to address the District's Housing needs significantly outweighed the harm to the rural character. At the time of this decision, the Council had 3.5 years supply. At present the Council can only demonstrate a 2.3 year supply.

9.35. The development of the site would further urbanise the immediate character of the eastern end of the village and, while adjacent to that development, the proposal would have a further separate access onto Station Road than the adjoining site. This means that, seen from within the village, it would appear as a separate development, and would further exacerbate the visual impact of the development.

9.36. That said, the site is partially screened to the north and east by tree planting which separates it from the countryside beyond, and its wider impact would be similar to and no greater than the Deanfield Homes development. In any views of the site from the footpath to the north it would be seen in conjunction with the new development adjacent to the site.

9.37. The Council's Urban Designer has raised some concerns regarding the proposed indicative plan. It is considered that the development should be moved away from the northern boundary than shown on the indicative plan, that there should be further planting to the northern edge of the site.

9.38. It should be noted that the scheme provided is only indicative at this stage, and shows how the site could be developed. The required changes as set out in the previous paragraph can be controlled by way of planning condition, as well as the submission of the reserved matters application.

9.39. Having regard to the site's scale and location relative to heritage assets in the vicinity, the proposals would not cause harm to heritage assets.

Conclusion

9.40. It is noted that there would be some change to the landscape, and some moderate harm through development of a greenfield site. However, this impact would be no greater than that of the adjacent development allowed at appeal and some of the impacts to the wider locality can be mitigated by the imposition of relevant planning conditions including additional tree planting.

Highway Safety

9.41. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and

work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

9.42. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritise taking into account or 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.

9.43. In addition to this paragraph 116 of the NPPF highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.44. The proposal would be accessed off Station Road. The access has been slightly amended to overcome the original concerns of the Local Highway Authority. The Local Highway Authority have commented on the revised information, and have now not objected.

9.45. The concerns of the Local residents are noted, however, the Local Highway Authority do not object to the proposal, provided suitable worded conditions and contributions are entered into. Based on the comments from the Local Highway Authority, it is unlikely to result in highway danger.

9.46. Therefore, the proposal is considered to be acceptable in highway terms.

Drainage

9.47. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.48. Paragraph 182 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.49. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.50. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.51. The current situation is that the site is located within a flood zone 1, which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority does have an objection; however, the applicants has submitted additional information. At the time of writing the report, the LLFA has not commented on the application. Given that the adjoining site has been approved it is unlikely the proposal would result in a detrimental impact on flooding. This matter is a technical issue, which can be overcome. Any comments from the LLFA will be reported within the written updates.

Residential amenity

- 9.52. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.53. The application is in outline form at this stage; therefore, the consideration of residential amenity is greater at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.54. It is therefore considered that the limited impact on residential amenity is not sufficient to refuse the application.

Ecology Impact

Legislative context

- 9.55. 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.
- 9.56. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.57. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.58. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.59. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

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

- 9.61. Paragraph 193 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.62. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.63. 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.
- 9.64. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.65. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

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

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.67. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction, 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.

- 9.68. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.69. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.70. Officers are satisfied, on the basis of the advice Naturespace, the proposal could be mitigated against, 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.

Sustainable Construction

- 9.71. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraph 164 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 166 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.72. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.73. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in

particular using sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.

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

Assessment

- 9.75. The application is at outline stage; therefore it is not clear how the dwellings will be constructed, and how many sustainable features would be used as part of the development of the scheme. Therefore, further consideration would be required at the reserved matters stage. There are no reasons why this application cannot accord with Policy.

Planning obligations/infrastructure

- 9.76. Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 58 continues by stating that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 9.77. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:

- 9.78. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

- 9.79. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.
- 9.80. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.81. This application is for up to 55 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.82. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 20 units. In line with new Government requirements.
- 9.83. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.84. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.
- 9.85. It is expected that these matters will be negotiated to a conclusion following a resolution to grant. It is to be noted that the applicant has agreed with the S106 requests and has not asked for any reduction.
- 9.86. Although the draft heads of terms does not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 56 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report

Other Matters

- 9.87. Several residents have objected to the proposal, due to the impact on existing services and facilities within Hook Norton and the number of additional housing developments in recent years. Although this is noted, Hook Norton is a Category A village and one of the larger, more sustainable villages within the District. It is acknowledged that housing can be accommodated on the edge of villages. Other

than a technical objection from the LLFA, Statutory Consultees do not object to the proposal, therefore the number of houses in this particular case is considered to be acceptable.

10. PLANNING BALANCE AND CONCLUSION

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

Positive benefits - Economic

- 10.2. The proposals would contribute to the Council's Shortfall in Housing Supply due to the size and duration of the project. The applicants are satisfied the development of the dwellings could be brought forward in a timely manner. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided this should also be afforded significant positive weight.

Social

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

Environmental

- 10.7. The proposals also commit to a minimum of 10% biodiversity net gain, but as this is to comply with policy it carries neutral weight in the planning balance.
- 10.8. Hook Norton has a number of services and employment opportunities. It is a Category A village and is one of the more sustainable villages within the district; the site's relatively sustainable location is afforded some positive weight.

Negative impacts

10.9. The site is positioned beyond the existing built-up limits of the village on the eastern side and is an area of countryside. There would be some urbanisation of the site, and it would result in some harm to the character and appearance of the locality. Significant weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land. However, it is considered that the harmful impact could be mitigated. If developed as proposed in the indicative layout submitted with the application moderate harm would be caused; if conditions are imposed to restrict the extent of the development this impact would be significantly reduced.

Conclusion

10.10. On the basis that the Council is not able to demonstrate a five-year supply of land of housing, paragraph 11d of the NPPF is engaged and the 'titled balance' applies.

10.11. The proposal seeks permission for up to 55 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded 750, the numerical elements of the Council's housing policies are out of date given the Council's housing land supply position, and Hook Norton is a Category A village, is one of the more sustainable villages in the District. It is noted that the adjacent development of a similar scale was allowed at appeal in the context of a 3.5 years housing land supply.

10.12. Overall, subject to conditions as set out above and in the recommendation below, it is considered that the benefits of the scheme outweigh the harm it would cause and therefore the application for residential development on the site is recommended for approval.

11. RECOMMENDATION

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

- a) NO OBJECTIONS FROM NATURE SPACE AND LEAD LOCAL FLOOD AUTHORITY**
- b) THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS AND INFRASTRUCTURE AS SET OUT IN APPENDIX 1 AND BELOW (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY); AND**
- c) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

- 1. Provision of 35% affordable housing on site**
- 2. Payment of a financial contribution towards off outdoor site sports and recreation provision in the locality of £2,017.03 per dwelling (index linked)**
- 3. Payment of a financial contribution towards off indoor site sports and recreation provision in the locality of £44, 262.24 (index linked)**
- 4. Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £101.88 per dwelling (index linked)**
- 5. On-site provision of an equipped Local Area of Play and payment of a financial contribution to be confirmed (index linked) towards maintenance or other management provisions thereof**
- 6. Payment of a financial contribution towards the maintenance of on-site Open Space**
- 7. Payment of a financial contribution towards community hall facilities**

of £60, 610.44 (index linked)

8. **Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain**
9. **Payment of a financial contribution towards public transport provision of £1,326 per dwelling (index linked)**
10. **Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £20,000 (index linked)**
11. **Payment of a financial contribution towards Special Needs Education needs in the locality £26, 922 (index linked)**
12. **Payment of the Council's monitoring costs to be confirmed**

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

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

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

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

Compliance with Plans

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

- Site Location Plan (0001 Rev P03)
- Access Strategy Plan (001 Rev K)
- Existing Retaining Wall Plan (2002 Rev P04)

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.

CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCING DEVELOPMENT

4. No development shall commence unless and until a specialist acoustic consultants report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) has been

submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved report.

5. No development shall commence unless and until a Phase 2 contamination report has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved report.

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.

6. No development shall commence, including any works of demolition until a Construction Environment and Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours;

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

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

7. No development shall commence, including any demolition and any works of site clearance, until a mitigation strategy for great crested newts, which shall include timing of works, the location and design of alternative ponds/habitats together with the timing of their provision, has been submitted to and approved in writing by the local planning authority. Thereafter, the mitigation works shall be carried out in full 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.

CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION

8. Prior to first occupation of any of the dwellings hereby approved, a Travel Information Pack shall be submitted to and approved in writing by the local

planning authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

COMPLIANCE CONDITIONS

9. 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 government guidance contained within the National Planning Policy Framework.

INFORMATIVES

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	
Public Transport	£72 930 (Rpi-x Oct 23)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Rights of Way	£20 000 (Baxter Dec 24)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

Community Hall facilities	£60 610.44 – final figure to be agreed.	Prior to the First Occupation of any Dwelling on the Site	<p>Necessary - contribution towards improvements at Hook Norton Memorial Hall or a community facility in the locality</p> <p>Directly related – For use of future occupiers by the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>
Outdoor Sport Provision	£110 936.65	Off-site Outdoor Sports Facilities Contribution in the following instalments:- 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p>Necessary - contribution towards the enhancement of off site outdoor sports facilities at Hook Norton Sports and Social Club.</p> <p>Directly related – For use by future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Indoor Sports Provision	£44 262.24	Off-site Indoor Sports Facilities Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p>Necessary - off-site indoor sport contribution towards improvements at Hook Norton Memorial Hall or at Hook Norton Sports and social club</p>

			<p>Directly related – For use by future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access</p>
Public Realm / Public Art	£12 320	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary - Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. Public art and the quality of the public realm are important considerations in the design and layout of a development.</p> <p>Directly related – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p>Fairly and reasonably related in scale and kind – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments</p>

			Planning Practise Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.
Special Education	£26 922 (BCIS all in TPI – BCSTPI=327)	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary to provide adequate education provision in special needs as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Waste Management	£5 603(BCIS – All in TPI – BCISTPI=379)	TBC	<p>Necessary The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related. Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>

LAP	TBC or Management company	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – Site based LAP required in accordance with Policy BSC10.</p> <p>Directly related – contribution towards the maintenance of the site-based LAP.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to play and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Affordable Housing	35% with a tenure split of 70% rented and 30% intermediate .	Not Occupy or cause or permit the Occupation of more than fifty per cent (50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing</p> <p>Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
Monitoring fee	TBC	To allow for monitoring of the site and the S106 contributions	

Land West Of Chinalls Close Adj To
Banbury Road
Finnmere



24/01078/OUT
Land West Of Chinalls Close Adj To
Banbury Road
Finmere

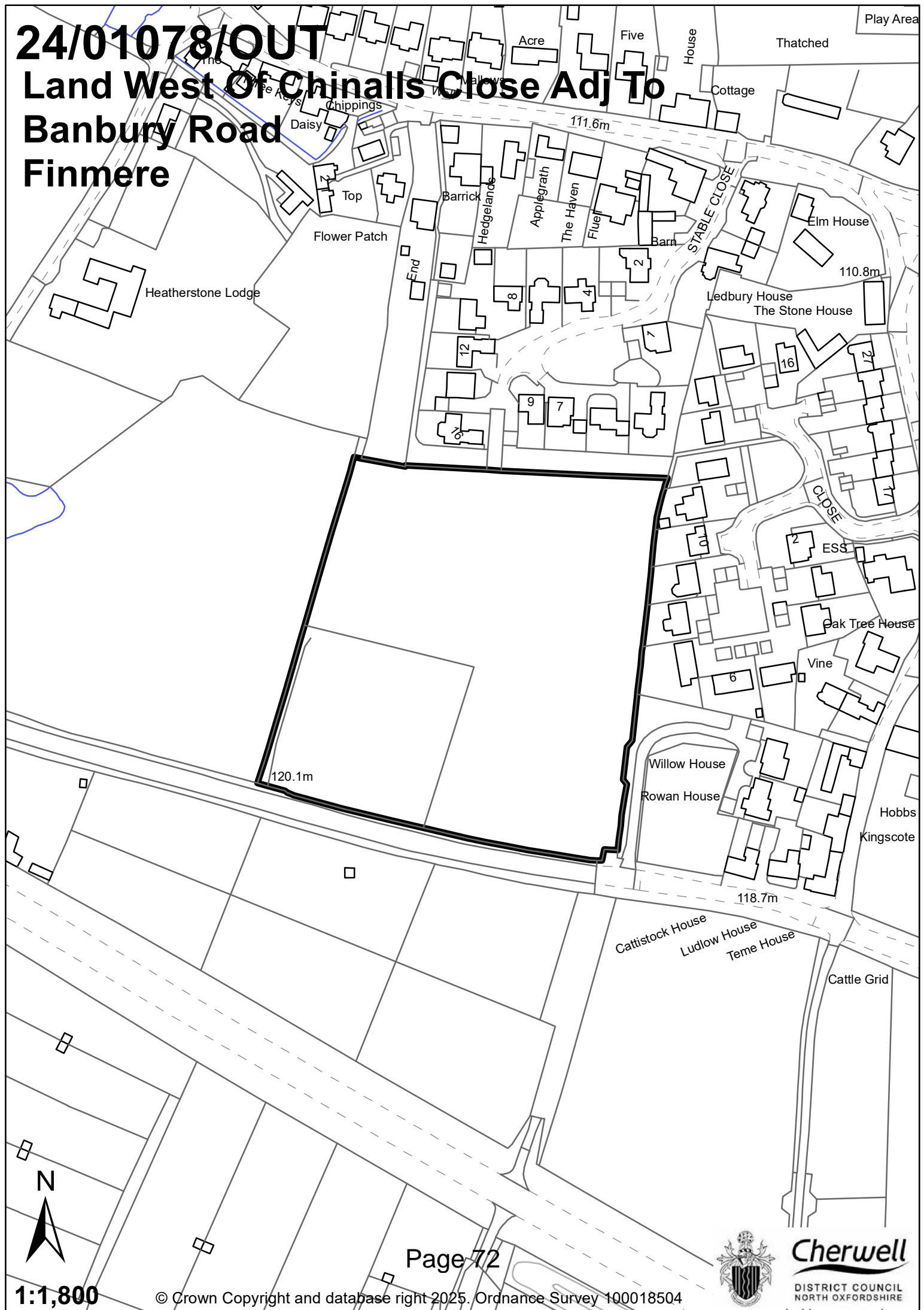
120.1m



1:900



24/01078/OUT
Land West Of Chinalls Close Adj To
Banbury Road
Finnmere



1:1,800



Case Officer: Sophie Browne

Applicant: Hayfield Homes Construction Limited

Proposal: Erection of up to 10 dwellings and associated vehicular access, public open space, landscaping and other supporting infrastructure

Ward: Fringford And Heyfords

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

Reason for Referral: Major development

Expiry Date: 15 November 2024

Committee Date: 5 June 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises is a roughly square in shape, undeveloped field of around 1.92ha, located on the south western edge of Finmere. It is bounded to the north and east by existing residential development (Stable Close and Chinalls Close respectively). Banbury Road bounds the site to the south, from which is it separated by a mature hedgerow. The site is separated from a similar-sized field to the west by fencing, with further mature vegetation to the remaining boundaries of the adjacent field.
- 1.2. The site is largely flat and is currently in use for grazing horses and ponies. Access is via a field gate to the south eastern corner with additional pedestrian access points, associated with the Public Rights of Way (PROW) that cross the site, located in the north eastern corner and on the northern boundary close to the north western corner. Banbury Road is gated around 10m from the eastern site boundary, becoming a private access to a dwellinghouse known as Foxley. The gated section of the road remains the property of Oxfordshire County Council Local Highway Authority.

2. CONSTRAINTS

- 2.1. The application site is not subject to any relevant planning designations. Three PROWs run across it: 213/9/20 and 213/1/40 run diagonally north west from the south eastern access point, with the former connecting to a field gate on the northern boundary near the north west corner and the latter continuing in a more westerly direction across the adjacent field. PROW 213/10/30 and 213/10/20 run sequentially from the western site boundary at a shallow angle to the access point in the north eastern corner.

- 2.2. A pond is located some 105m to the west of the site with good habitat connectivity, with a second pond approximately 185m to the north west separated from the site by a road and some dwellinghouses. Council mapping systems identify the site as containing a mixture of Grades 1, 2 and 5 agricultural land, with Grades 1 and 2 falling within the 'best and most versatile' (BMV) category.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is made in outline with all matters reserved other than means of access. The proposal is for the erection of up to ten dwellinghouses, shown on the illustrative masterplan as detached units located centrally within the site around a cul-de-sac originating from a new access point from Banbury Road, which would be located approximately 28m from the south eastern corner of the site. The applicant has committed to providing two of these dwellinghouses as two-bedroomed bungalows. Affordable housing would be provided on-site if a Registered Provider can be secured, as detailed in Section 9 of this report, with the remaining dwellings proposed to be family homes of four or more bedrooms. All dwellinghouses would meet M4(2) accessibility standards and be EPC-A rated, with dedicated electric vehicle charging points.
- 3.2. The indicative drawings submitted in support of the application show the retention of the three existing PROWs and the applicant has committed to providing off-site footpath works to improve pedestrian safety between the north eastern site access and the primary school on Mere Road. The development would incorporate a community orchard as well as a variety of public open spaces, a play area, and trim trail equipment.
- 3.3. *Timescales for Delivery:* The applicant has advised that, in the event that planning permission is granted, they anticipate that the development could be delivered within the next two years.

4. RELEVANT PLANNING HISTORY

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

15/00026/PREAPP: Proposed residential development together with access and associated infrastructure. Response sent 26.3.2015.

15/00028/SO: Screening opinion to 15/00552/OUT. 'Screening opinion not requesting EIA' 3.6.2015.

15/00552/OUT: Residential development together with access and associated infrastructure and public open space. Withdrawn 22.7.2015.

21/03317/SO: Screening opinion to 21/03066/OUT. 'Screening opinion not requesting EIA' 2.11.2021.

21/03066/OUT: Outline application for up to 30 dwellings and detailed access from Banbury Road, with all other matters reserved. Refused 22.4.2022. Appeal dismissed 1.11.2023.

- 4.2. 15/00026/PREAPP did not relate specifically to the current proposal but sought pre-application advice in relation to the principle of the residential development of the land for up to forty five dwellinghouses. The advice provided preceded the adoption of the

CLP Part 1 in July 2015 and the Council could not demonstrate a five-year housing land supply at the time.

- 4.3. Observations from Planning Policy noted that Policy Villages 2 of the (then) Submission Local Plan *“provides for some development at Finmere”* and summarised that *“The scale of the proposed development at this location causes some concern. A smaller development area and a reduced number of dwellings may better reflect the character and size of the village and reduce the impact on the countryside”*.
- 4.4. The overall conclusion to the pre-application advice note stated the following: *“The development of this site is contrary to the adopted Development plan policies. However, the Council does not currently have any up to date adopted policies to ensure the future delivery of housing and there currently remains a shortfall in housing land supply. In this case, it is the benefit of seeking to meet the housing land supply and the provision of affordable housing that weigh heavily in the balance. On balance therefore, it is considered that some residential development on the site may be acceptable in principle. Having regard to the comments of Oxfordshire County Council, the position of the site beyond the existing built up limits of the village and the public rights of way which cross the site, it is considered that a reduced number of dwellings must be proposed which enables a scheme to be designed which better reflects the character and size of the village, pays proper regard to existing public rights of way which cross the site and reduces the impact of the development on the open countryside”*.
- 4.5. 21/03066/OUT was refused by the Planning Committee, contrary to Officer recommendation, on the grounds of being in an unsustainable location, having potential to impact on nearby archaeological assets, potentially utilising best and most versatile agricultural land, and leading to increased downstream flood risk. The lack of a planning obligation to secure infrastructure and affordable housing delivery was cited as an additional refusal reason.
- 4.6. The Inspector’s subsequent appeal decision (APP/C3105/W/22/3309489) supported the refusal on the basis that *“the proposed development of up to 30 homes would be too large in relation to the range of local services and facilities”* (paragraph 8) but also noted that the site was identified *“as suitable for 20 dwellings by the Council’s Housing and Economic Land Availability Assessment (2020) which formed part of the evidence base of the Cherwell Local Plan 2011-2031 (Part 1) (Partial Review), and indeed the site meets many of the criteria in Policy Villages 2. It is well enclosed with limited landscape impact, and with satisfactory access for vehicles from Banbury Road. An existing footpath would take pedestrians through Chinalls Close into Valley Road and Mere Road, and would integrate the site with the village. Submitted evidence demonstrates that there are no archaeological, heritage or flood risk constraints on the site”* (paragraph 9).
- 4.7. It is of note that, whilst the Council could not demonstrate a five year housing land supply at the time of the Committee decision to refuse the application, by the time of the Appeal decision the Inspector noted that *“The District has a 5 year housing land supply based on the local housing need (LHN) calculation”* (paragraph 4).

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 **30 May 2024**, by advertisement in the local newspaper expiring **7 June 2024**, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **22 October 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 29 objection comments (including two duplicate) have been received from third parties, which are summarised as follows:
- Conflict with the housing strategy for the District as set out in the 2011-2031 Local Plan; requirement for 750 units in Category A villages has already been met; site is not allocated by CDC for development; increase in size of village from 135 to 170 homes since 1995; application is not infill or minor development; disproportionate development for the size of the village; CDC has a five year housing land supply.
 - Site is outside the built-up area of the village; site is in an isolated location that is out of keeping with the existing development pattern of the settlement; impact of development on quiet rural character, identity, and heritage of the village; development would not integrate with the settlement; development would not enhance the built environment.
 - Proposed new footway along Valley Road and Mere Road would change the character of the village centre; loss of parking lay-by to accommodate footway would be detrimental to school drop-off and pick-up.
 - Finmere is an unsustainable location: lack of employment opportunities; limited public transport meaning that the development would be car dependent; lack of local services and facilities; the village should no longer be Category A due to its size and loss of services and facilities; inadequate local school; inadequate healthcare facilities; poor active travel connections to site.
 - Impact of surface water drainage to existing sewage system, which already has capacity problems.
 - Flood risk impacts.
 - Application site is within 300m of a landfill site, potential detrimental impacts on health of future occupiers and villagers already have to contend with environmental problems caused by the operators of the site.
 - Application site is within 850m of HS2 route *“and Finmere has already had a number of successful ‘blight’ claims against HS2”* with people leaving the village; proposal would compound issues created by HS2 such as increased traffic from local road closure and noise
 - Impact on highways: safety; congestion; pollution; conflict with existing active travel users of Old Banbury ‘no through’ road; further degradation of already poorly maintained local roads.
 - Impact on ecology: local wildlife; trees; habitat.
 - Housing mix: no affordable or social housing; only large ‘luxury’ houses proposed; a greater range of house sizes would promote a healthy, diverse community.
 - Impact on electricity supply to the village.

- Concerns that development would facilitate later development of adjoining site.
- Loss of private views.
- Impact of experience of using footpaths across the site and recreational use of the site (cyclists, runners, horse riders, dog walkers etc).
- Existing nearby developments already increasing traffic and local population.
- Similar to the proposals (16/01209/OUT and 17/01328/OUT) on the adjoining parcel of land that were refused, with an appeal dismissed (APP/C3105/W/17/69168)
- Fails to address Inspector's findings at last appeal (dismissed) on the site (APP/C3105/W/22/3309489 re 21/03066/OUT) in relation to ESD1 and Policy Villages 2 in terms of accessibility to employment, services and facilities.
- Impact on property values in the village.

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

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. FINMERE PARISH COUNCIL: **Objects** to the application, primarily on the grounds of sustainability, flood risk, and size, scale, form, location and access.

Sustainability

Finmere is a small Category A village with few facilities or employment opportunities and limited bus services and is not suitable for the scale of development proposed. Policy Villages 1 is cited in relation to the limits placed on development at Category A villages.

All of the proposed houses are large homes that are not of the type that Finmere needs, any new development should include a mix of house sizes and styles.

Poor active travel links to nearest shop at Tingewick and concerns regarding proposed crossing location of new footpath route from site to school as this is on a blind bend.

Flooding

There are existing flooding problems within the village, which is increasing in severity and frequency with climate change and increased building/hard surfacing. Concerns expressed regarding the proposed surface water drainage arrangements and impacts on the existing problems.

Concerns regarding disruption that proposed foul water connection to existing network in Stable Close would cause.

Size, scale, form, location and access

Location and layout of the proposed development encroaches into the countryside and is not reflective of the existing settlement pattern. Location of access off the old Banbury Road will exacerbate the poor integration of the development into the existing community, contrary to guidance within the Local Plan.

Sewage treatment

“Anglian Water state that the Buckingham Water Recycling Centre does NOT have capacity to treat flows from this development... They are obligated however to accept the flows”. The Parish Council seeks assurance that appropriate investment will be made to upgrade the existing system before further development is considered.

Noise, landfill odours, proximity to HS2 and the Limestone Borrow Pit

The Parish Council queries whether the site is suitable for residential development given its proximity to noise emitters (including A roads and the line of HS2) and Finmere landfill site.

Old Banbury Road

The Parish Council expresses concerns regarding potential conflict between vehicles and active travel users on the former B4031 Banbury Road, requesting a requirement for the developer to install a pavement and traffic calming measures between the proposed site access and the Red Lion public house to mitigate.

- 7.3. OCC LOCAL HIGHWAY AUTHORITY (LHA): **No objection** subject to conditions and S106 contributions.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY (LLFA): **No objection** subject to conditions.
- 7.5. CDC BUILDING CONTROL: **No objection**.
- 7.6. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE) OXFORDSHIRE: **Objects** to the proposal on the following grounds: unsustainable location with limited access to services and amenities other than by private motor vehicle; proximity to HS2 and associated noise pollution; impact on local agriculture and/or sports facilities (site *“currently used for cattle and horse pens”*); Banbury Road does not provide suitable access; removal of hedgerows and loss of habitats for protected and priority species; potential flood risk impacts; lack of affordable housing; limited information regarding design and layout; design security concerns; disproportionate addition to the settlement; impacts on local infrastructure (energy, water, sewage, and gas); utilisation of ‘best and most versatile’ agricultural land.
- 7.7. CLINICAL COMMISSIONING GROUP: No comments received at the time of writing.
- 7.8. CDC ECOLOGIST: **No objection** subject to conditions.
- 7.9. CDC ENVIRONMENTAL HEALTH OFFICER: **No objection** subject to conditions.
- 7.10. CDC HOUSING STANDARDS: No comments received at the time of writing.
- 7.11. CDC LANDSCAPE OFFICER: **No objection**.
- 7.12. CDC COMMUNITY INFRASTRUCTURE: **No objection** subject to S106 contributions.
- 7.13. CDC STRATEGIC HOUSING: **No objection** subject to S106 agreement.
- 7.14. THAMES VALLEY POLICE: Concerns expressed regarding the indicative layout provided on the Illustrative Masterplan in relation to the surveillance it provides to the central area of the development and to the public open spaces. Detailed comments and guidance provided in relation to parking, defensible space and planting, surveillance, bin and cycle stores, public open space, lighting, rear access routes, and utility meters.
- 7.15. THAMES WATER: ‘No comment’ response.

- 7.16. ANGLIAN WATER: Advises that the necessary steps would be taken to accept foul flows from the development should permission be granted and that the submitted FRA is considered acceptable subject to appropriate informatives.
- 7.17. CDC WASTE AND RECYCLING OFFICER: **No objection** subject to S106 contributions.
- 7.18. BICESTER BIKE USERS GROUP: No comments received at the time of writing.
- 7.19. CDC ARBORICULTURAL OFFICER: No comments received at the time of writing.
- 7.20. OCC ARCHAEOLOGIST: **No objection**.
- 7.21. OCC EDUCATION: **No objection** and no S106 contribution sought.

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
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD7- Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- H18 - New Dwellings in the Countryside

DRAFT CHERWELL LOCAL PLAN (DCLP) - limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- Conservation of Habitats and Species Regulations 2017
- Oxfordshire Parking Standards for New Developments (2022)
- Developer Contributions Supplementary Planning Document (2018)

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Drainage and flood risk
- Highways impact
- Ecology impact
- Other matters

Principle of Development

Policy context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and the policies in the Hook Norton Neighbourhood Plan (HNNP).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.5. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.6. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell. Finmere is categorised by PV1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Finmere is categorised as a Category A Village by PV1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions.
- 9.7. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District.
- 9.8. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.9. Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.10. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.11. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then

the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.

- 9.12. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.13. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.14. The recently published National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.
- 9.15. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

Assessment

- 9.16. Finmere is identified under Policy Villages 1 as a Category A village, which are recognised as the most sustainable locations for growth in the rural areas. It is acknowledged that sustainability credentials vary between Category A villages, with some benefitting from better services and facilities - or sustainable access to these in nearby settlements - than others.
- 9.17. Finmere has a primary school, a playing field, a church and a village hall, and a pub that is temporarily closed at present. The nearest shop is at Tingewick, approximately 1.7km to the east, with poor active travel links making it an unrealistic option to meet everyday needs. There is, however, a service station convenience store located on the A421 roundabout some 300m south of the settlement with, apparent footpath connectivity, that could cater to some everyday needs of residents. The main employment opportunities are at Buckingham (around 6km east) and Bicester (some 10km south west).

- 9.18. A bus service operates with five buses to, and three buses from, Buckingham every weekday at suitable times to support commuting for employment (the first bus from Finmere leaves at 07:12 and arrives at Buckingham High Street at 07:38, with the last bus from Buckingham leaving at 17:46). The route also connects Finmere to Tingewick, providing a sustainable option to reach the nearest local shop. A new circular bus route started in July 2024, connecting Finmere to Bicester and passing through the village five times a day (Monday to Saturday), which also supports commuting for employment (the first bus leaves Finmere at 07:22 and arrives in central Bicester O801, the last bus departs Bicester 17:50). Given this, Finmere is considered to represent a sustainable location for development of an appropriate scale.
- 9.19. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that “a total of 750 homes will be delivered at Category A villages”. It is acknowledged, as stated in the Planning Policy consultation response, that this figure has now been exceeded, however various Appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development and that proposals at Category A villages that are otherwise acceptable can nevertheless still be supported.
- 9.20. Policy Villages 2 states that “In identifying and considering sites, particular regard will be given to the following criteria:
- *Whether the land has been previously developed land or is of lesser environmental value*
 - *Whether significant adverse impact on heritage or wildlife assets could be avoided*
 - *Whether development would contribute in enhancing the built environment*
 - *Whether best and most versatile agricultural land could be avoided*
 - *Whether significant adverse landscape and impacts could be avoided*
 - *Whether satisfactory vehicular and pedestrian access/egress could be provided*
 - *Whether the site is well located to services and facilities*
 - *Whether necessary infrastructure could be provided*
 - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period*
 - *Whether land the subject of an application for planning permission could be delivered within the next five years*
 - *Whether the development would have an adverse impact on flood risk.”*
- 9.21. The majority of these criteria will be assessed in detail in the following sections of this report, however it is self-evident that the site is not previously developed land. As detailed in later sections, the site is not of high environmental value and is not sensitive in heritage terms. With appropriate design and mitigation, significant adverse impacts on wildlife assets and the wider landscape could be avoided, satisfactory vehicular and pedestrian access/egress could be provided, and the development would contribute to enhancing the built environment. The development would not result in adverse flood risk impacts and necessary infrastructure could be provided.

- 9.22. In relation to the criterion of *“whether the site is well located to services and facilities”*, it is of note that the Inspector for the dismissed previous Appeal (against 21/03066/OUT) at the site considered it to be suitable for development in many respects but repeatedly emphasised that it was the scale of the proposal that was problematic, stating at paragraph 8 of the Appeal decision that *“the proposed development of up to 30 homes would be too large in relation to the range of local services and facilities”* and, having identified a range of positive elements in the planning balance, concluding at paragraph 11 that *“none of these considerations, individually or together, outweigh the fundamental objection that this scheme would deliver too many new homes in a village with few facilities”*.
- 9.23. The scale of the current proposal is greatly reduced, from 30 dwellings to 10, and the sustainability of the village has been improved since the Appeal decision by the introduction of the new bus service. 2021 census data gives the population of Finmere as 487, in light of which an additional 10 dwellings is considered a proportionate addition to the settlement that is commensurate with the level of services and facilities available. It is also noted that both the 2020 Housing and Economic Land Availability Assessment and the advice provided under 15/00026/PREAPP considered the site to be sufficiently well-located to be suitable for residential development in principle. Third party comments that Finmere should no longer be a Category A settlement, and that it is downgraded in the emerging Local Plan, are noted, however the emerging Local Plan has not yet reached a stage of preparation at which it can be afforded meaningful weight in the planning balance and, as set out above, the service provision and connectivity of the settlement are objectively regarded as sufficient to sustain some level of growth, with the scale of the proposed development low.
- 9.24. Comparisons drawn by third parties with the proposals and subsequent dismissed appeal on the parcel of land adjoining the site to the west (references 16/01209/OUT, 17/01328/OUT and APP/C3105/W/17/69168 respectively) are not considered directly comparable. The proposed quantum of development was greater, the proposal being for twenty five dwellings, and as the Inspector noted in the Appeal Decision, *“the description of the proposal as a “dislocated limb of development” can justifiably be applied”* to that scheme, whereas the current application site is enclosed by existing development to two sides and a road to the third and would therefore bear a much closer visual relationship to the existing built form than that scheme.
- 9.25. The scale of the development results in a density of approximately 5.2dph. Policy BSC2 states that *“new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development”*. The supporting text at paragraph B.102 clarifies that *“the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of the site”*. In this case, the reduced density arises from the need to provide a scheme of proportionate scale to the size and level of service/facility provision of the settlement. It would also be more commensurate with the prevailing building grain of Finmere and would aid assimilation into the landscape by providing a sense of transition and reduction in the density of the built form, in light of which justification the proposal is considered not to conflict with Policy BSC2.
- 9.26. The site is identified by Council mapping systems as a mixture of Grades 1, 2 and 5 agricultural land. The applicant has submitted an agricultural land quality survey in support of the application, which includes soil analysis and drainage assessment to inform the land quality assessment and concludes that the entirety of the site is Grade 2 land. This falls into the category of ‘best and most versatile’ (BMV) agricultural land, in light of which the proposal does not accord with this criterion of Policy Villages 2.

The submitted Planning Statement acknowledges that the proposal would result in the loss of BMV land but notes that the site has been used by the current owner since 1980 for livestock grazing and exercising horses and was in similar use by the previous owner. Given the size of the site, isolation from other agricultural land, location in close proximity to existing residential development, and the footpaths crossing the site, it is asserted that there is no realistic prospect that the site could be brought into a viable arable use. This is taken into account in weighing the conflict with this criterion of Policy Villages 2 in the planning balance.

- 9.27. There is no indication that the necessary infrastructure to support the development could not be provided and appropriate contributions can be secured by way of planning obligations in the event that permission is granted. The applicant has stated that the development could be delivered within two years of permission being granted and there is no reason to believe that this would not be the case.

Conclusion

- 9.28. The application site is sustainably located at a Category A settlement and is of an appropriate scale for the available facilities and service provision. It is therefore in accordance with CLP 2015 Policies BSC1, ESD1 and Policy Villages 1. The density of development is justified by other material planning considerations and the proposal is therefore considered to accord with CLP 2015 Policy BSC2. Subject to appropriate details at the reserved matters stage, necessary mitigations that can be controlled by condition, and securing contributions via planning obligation, the proposed development meets nine of the eleven criteria of CLP 2015 Policy Villages 2. Of the remaining criteria, one is not relevant as it relates to the consideration of land for allocation. There is some conflict with the criterion that relates to the development of BMV agricultural land, however this is afforded limited weight given the constraints on the likelihood of the land being brought in arable farming use in future. Given this, the proposal is considered to be in overall accord with CLP 2015 Policy Villages 2.
- 9.29. On the basis of the above, the proposed development is considered to accord with the relevant requirements of the Local Development Plan and to represent a sustainable form of development as required by CLP 2015 Policy PSD1 and paragraphs 8 and 11 of the NPPF. Subject to accordance with other relevant policies and material considerations, therefore, the principle of the development can be supported.

Design and impact on the character of the area

Policy context

- 9.30. CLP 2015 Policy ESD13 seeks to protect and enhance the character and appearance of the landscape, including avoiding harm to important natural landscape features and topography, to the setting of settlements, buildings, structure or other landmark features, or to the historic value of the landscape, preventing impacts on areas with high levels of tranquillity, avoiding undue visual intrusion into the open countryside, and ensuring that development is consistent with local character.
- 9.31. CLP 2015 Policy ESD15 recognises that “*Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context*” and expects development proposals to complement and enhance the character of the area through sensitive siting, layout, and high quality design, setting out a number of criteria that proposals should meet.

- 9.32. CLP 1996 Policies C28 and C30 also relate to design, seeking to ensure that new development is sympathetic to the character of the area (C28) and compatible with the appearance, character and layout of existing dwellings in the vicinity (C30).
- 9.33. Section 12 of the NPPF relates to design and paragraph 131 states that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*”. Paragraph 135 sets out expectations that developments should, *inter alia*: function well and add to the quality of the area for the lifetime of the development; be visually attractive; be sympathetic to local character and history, including both the built environment and the landscape setting; and optimise the potential of the site with regard to the amount and mix of development, including green and other public space.

Assessment

- 9.34. The application is made in outline only, with all matters reserved except access, and it is noted that the applicant’s response to technical consultee comments in relation to layout concerns (e.g. the Thames Valley Police ‘Designing Out Crime’ Officer) is that these concerns can be addressed at the reserved matters stage. The various submitted site plans (illustrative masterplans, framework plan, biodiversity enhancement plan etc) are therefore regarded as indicative only, with all matters relating to the site layout, landscaping, and scale and appearance of the development to be determined at the reserved matters stage in the event that outline permission is granted. Notwithstanding this, the indicative drawings submitted in support of the proposal show that the site can comfortably accommodate the proposed quantum of dwellinghouses with sufficient space to support a variety of potential layouts within the broad parameters of containing the built form between PROW 213/10/20-213/10/30 to the north and PROW 213/1/40 to the south west, with planting and landscape features to the west, north west and south west softening the appearance of the development and helping it to assimilate into the landscape in views from western public viewpoints towards the settlement.
- 9.35. Given the existing development to the north and east of the site, the proposed development would be viewed in the context of the existing built form and the submitted wireframe illustrations show that there would be limited material impacts to the wider landscape, particularly once perimeter planting along the western site boundary has matured. The line of the remaining PROW bisecting the site from south east to north west would provide the approximate route for the internal access road. Whilst it is acknowledged that the experience of PROW users would be materially altered by the development, these would be localised effects and the continued PROW routes beyond the site to the west would retain their rural character. Furthermore, two of the three routes would run along the outer edge of the built form and thereby retain a semi-rural character with the experience for users being one of transition from the heart of the village out into the open countryside.
- 9.36. As previously noted, the development would be low density at approximately 5.2dph across the whole site. Taking into account the undeveloped areas around the site perimeters, however, the housing density within the developed area would be closer to 9.5dph. Whilst this remains lower than much of the existing settlement, particularly more recent additions, there are areas of the village where the grain is noticeably looser, such as along Fulwell Road and the southern side of Mere Road. The low density and loose building grain are considered appropriate to the edge-of-settlement location and would contribute to the sense of transition between village and countryside through the development, as well as helping it to assimilate visually into its context.

- 9.37. Concerns are raised by interested third parties that the proposed off-site footway provision along Valley Road and Mere Road would alter the character of the village centre. Whilst this is true, insofar as the existing grass verges would be partially replaced by hard surfacing, verges would also be retained along the opposite side of the carriageway and alongside the majority of the proposed footway, in light of which this alteration is considered not to result in unacceptable adverse impacts on the character of the village. The improvements to highway safety that would result from the proposed footway, providing improved safe and convenient active travel connectivity from residential areas of the settlement to the primary school, are considered to outweigh the limited impacts of the alterations on the character of the settlement.

Conclusion

- 9.38. Given the above, and noting that layout and other design details would form the subject of a reserved matters application, it is considered that the proposed development could deliver a high-quality design that that would be consistent with local character, enhance the built environment, avoid unacceptable landscape impacts, and relate well to the site context. The proposal is therefore considered to accord with the relevant requirements of CLP 2015 Policies ESD13 and ESD15, CLP 1996 Policies C28 and C30, and guidance within the Section 12 of the NPPF.

Affordable housing and mix

Policy context

- 9.39. CLP 2015 Policy BSC3 sets out expectations in relation to the provision of affordable housing. In the rural area, proposals that include eleven or more dwellinghouses or which would be on sites suitable for eleven or more dwellinghouses are expected to provide 35% of new housing as affordable homes on site. The policy expectation is that 70% of the affordable housing should be affordable rented dwellings with the remaining 30% other forms of intermediate affordable homes (such as shared ownership). Where the applicant considers the proposal to be unviable with these requirements, this must be demonstrated through economic viability assessments. Policy BSC3 states that financial contributions in lieu of the provision of on-site affordable housing will only be acceptable in exceptional circumstances.
- 9.40. CLP Policy BSC4 requires new residential development to provide an appropriate mix of homes to contribute to meeting current and expected future housing requirements in the area and to creating socially mixed and inclusive communities.

Assessment

- 9.41. The proposed development falls below the threshold of eleven new dwellinghouses that would normally trigger a requirement for the provision of affordable housing. As noted above, it is accepted that the low density of the development is justified by other material planning considerations, however given the overall site area it is considered that the site could be suitable for eleven or more dwellinghouses and that the requirements of Policy BSC3 are therefore triggered. Following the provision of a viability assessment by the applicant and subsequent negotiations, on-site provision of two affordable rented homes (one 2 bedroom/4 person and one 3 bedroom/5 person) and one shared ownership home (2 bedroom/4 person) has been agreed, which accords with policy expectations and the most up to date housing need data as provided by the Strategic Housing Officer. The applicant has expressed concerns that, in the current market, it will not be possible to secure a Registered Provider (RP) to take on the on-site affordable units, in light of which it has been agreed that a 'cascade' clause could be included in the S106 agreement in the event that

permission is granted, requiring on-site provision unless the applicant demonstrates to the LPA's satisfaction that no RP is available, in which case the LPA will accept a commuted sum as a contribution to off-site provision.

- 9.42. As noted elsewhere in this report, concerns have been expressed regarding the submitted indicative site layout and these include an objection from the Planning Policy Officer, noting that the indicative layout shows ten large, detached houses thereby failing to provide an appropriate mix of homes as required by Policy BSC4. The site layout is, however, regarded as indicative only, and all matters pertaining to the internal site layout and design, including the housing mix, could be addressed within a reserved matters application. Notwithstanding this, the applicant has committed to two of the open market dwellinghouses being two bedroom bungalows, contributing to meeting an identified local need for this type of housing.

Conclusion

- 9.43. The provision of on-site affordable housing (or a commuted sum) has been agreed in accordance with CLP 2015 Policy BSC3. The applicant has committed to the provision of two open market two bedroom bungalows and the remainder of the open market housing mix can be addressed under a reserved matters application, in light of which the outline proposal is considered to accord with CLP 2015 Policy BSC4.

Residential amenity

Policy context

- 9.44. Amongst other matters, CLP 2015 Policy ESD15 requires that new development should “*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*” and that it should limit the impact of light pollution on local amenity.
- 9.45. CLP 1996 Policy C30 seeks to secure acceptable standards of amenity and privacy in relation to new housing development or proposals for extension.
- 9.46. CLP 1996 Policy ENV1 seeks to prevent development that would result in materially detrimental levels of environmental pollution, including noise, vibration, smell, smoke and fumes.
- 9.47. Section 12 of the NPPF seeks to achieve well-designed and beautiful places, with paragraph 135 requiring developments to provide a high standard of amenity for existing and future users.

Assessment

- 9.48. The application is made in outline only and the detailed design of the proposed development would be addressed at reserved matters stage, in the event that outline permission is granted. However, given the size of the site and low density of the proposed housing, there are no concerns regarding the feasibility of ensuring sufficient separation between dwellinghouses – both existing and proposed – to achieve adequate levels of privacy and natural light. Similarly, it is clear that the detailed design proposals would be able to comfortably provide adequate indoor and outdoor space for future residents. Whilst there would inevitably be alterations to the view from properties on Chinalls Close and Stable Close that back onto the site, material loss of outlook would be prevented by the degree of separation between the proposed dwellinghouses and the existing, and softened by the provision of intervening additional planting. These factors would also prevent any sense of overbearing arising from the development. The proposed residential use of the site

is compatible with the surrounding use and does not give rise to any concerns regarding unacceptable levels of noise, odour, lighting or other environmental disturbance that may be detrimental to the residential amenity of neighbouring properties.

- 9.49. The Environmental Health Officer (EHO) has advised that noise, overheating and ventilation assessments will be required at the detailed design stage to ensure that satisfactory living conditions for future occupiers can be achieved. A pre-commencement condition will be required in relation to land contamination and mitigation measures to ensure that there is no risk to human health. The EHO has also advised that a Construction Environmental Management Plan will be required to safeguard existing residential amenity during the construction phase. These conditions are considered reasonable and necessary and have been accepted by the applicant.
- 9.50. Concerns regarding odour problems arising from the nearby landfill site at Finmere Quarry are acknowledged, however the EHO advises that this matter is being addressed by the Environment Agency, which regulates the site. In addition, this is an existing situation of which future residents of the proposed new housing would be aware prior to occupation. Similarly, future occupiers would be aware of the proximity of HS2 and able to make an informed decision regarding the potential noise impacts on their residential amenity, in addition to which the previously noted condition relating to a noise assessment would mitigate for these impacts.

Conclusion

- 9.51. The proposed development would not result in unacceptable impacts on existing residential amenity and would be capable of providing acceptable standards of amenity for future occupiers. Subject to conditions, therefore, the proposals are considered to accord with the relevant requirements of CLP 2015 Policy ESD15, CLP 1996 Policies C30 and ENV1, and guidance within Section 12 of the NPPF.

Drainage and flood risk

Policy context

- 9.52. CLP 2015 Policy ESD6 seeks to manage and reduce flood risk within the District, advocating a sequential approach to development and specifying when a site specific flood risk assessment should be required.
- 9.53. CLP 2015 Policy ESD7 requires the incorporation of sustainable urban drainage systems (SuDS) for the management of surface water run-off in all development.
- 9.54. Section 14 of the NPPF relates to climate change, flooding and coastal change. Paragraph 181 requires that development should not increase flood risk elsewhere and that proposals should be supported by a site-specific Flood Risk Assessment where appropriate, along with specific risks that this must address, and paragraph 182 sets out expectations in relation to the provision of sustainable drainage systems.

Assessment

- 9.55. The application site is located in Flood Zone 1, which is at lowest risk of flooding, and the proposed development is compatible with this flood risk. The application is supported by a site-specific Flood Risk Assessment (FRA), which outlines the provision of on-site attenuation basins along with a positive drainage system to collect surface water flows via a piped network for storage within the basins. Local concerns regarding historic surface water flooding of the site and the potential for increased

run-off to nearby properties are acknowledged and the attenuation basins have been designed in accordance with National SuDS Standards to accommodate the 1 in 100 year storm event plus 40% climate change.

- 9.56. Overall, the positive management of surface water drainage within the site will represent an improvement as compared to the current scenario. The LLFA has confirmed that it has no objections to the proposals subject to conditions to secure a detailed surface water drainage scheme, including maintenance details and a record of the system as installed following completion.
- 9.57. Third party concerns have been expressed regarding the capacity of the local sewage system and its ability to cope with the requirements of the proposed development. Anglian Water advises that *"The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission."* It is noted that the NPPF is clear regarding the scope of the planning regime in relation to 'Ground conditions and pollution' (Section 15), paragraph 201 stating that *"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."*
- 9.58. Given this, and in light of Anglian Water's consultation response, concerns regarding foul water capacity would not constitute material grounds for refusal. In relation to used water, Anglian Water confirms that the sewerage system has available capacity for the flows in the submitted FRA at present.

Conclusion

- 9.59. The proposed development would provide an overall improvement in surface water management as compared to the existing situation and the foul sewage provider has confirmed that the needs of the development can be accommodated. Subject to conditions to secure an appropriate detailed drainage scheme, therefore, the proposals are considered to accord with the relevant requirements of CLP 2015 Policies ESD6 and ESD7 and Section 14 of the NPPF.

Highways impact

Policy context

- 9.60. CLP 2015 Policy ESD15 seeks to deliver safe and healthy places to live and work in. Amongst other things, it requires new development to integrate with existing streets and patterns of routes and spaces and requires that the principles set out in The Manual for Streets should be followed.
- 9.61. CLP 2015 Policy SLE4 promotes improved transport and connections within the District through the implementation of the Movement Strategies and the Local Transport Plan along with specified key transport proposals, supporting modal shift and more sustainable locations for employment and housing growth.
- 9.62. Section 9 of the NPPF promotes sustainable transport. Paragraph 108 requires transport issues including the potential impacts of development on transport networks and the environmental impacts of traffic to be considered from the earliest stages of development proposals. Paragraph 115 states that *"development should only be*

prevented or refused on highways grounds if there would be an unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe”.

Assessment

- 9.63. Extensive consultation and collaboration with the LHA were undertaken during the lifetime of the application in order to ensure not only that the proposed site access is safe and suitable but also to secure appropriate off-site highway works in the form of the provision of a new section of footway between Chinalls Close and Finmere primary school to improve pedestrian connectivity and safety, surfacing and lighting of the PROW connecting the north eastern site corner to Chinalls Close, along with the provision of tactile paving within Chinalls Close to direct users to the PROW. Following the submission of amended details, these are now considered to be acceptable, with appropriate site access provided for all users and the footway proposals providing improved connectivity to the village and wider active travel network.
- 9.64. In relation to comments raised by interested third parties regarding the potential conflict between existing active travel users (dog walkers, horse riders, runners etc) of Banbury Road and those accessing the proposed development by motor vehicle, it is noted that the LHA does not view this as a material concern. Given the nature of the approach to the proposed site entrance along Banbury Road, and the speed restrictions and traffic calming measures sought by the LHA within the site – which would be secured as part of the reserved matters – it is considered that vehicles are highly unlikely to be travelling at speeds along the Banbury Road that would result in unacceptable adverse impacts on the safety of other road users.
- 9.65. Third party concerns regarding the loss of the existing parking lay-by opposite the school in order to facilitate the provision of the proposed new footway are noted, however the final iteration of the proposed footway plans show it running alongside the parking lay-by, which would be retained.
- 9.66. The LHA confirms that the scale of the development would not generate sufficient additional vehicular movements as to result in material impacts on the surrounding road network. The scale of the development is considered sufficient to warrant a condition for a Travel Information Pack, and this can be secured by condition, as can a Construction Traffic Management Plan to limit impacts on highway safety and residential amenity during the construction phase. The routes of the existing PROWs across the site would be preserved within the proposed scheme and improvements to their surfacing provided, which can be secured by condition. A financial contribution to support the new bus service provision between Finmere and Bicester would be secured via a S106 agreement, as would a contribution for off-site improvements to the PROW network in the area.
- 9.67. As the application is for outline permission only, details of the internal access roads, parking and cycle provision would be secured as part of the reserved matters application in the event that permission is granted.

Conclusion

- 9.68. The proposed development would integrate with the existing streets and patterns of routes, providing suitable vehicular access to Banbury Road and active travel connectivity into the heart of the village via the PROW onto Chinalls Close. Travel and transport connections in the vicinity of the development would be improved by the proposed off-site works and financial contributions, supporting modal shift and the sustainability of the settlement. Given this, the scheme is considered to accord with

the relevant requirements of CLP 2015 Policies ESD15 and SLE4 and guidance within Section 9 of the NPPF.

Ecology and Arboricultural Impacts

Policy Context

- 9.69. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.70. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.71. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.72. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.73. This policy is supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

Assessment

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

It also states that LPAs can also ask for:

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

- 9.75. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard part of the site is bounded by mature trees and hedgerows and there is a pond within 200m, in light of which the site has the potential to provide suitable habitat for bats, breeding birds, and great crested newts.
- 9.76. The application is supported by an Ecological Appraisal and biodiversity net gain (BNG) assessment. Having reviewed the submitted details, the Council's Ecologist has confirmed that the proposals would not affect any priority habitat and that mandatory 10% BNG can be achieved on site, subject to the provision of full details as part of a reserved matters application and the requisite pre-commencement general biodiversity condition including provision of a thirty year Habitat Management and Monitoring Plan. There is some potential for impact on protected species, in particular great crested newts and foraging/commuting bats, however this can be controlled and mitigated for by conditions to secure a Construction Environmental Management Plan for biodiversity, a full external lighting strategy, and to ensure that appropriate licences are in place where necessary. Full details of the proposed protection measures for and future management of the retained hedgerows and trees will be expected as part of a reserved matters application detailing the site layout, in the event that outline permission is granted. A biodiversity enhancement scheme to secure the inclusion of integrated measures and permeability within the built environment can also be secured by condition.
- 9.77. The application is supported by an Arboricultural Impact Assessment, which indicates that a section of hedgerow and scrub along Banbury Road would be removed to facilitate the proposed site access arrangements. All other boundary hedgerows and trees would be retained. Although no comments have been received from the Arboricultural Officer at the time of writing, given the indicative site layout and locations of existing trees and hedgerows it is evident that suitable protections measures will be feasible and these can be secured at the reserved matters stage, in the event that outline permission is granted. Whilst landscaping is a reserved matter, the submitted indicative landscaping plan shows the intention to provide replacement hedgerow planting along the southern site boundary adjacent to Banbury Road along with numerous additional trees within the site, which is considered adequate mitigation for the loss of the existing hedgerow and scrub vegetation proposed for removal.

Conclusion

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

Other matters

- 9.79. The site lies within an identified area of archaeological interest and potential, in light of which the application is supported by a geophysical survey and archaeological evaluation. The County Archaeologist confirms that the findings of the survey and evaluation are acceptable and show that there are no significant archaeological remains on the site that would require archaeological constraints to be placed upon the proposed development.
- 9.80. Contributions towards enhancements to Finmere Village Hall, outdoor sport provision at Finmere Playing Fields, and indoor sport provision at Bicester Leisure Centre are sought to mitigate for additional pressures on these facilities arising from the proposed

development, which can be secured through a S106 agreement. Similarly, contributions towards bins and the expansion and improved efficiency of Household Waste Recycling Centres serving the development can also be secured through a S106 agreement.

- 9.81. Due to the scale of the proposed development, the Local Education Authority has confirmed that no S106 contribution is sought towards education provision.
- 9.82. Interested third parties have expressed concerns that a grant of permission for the proposed development may facilitate the later development of the adjoining site. The assessment of the proposal must be limited to the impacts and planning considerations of the scheme itself, however, and cannot stray into speculation regarding theoretical future applications at adjoining sites. Whilst it is acknowledged that proposals have previously been put forward for the development of the adjoining land to the west and north west, any future proposals for their development would be assessed on their own merits and take into account the cumulative impacts of development previously permitted.
- 9.83. Third party concerns have also been raised that the development may impact on existing property values, however this is not a material planning consideration that can be taken into account in the assessment of the proposed development scheme.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. As set out in the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development, to which end it has three overarching objectives: social progress, economic well-being, and environmental protection. Planning decisions should guide development towards sustainable solutions, having regard to the contributions that proposals make to each of these overarching objectives.
- 10.2. The proposed development would give rise to a number of social benefits, insofar as it would contribute to the District's housing stock at a time when the Council has only a 2.3 year housing land supply, would contribute affordable housing (either on-site or through a commuted sum), and would contribute to the viability and vitality of the settlement through population growth to support existing service and amenity provisions. Two bungalows would be included in the housing mix, supporting inclusive communities. The scheme would also make a positive contribution to active travel and supporting healthy communities through the proposed off-site highway improvements, on-site provision of public space and play area, and developer contributions to the provision of public transport, indoor and outdoor sports facilities, and enhancements to local community facilities. The proposed development therefore accords with the relevant provisions of CLP 2015 Policies BSC3, BSC4, BSC10, BSC11, and BSC12.
- 10.3. In environmental terms, the application site is located at a Category A settlement and is of an appropriate scale for the available facilities and service provision. The proposal would not appear incongruous in relation to the existing built form of the village and the low density of the housing is considered appropriate to the edge-of-settlement location, providing a transitional character to the development that would help to assimilate the development within its surroundings both in visual and experiential terms, particularly for users of the PROW both across and in the near vicinity of the site.
- 10.4. Whilst much of the detail of the proposal would be addressed as part of the reserved matters, therefore, it is considered that the proposed development could deliver a

high-quality design that that would be consistent with local character, enhance the built environment, avoid unacceptable landscape impacts, and relate well to the site context. There is no reason to believe that the development would result in unacceptable impacts on the residential amenity of existing residents, nor that it would fail to provide adequate amenity for future occupiers of the scheme.

- 10.5. Overall improvements in surface water management of the site would be delivered in comparison to the existing situation and no adverse impacts would result in ecological terms, with mandatory biodiversity net gain requirements being met on site. The proposed development would integrate satisfactorily with the existing streets and patterns of routes, with active travel links to the heart of the village via the existing Public Right of Way to Chinalls Close.
- 10.6. In light of this, the proposal is considered to accord with the relevant requirements of CLP 2015 Policies BSC1, BSC2, ESD1, ESD6, ESD7, ESD10, ESD13, ESD15, ESD17, Villages 1 and Villages 2, along with CLP 1996 Policies C28, C30 and ENV1. The proposal is therefore considered to result in overall environmental benefits, which is afforded positive weight in the planning balance.
- 10.7. The proposed development would result in economic benefits through the provision of employment opportunities during the construction phase. Given the temporary nature of this benefit, this is afforded limited positive weight in the planning balance.
- 10.8. The proposed development would result in the loss of 'best and most versatile' agricultural land, which weighs against the proposal in the planning balance. Given the site constraints and very limited feasibility that the land being used for arable farming, however, this is afforded limited weight.
- 10.9. As set out above, the proposed development is considered to accord with the relevant policy provisions of the Local Development Plan and of the NPPF when taken as a whole, with very limited adverse outcomes identified to weigh against the benefits. Given this, the proposal is considered to represent a sustainable form of development and is therefore recommended for approval.

11. RECOMMENDATION

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

- (a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- (b) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Provision of 30% affordable housing on site, or a commuted sum of £519,187.50 if a Registered Provider cannot be secured**
 - b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £2,017.03 per dwelling, plus £804.77 per dwelling towards strategic facilities (index linked)**
 - c) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling (index linked)**
 - d) Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £101.88 per dwelling (index linked)**
 - e) On-site provision of an equipped Local Area of Play and payment of a**

financial contribution of £65,564.81 (index linked) towards maintenance or other management provisions thereof

- f) Payment of a financial contribution towards the maintenance of on-site Open Space**
- g) Payment of a financial contribution for the monitoring of the Public Open Space of £24,880.32 (index linked)**
- h) Payment of a financial contribution towards community hall facilities of £1,102.008 per dwelling (index linked)**
- i) Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain**
- j) Payment of a financial contribution towards public transport provision of £1,326 per dwelling (index linked)**
- k) Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £15,000 (index linked)**
- l) Payment of the Council's monitoring costs to be confirmed**

Conditions

Time Limit

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

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

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

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

Compliance with Plans

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

P212023 02 A (site location plan)
26717_08_020_01 C (access design)
26717_08_020_03 K (proposed footway link)

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.

Prior to commencement conditions

4. Construction of the development hereby approved shall not begin prior to the approval of first reserved matters, which shall include a detailed surface water drainage scheme for the site to be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete. The scheme shall include:

- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details.

Reason – To ensure development does not increase the risk of flooding elsewhere, in accordance with paragraph 155 of the National Planning Policy Framework and Local and National Standards.

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

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

6. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason – In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

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

8. 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) Update surveys for badgers and any trees proposed for removal;
 - c) Identification of 'Biodiversity Protection Zones';
 - d) 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);
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - i) 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.

9. Prior to the commencement of the development hereby approved a specialist acoustic consultant's report that demonstrates that all habitable rooms within the dwelling and external areas shall achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. For outdoor areas, a level of 50 dB LAeq (16 hr) or less shall be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common. Where acoustic glazing and alternative means of ventilation are required to achieve this standard, full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

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

10. No development shall commence unless and until full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splay shall be kept clear of obstructions higher than 0.6m at all times.

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

11. The development shall not commence until details of improvements to PROW Footpaths 213/9/20, 213/10/30, 213/1/40 and 213/10/20 within the site and at the site boundary, including layout, construction, surfacing, drainage, gates, and wayfinding, together with a timetable for delivery, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the improvements shall be delivered in accordance with the approved details and timetable.

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.

12. 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 "Land Contamination Risk Management (LCRM)" 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.

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, 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 "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

14. If contamination is found by undertaking the work carried out under condition 13, 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 "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning

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

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

15. No development shall commence above slab level until a scheme for biodiversity enhancement within the built environment and green spaces, which may include but not be limited to integrated roosting provision for bats and birds as well as boxes on trees, log piles, bee bricks, measures to ensure permeability (e.g. hedgehog highways), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

16. No development shall commence above slab level until a full external lighting strategy, including lux diagrams and in line with recommendations within the guidance note from the Bat Conservation Trust and ILP (note 08/23), has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved details and no other external lighting shall be installed at the site.

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.

Prior to occupation conditions

17. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;

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

Reason – To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

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.

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

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

Compliance conditions

21. The approved drainage system shall be implemented in accordance with the following prior to the first occupation of the development hereby approved:

Document

Floor Risk Assessment Ref: 26717-FLD-0102 - March 2024

Drawing

Appendix H

Proposed Drainage strategy Drawing No: 26717_01_230_02

Outline Suds basin plan

Table

Appendix I

maintenance and management

REF: Table 1.1 proposed maintenance regime

Calculations

Appendix G

Design Calculations REF: 26717-CALC-0101

Storage calculations only

Infiltration Tests carried out by Mewies Engineering Consultants Ltd (MEC)

Date: 25/08/2021

Infiltration not viable discharge to Anglian Water at 1l/s.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal.

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

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

23. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development, is resumed or continued.

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

Informatives:

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. Protection of existing assets: A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer: No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

S106 contributions

Planning obligation	Regulation 122 Assessment
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Detail	Amounts (all to be Index linked)	Trigger points	Justification
<p>Affordable housing provision on site, subject to the applicant entering into a contract with a Registered Provider</p> <p>OR</p> <p>If the applicant demonstrates to the Council's satisfaction that all reasonable endeavours have been made to secure a Registered Provider without success, a commuted sum to be paid to the LPA for the provision of off-site affordable housing</p>	<p>Affordable Rented: 1no. x 2 bed/4 person 1no. x 3 bed/5 person</p> <p>Shared Ownership: 1no. x 2 bed/4 person</p> <p>In accordance with the standards outlined in the Developer Contributions SPD OR</p> <p>£519,187.50 commuted sum</p>	<p>To be delegated to officers</p>	<p>Necessary – To provide housing for those who are not able to rent or buy on the open market in accordance with Policy BSC of the CLP 2015</p> <p>Directly related – Affordable housing to be provided on-site in conjunction with open market housing or an equivalent commuted sum for off-site provision</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>

Provision of a Local Area of Play and commuted sum for maintenance or other management provisions.	<p>Provision on site of minimum 100 sq. m equipped activity zone set within a landscaped area designed to provide a safe area for alternative play for children aged 2 to 6. The size of the landscaped area (incorporating the equipped activity zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.</p> <p>The 300 sq. m equipped activity zone should be located a minimum of 5m from the nearest dwelling boundary. The landscaped area around the equipped activity zone could be used to incorporate this buffer.</p> <p>£65,564.81 commuted sum</p> <p>£1244.02 per sign (manufacture and installation) for Play Area signage</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of, and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management	<p>Typology area/length measured x rate = sum</p> <p>Open Space: £20.98 per sq. m</p>	To be delegated to officers	Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)

provisions in accordance with the Policy BSC11 of the CLP 2015	<p>Attenuation Pond: £109.56 per sq m</p> <p>Mature Trees: £464.50 per tree</p> <p>Hedgerows: £44.11 per lin. m</p> <p>Fitness Equipment contribution to be confirmed.</p>		<p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
LEMP Monitoring contribution (District Council monitoring of the Public Open Space, twice per year for 15 years)	£24,880.32	To be delegated to officers	<p>Necessary - In order to ensure the planning obligations are complied with.</p> <p>Directly related - As only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind - Considering the extent of the development and the obligations to be monitored.</p>
Community hall facilities – To be spend on enhancements to Finmere Village Hall	<p>A sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2 as follows:</p> <ul style="list-style-type: none"> • 2.4 (Average occupancy per Dwelling) multiplied by the Composition of the Development • The result multiplied by 0.185 (0.185m2 community space required per resident 	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The Council will encourage the provision of community facilities to enhance the sustainability of communities.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p>

	<ul style="list-style-type: none"> That result multiplied by £2,482.00 (cost per m2 of provision of community space) <p>Example at 10 Dwellings:</p> <p>10 x 2.49 = 24 residents</p> <p>24 x 0.185m2 = 4.44m2</p> <p>4.44 x £2,482.00 = £11,020.08</p>		<p>Fairly and reasonably related in scale and kind –</p> <p>Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Outdoor sports provision – off-site outdoor sport contribution towards the enhancement of Finmere Playing Fields	<p>£2,017.03 per dwelling</p> <p>Example at 10 Dwellings:</p> <p>10 x £2,017.03 = £20,170.30</p>	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC10, BSC11, BSC12, INF1 and advice in the Developer Contribution SPD.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor sports provision – off-site indoor sport contribution towards the expansion of Bicester Leisure Centre, which includes the provision of a new learner pool	<p>£335.32 per occupier of each Dwelling as follows:</p> <ul style="list-style-type: none"> 2.4 (Average occupancy per Dwelling) multiplied by the Composition of the Development 		<p>Necessary – To address the quality of existing facilities and ensure that the proposed development contributes to sport and recreation provision commensurate with the need generated by the proposal in accordance with Policies BSC10, BSC12, and advice in the Developer Contribution SPD. CDC built Indoor Sports Facilities Needs Assessment (2023) highways insufficient pool</p>

	<ul style="list-style-type: none"> The result multiplied by £335.32 <p>Example at 10 Dwellings:</p> $10 \times 2.4 = 24$ $24 \times £335.32 = £8,047.68$		<p>water space in Bicester and need for a new learner pool</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Contributions to bins	£106 per dwelling	To be delegated to officers	<p>Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p>Directly related – The need for these comes from the increase in the number of dwellings</p> <p>Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD</p>
Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement	To be provided and managed long term in accordance with the HMMP	To be delegated to officers	<p>Necessary – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p>Directly related – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p>

			Fairly and reasonably related in scale and kind – To off-set the impacts of the development and provide a net gain.
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking	To be confirmed	To be delegated to officers	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

Public transport contribution towards the recently-commenced bus service between Finmere and Bicester	<p>£13,260</p> <p>OCC seeks a level of match funding towards this service in line with its usual public transport contribution mechanism for residential developments, which is £1,326 per dwelling from non-strategic development in this area. For a development of 10 dwellings, that results in a total contribution of £13,260 (index-linked to RPIx at October 2023), which would be used towards the delivery of this new service.</p>	To be delegated to officers	<p>Necessary - To ensure sustainable modes of transport are encouraged and made attractive to future users to reduce car dependency.</p> <p>Local Transport Plan 4, Policy 34. Oxfordshire County Council will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.</p> <p>Directly related – Service will benefit the future occupants of the site and encourage use of sustainable transport options to jobs and services in Bicester.</p> <p>Fairly and reasonably related in scale and kind - The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	<p>£15,000</p> <p>Calculation: The proposed measures are based on the desk</p>	To be delegated to officers	<p>Necessary - To ensure sustainable modes of transport are encouraged and integrated into the development</p>

	<p>assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per dwelling or per m2 tariff system. Estimated contribution breakdown by activity:</p> <ul style="list-style-type: none"> • site surveys & assessments 5% • habitat survey & mitigation 5% • landowner negotiations 5% • Materials, contractor, plant & equipment 60% • Legal processes e.g. temporary works closures, agreement payments 5-10% • Contract preparation & supervision 5% • Admin costs 5% • Contingency/Follow-up repair works 5-10% 		<p>and made attractive to future users to reduce car dependency.</p> <p>This contribution will help offset the additional use of the PRoW in the vicinity of the site and ensure a degree of continuity. The contribution would be spent on surfacing, furniture and other necessary measures on paths within 2km of the developments' centre point.</p> <p>Directly related - Will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind - The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
<p>Obligation to enter into a S278 agreement to secure:</p> <ul style="list-style-type: none"> ▪ Provision of new vehicle access junction and associated works to Banbury Road 	To be delivered on and off site	<p>Entry into S278 agreement prior to commencement of development.</p> <p>Completion trigger to be</p>	<p>Necessary - To provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p>Directly related - This will provide safe and suitable access to the site and as a result of additional traffic</p>

<ul style="list-style-type: none"> ▪ Surfacing and lighting of public right of way connection to Chinalls Close ▪ Tactile paving on Chinalls Close, and a proposed new 2m wide footway along the eastern side of Valley Road and the northern side of Mere Road as well as a build out on the northern side of Mere Road opposite Finmere C of E Primary School and a short section of footway on the southern side east of the road, as shown on drawing 26717_08_020_03 rev K 		delegated to officers	<p>and pedestrian movements associated with the development.</p> <p>Fairly and reasonably related in scale and kind - The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	<p>£1,019</p> <p>Calculation:</p> <p>Space at HWRC required per dwelling (m²) = 0.18</p> <p>Infrastructure cost per m² = £319</p> <p>Land cost per m² = £247</p> <p>Total land and infrastructure cost per m² = £566</p> <p>£566 x 0.18 = £101.88 (cost per dwelling)</p> <p>10 x £101.88 = £1,109</p>	To be delegated to officers	<p>Necessary - To provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>OCC is required to arrange for places to be provided at which residents may deposit household waste and for the disposal of that waste, and that these places should be reasonably accessible to residents, available at reasonable times, and available to residents free of charge. These are referred to as Household Waste Recycling Centres (HWRC) and the network of sites within the county is no longer fit for purpose and is over capacity.</p>

			<p>Directly related - Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p>Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 10 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 40 HWRC visits per year.</p> <p>Fairly and reasonably related in scale and kind - In accordance with the County Councils standards for provision based on build costs.</p>
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25/00804/LB
The Old Priory
Priory Lane
Bicester
OX26 6BG

Agenda Item 10



1:900

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

25/00804/LB
The Old Priory
Priory Lane
Bicester
OX26 6BG

Bassett
Lodge

August
Lodge

The Mill

The Old Priory

The Old Stable Barn

PRIORY LANE

68.1m

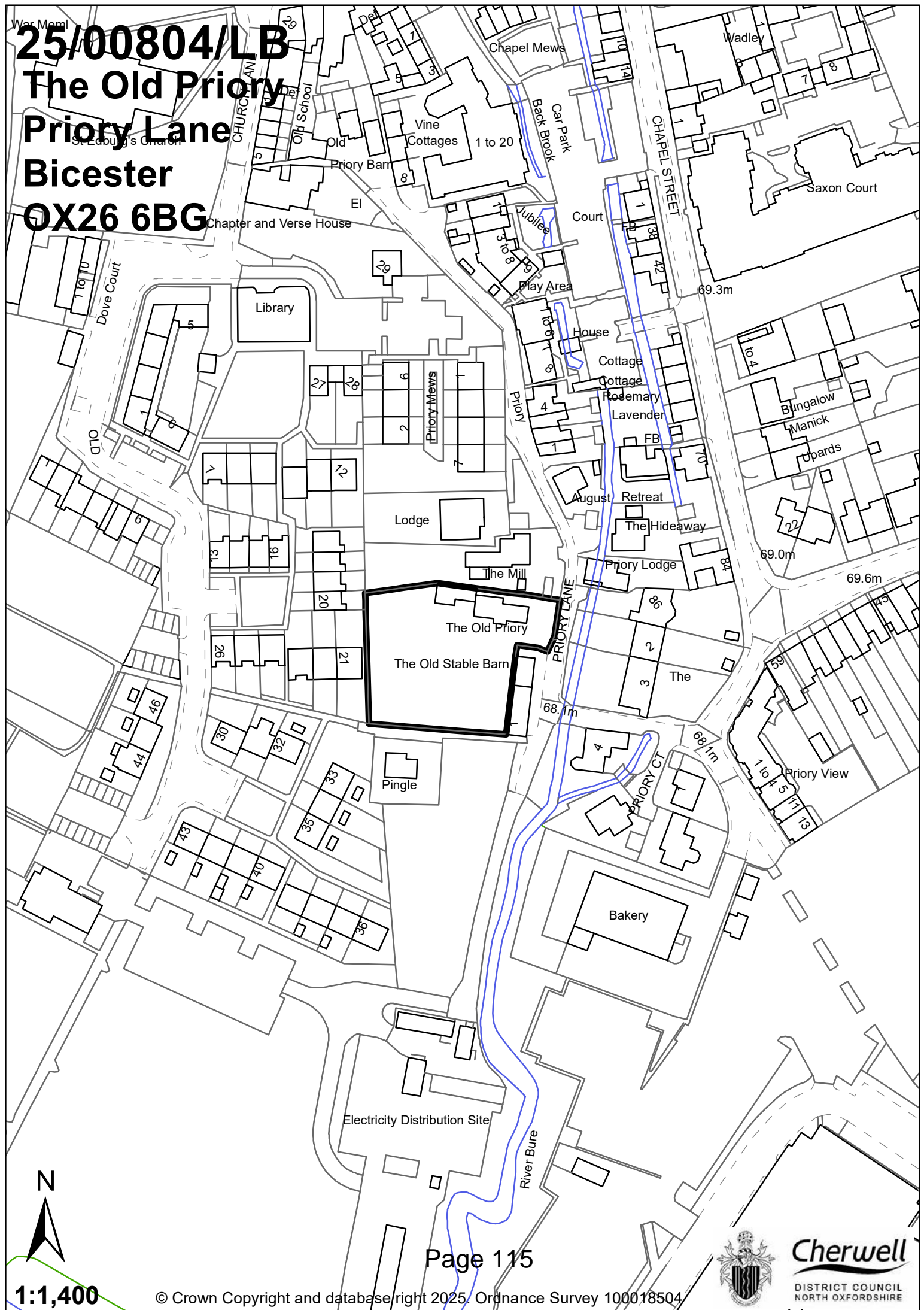
Pingle
Cottage



1:400



25/00804/LB
The Old Priory
Priory Lane
Bicester
OX26 6BG



Case Officer: Hansah Iqbal

Applicant: Robert Parkinson

Proposal: Re-lead existing historic glass in two arched panels within existing stone surround

Ward: Bicester South and Ambrosden

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

Reason for Referral: Application submitted by a CDC Councillor

Expiry Date: 4 June 2025

Committee Date: 5 June 2025

SUMMARY RECOMMENDATION: GRANT CONSENT SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1 The two storey application property is a former priory, which dates back to the 15th Century/early 16th Century. The Grade II* listing includes not only the dwelling but the attached garden walls. The only other listed structures within the immediate vicinity are the grade II listed Stables, which once served the priory, and the grade II garden wall which surrounds both properties and two further properties to the north.
- 1.2 The Old Priory, which is constructed from limestone rubble with ashlar dressings, is positioned at right angles to Priory Lane and is located just to the south of Bicester town centre and lies within the Bicester Conservation Area.

2. CONSTRAINTS

- 2.1. The application building is a grade II* listed building and sited within Bicester Conservation Area. The application site is within an area of archaeological interest, an area of potentially contaminated land and also lies within Flood Zones 2 and 3.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is to re-lead the 2 light first floor window in the eastern, road facing, elevation.

4. RELEVANT PLANNING HISTORY

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

24/00712/LB - Replacement of three decayed timber windows with new painted timber windows of identical size and external appearance in unaltered existing openings. New windows to have slim-line double glazed units and slim timber glazing beads; application permitted.

24/00124/LB – Replacement of four decayed first floor painted timber windows with painted timber windows of identical dimensions in existing openings; application withdrawn.

23/02174/LB – Replacement painted timber kitchen door and French doors to existing openings; application permitted.

00/02394/LB - Internal and external alterations including formation of new staircase including reposition of dormer window (Amendment to CHSLB 275/92) (as amended by plans received 30.01.01); application permitted.

97/00255/LB – Internal alterations; application permitted.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **20 May 2025**, 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. Bicester Town Council: no comments received
- 7.3. CDC Conservation Officer: no objections.
- 7.4. Historic England: no comments received
- 7.5. Bicester Local History Society: 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)

- C18 – Development proposals affecting a listed building

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

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

- Heritage impact

Heritage Impact

- 9.2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.3. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.4. Conservation areas and listed buildings are designated heritage assets, and Paragraph 212 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policies ESD15 of the CLP 2015 and C18 of the CLP 1995 echo this guidance.
- 9.5. On carrying out their site visit, the Conservation Officer confirmed that the window in question was in very poor condition and that the replacement of the lead was necessary and justified. As this would be undertaken on a like for like basis, officers are satisfied that there would be no harm to the grade II* listed building and that the character and appearance of the Bicester Conservation Area would remain unaffected.
- 9.6. The proposed development would accord with Policy ESD15 of the CLP 2031 Part 1, Policy C18 of the CLP 1996 and government guidance contained within the NPPF.

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 appropriate development. In accordance with Paragraph 11 of the NPPF, consent should therefore be granted.

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: SLP 'Site Location Plan', 1 'First floor east end plan', 2 'East Elevation' and documents called 'Design/Heritage Statement', 'Photo - external arched panels', 'Photo – external arched panels', 'Photo – internal arched panels' and 'Photo – external elevation'.

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.

Agenda Item 11

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	5 June 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	27 May 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	28 May 2025
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

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

1. Recommendations

The Planning Committee resolves:

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

2. Executive Summary

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

Implications & Impact Assessments

Implications	Commentary
Finance	The current cost of appeals has exceeded core budget as at the end of May. Therefore, a request for use of reserves will be necessary. This position will be closely monitored throughout the year but further reserve requests may be necessary.

	Kelly Wheeler, Finance Business Partner, 27 May 2025			
Legal	As this report is purely for information there are no legal implications arising. Denzil Turbervill Law & Governance Legal Services 25 May 2025			
Risk Management	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. Julie Miles, Performance Analyst & Developer, 28 May 2025			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

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
25/00556/F	1 Ingleby Paddocks, Field House, Enslow	Split the curtilage into two and erection of a new house on the east plot (self-build)	Refused Delegated	07.05.2025
24/00572/F	Fourways, North Street, Islip	Demolition of existing bungalow and construction of two houses - re-submission of 23/02203/F	Refused Committee	08.05.2025
24/03085/F	1 Station Road, Launton	RETROSPECTIVE - Installation of entrance door	Refused Delegated	14.05.2025

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
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
24/00658/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.
24/01295/F	Duns Tew Manor Main Street Duns Tew	rection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.

24/02259/F	28 Buckhurst Close Banbury	RETROSPECTIVE - Single storey shed to rear garden	Delegated Refusal	29.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchingdon 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.
24/00519/F	Manor House, Islip Road, Bletchingdon, Kidlington, OX5 3DP.	Variation of condition 2 (plans) of 22/03088/F – alterations to design of main house and garage to include amended chimney design, the use of different construction materials, removal of porch, provision of fire escapes, installation of doors, erection of external stairs to garage, alteration of garage roof from hipped to pitched style roof, insertion of rooflights and addition of solar panels	Refused Delegated	30.01.2025.
24/02261/F	29 Buckhurst Close Banbury	RETROSPECTIVE - Erection of a wooden shed on 10cm concrete base to the rear of garden.	Refused Delegated	03.02.2025.
24/02403/F	2 Meadow Walk Heathfield	Dormer extension to rear roof slope and rooflights to rear roof slope to facilitate conversion of loft to	Refused Delegated	05.02.2025.

		habitable accommodation		
24/01193/F	Fullers Farm, North Street, Fritwell	RETROSPECTIVE - Change of Use of existing office (Unit 1) and ancillary accommodation (Unit 2) to separate dwellings	Refused Delegated	21.02.2025
24/02664/PIP	The Pheasant Pluckers Inn Street Through Burdrop	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map	Refused Delegated	05.03.2025
23/03366/OUT	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access	Committee Refused	20.03.2025
24/02787/F	The Woodyard, Bainton	Conversion to a single dwellinghouse (Self-Build)	Delegated Refusal	01.04.2025
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm Station Road Bletchington	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Delegated Refusal	27.03.2025
24/00899/OUT	Land Adjoining The Cottage The Green Fringford	OUTLINE application for construction of 9 detached dwellings, formation of new vehicular and pedestrian access, associated landscaping, drainage and associated works	Delegated Refusal	16.04.2025.

		with All Matters Reserved except for Access		
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Informal Hearings

4.3. New Appeals

None

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

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
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 infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV	Refused Delegated	12.02.2025

		panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.		
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Public Inquiries

4.5. New Appeals

None

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

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,	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024.
23/01265/OUT & 24/01908/OUT (Linked Appeal)	OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham	Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All Matters Reserved except for means of access - re-submission of 23/01265/OUT	Refused Committee	29.04.2025

Enforcement Appeals

4.7. New Appeals

None

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

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
15/00256/COU	Hebbons Yard, Bicester Road,	Expansion Of Yard Onto Agricultural Land	Enforcement Notice. 1 Day Inquiry	24.02.2025

	Kidlington, OX5 2LD			
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Forthcoming Public Inquiries and Hearings between 15 May 2025, and 5 June 2025.

4.9

Application Number	Location	Description (summary)	LPA Decision:	Inquiry Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	Reconvening on the 5 & 6 June 2025

Appellants Award of Costs Appeal to the Planning Inspectorate.

22/03873/F	Land Near Stratton Audley, Oxon, OX27 9AL	Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	Refused Committee	Award of Costs Decision Dismissed
24/01740/DISC	Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon, OX25 4SF.	Discharge of Condition 3 (construction details) of 24/00512/LB.	Refused Delegated	Award of Costs Decision Dismissed

4.10 **Appeals Results**

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.

Appeal Dismissed

The Inspector dismissed the appeal because the proposed swimming pool, with its engineered platform and bund, would introduce a stark and incongruous feature into the sloping agricultural landscape, disrupting the natural topography and historic character of the farmstead. Its domestic appearance and visibility from the surrounding fields and approach road would detract from the rural setting and harm the way the heritage asset is experienced. The boundary extension lacked historical justification and would increase domestic activity in an area traditionally associated with agricultural use. The Inspector found that the proposal would cause significant and permanent harm to the setting and significance of the designated heritage asset, with no clear or convincing justification or sufficient public benefits to outweigh this harm. Additionally, the absence of an ecological appraisal for a site within a Conservation Target Area raised further concerns, with the proposal conflicting with local and national policies aimed at protecting biodiversity.

24/00779/F – 6 Railway Cottages, Shipton on Cherwell, Oxon.

1m extension to existing ground floor with new first floor extension over - re-submission of 23/03177/F.

Appeal Allowed.

The appeal was allowed and planning permission granted because the Inspector found that the proposed extension—a 1-metre ground floor extension with a new first floor above—would not constitute inappropriate development in the Green Belt. Although the Council argued that the cumulative extensions would result in an 81% increase in volume and be disproportionate, it failed to provide policy or evidence to support this claim. The Inspector concluded that the extension would remain subservient in scale to the original cottage, be sympathetic in design, and use matching materials, thereby preserving the character of the building and surrounding rural area. The development was found to comply with both local planning policies and the National Planning Policy Framework.

24/01097/F Daisies, High Street, Charlton On Otmoor

Removal of a single storey rear extension and construction of part single and part two storey rear elevation plus associated external works; addition of 2 windows to front elevation

Appeal Allowed

The appeal was **allowed** and planning permission granted because the Inspector found that the proposed rear and partial two-storey extension, along with minor front elevation changes, would not constitute inappropriate development in the Green Belt. Although the Council argued the extensions exceeded a 50% volume increase, it failed to provide policy or evidence to support this threshold. The Inspector judged the additions to be proportionate and subservient to the original cottage. Furthermore, the development would not harm the openness or purposes of the Green Belt, nor would it negatively impact the character or appearance of the Charlton on Otmoor Conservation Area or the setting of nearby listed buildings, including the Grade I listed church of St Mary the Virgin. The design was considered sympathetic and in keeping with the local vernacular.

22/03873/F - Mill Lane, Stratton Audley

Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

Appeal Allowed

The Inspector allowed the appeal and granted planning permission for a large-scale solar farm and battery storage facility near Stratton Audley, Oxfordshire. While the proposal was found to cause moderate harm to the character and appearance of the area—particularly from certain public rights of way—the Inspector concluded that this harm was localised and could be mitigated through landscaping. The Inspector acknowledged conflict with some local planning policies but found that the substantial benefits of the scheme, including renewable energy generation, biodiversity net gain, and alignment with national climate goals, outweighed the identified harm. The decision emphasised the importance of supporting renewable energy infrastructure in the context of national and local climate commitments, provided that adverse impacts are appropriately managed.

Costs Decision Summary:

The Inspector refused the appellant's application for a full award of costs against Cherwell District Council. Although the Council's professional officers and independent landscape consultant acknowledged that landscape impacts could be mitigated by conditions, the Planning Committee exercised its planning judgment to refuse the application based on perceived residual harm. The Inspector found that this was a legitimate use of planning discretion and not unreasonable behaviour. Therefore, the Council's actions did not result in unnecessary or wasted expense for the appellant, and no award of costs was justified.

24/01097/F Daisies, High Street, Charlton On Otmoor

Removal of a single storey rear extension and construction of part single and part two storey rear elevation plus associated external works; addition of 2 windows to front elevation

Appeal Allowed

24/02205/F - 26 Winchester Close, Banbury, Oxon, 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

Appeal Dismissed

The application was for a construction of a detached garage to the front of the house, on amenity land. A number of applications have been submitted over the years for a structure in this location, and a dwelling has been dismissed at appeal previously. This application, although smaller, still had a similar impact to the previous applications on the site, that it would have a detrimental impact on the character and appearance of the street scene. The Inspector agreed with the Case Officer, the proposal will have a negative impact on the character and appearance of the locality.

24/02814/ADV - Bloxham Service Station, South Newington Road, Bloxham, OX15 4QF.

1no D6 internally illuminated (digital advertisement) screen.

Appeal Dismissed

This application was for a LCD advert, which rotated on the garage forecourt. The application was refused as it would impact on the edge of village location. It was argued the sign is more akin with an urban settlement such as Banbury. Officers did not consider the sign would have a harmful impact on the setting of a nearby Listed Building. The Inspector disagreed with the impact on the setting of the nearby Listed Building and concluded that the impact to the designated heritage asset, and the benefits did not outweigh the harm caused. The inspector agreed with Officer's that it would result in a detrimental impact on the character and appearance of the locality and therefore dismissed the appeal on both grounds.

5. Alternative Options and Reasons for Rejection

- 5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

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

Decision Information

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

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
Report Author contact details	Sarah.gevaux@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk