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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 31 July 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 - 65)

To confirm as a correct record the Minutes of the meeting of the Committee held on 3 July 2025.

5. **Chair's Announcements**

To receive communications from the Chair.

6. **Urgent Business**

The Chair 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 West Of The Old Piggeries Bloxham Road Milcombe** (Pages 68 - 92)
24/03399/OUT

9. **Land To The Rear Of Mole End Main Street Great Bourton** (Pages 93 - 123)
24/01885/F

10. **Phase 2 SW Bicester Kingsmere Parcel R East of Ludlow Road Bicester**
(Pages 124 - 172) **23/03073/HYBRID**

11. **Hanwell Fields Community Centre Rotary Way Banbury Oxfordshire OX16**
1ER (Pages 173 - 179) **25/01191/CDC**

Review and Monitoring Reports

12. Appeals Progress Report (Pages 180 - 193)

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 Planning Committee resolves:

- 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' Lounge 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 23 July 2025

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 3 July 2025 at 4.00 pm

Present:

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

Substitute Members:

Councillor Rob Pattenden (In place of Councillor David Hingley)
Councillor David Rogers (In place of Councillor Douglas Webb)
Councillor Dorothy Walker (In place of Councillor Robert Parkinson)

Apologies for absence:

Councillor David Hingley
Councillor Robert Parkinson
Councillor Douglas Webb

Officers:

Paul Seckington, Head of Development Management
Thomas Webster, Principal Planning Officer
Katherine Daniels, Principal Planning Officer
Rebekah Morgan, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer
Nat Stock, Team Leader - North Area General Developments
David Peckford, Assistant Director Planning & Development

13 **Declarations of Interest**

**15. Hanwell Fields Community Centre Rotary Way Banbury
Oxfordshire OX16 1ER**

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

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

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

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

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

14 **Requests to Address the Meeting**

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

15 **Minutes**

A query was raised regarding the conditions in respect of item 10 of the minutes - Land West of Chinalls Close, Adj. To Banbury Road, Finmere (24/01078/OUT) in relation to the inclusion of a pre-commencement condition relating to the foul sewage capacity, Officers confirmed that:

“The conditions listed in the draft minutes are those recommended in the Officer’s Report. The resolution of the Committee – also minuted – was:

“That, in line with the officer’s recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 24/01078/OUT 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...” etc

Given the Committee’s discussion and clear request for a pre-commencement condition relating to the foul sewage capacity, I have initiated discussions with the developer to agree reasonable wording for such a condition, which will be

included on the eventual Decision Notice in accordance with the terms of the delegation set out above (in particular the highlighted section)."

It was therefore confirmed that amendments were not required.

The Minutes of the meeting held on 5 June 2025 were agreed as a correct record and signed by the Chair.

16 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting at the time instructed by the Chair and members of the public should remain quiet during the meeting and not cause disturbance.
2. The Chair advised members that he had agreed to reorder the agenda, item 11 would be moved after agenda item 8 as the applications related to the same location.

17 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

19 **OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green**

The Committee considered application 21/03268/OUT for outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure at OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green for Albion Land.

Cllr Caroline Cooke, on behalf of Stoke Lyne Parish Council, addressed the Committee in objection to the application.

Emma Lancaster, agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Conway and seconded by Councillor Thornhill that application 21/03268/OUT be approved, in line with the officer recommendation.

The proposal was debated and on being put to the vote, the motion was tied. The Chair used their casting vote against the application and consequently the motion was lost and therefore fell.

It was subsequently proposed by Councillor Pruden and seconded by Councillor Walker that application 21/03268/OUT be refused against officer recommendation, as it would cause undue visual harm to the local area, the loss of agricultural land and the subsequent environmental impact.

The proposal was debated and, having regard to the debate, the Proposer and Secunder confirmed they wished to withdraw the proposal. The Committee voted in favour of withdrawing the proposal.

After further discussions it was proposed by Councillor Thornhill and seconded by Councillor Conway that application 21/03268/OUT 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 21/03268/OUT subject to -

- a. The expiry of the ongoing public consultation exercise on 30 July 2025 and no new materially different matters being raised,
- b. The land collaboration agreement between Albion land and Tritax big box has been reviewed and agreed by OCC and CDC (so that the highway improvements can be provided),
- c. The conditions set out in the officer report/appendix 1 and the additional amendments to the conditions as set out below (and any amendments to those conditions as deemed necessary)
- d. The entering into a s106 to include the contributions set out at para 9.150 of the officer's report (and any amendments to those obligations as deemed necessary);

Conditions

Phasing Plan

1. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. No development shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reserved Matters timings

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

Use Class

4. The development hereby permitted shall be used only for purposes falling within 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.

Approved Plans

5. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

20005-TP=009 Revision B Parameter Plan 07 Building Heights
20005=TP-010 Revision A Parameter Plan 08 Vegetation Retention & Removal

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

6. Notwithstanding the submission of the Land Use and Landscape Parameter Plans, where the overall provision of hard surfacing is unacceptable to the LPA, new Land Use and Landscape Parameter parameters plans will be submitted as part of the reserved matters application which includes the same provision of layout and roads but reduces the provision of lorry hardstanding and increases the provision of landscaping along the western boundary in parallel with the A43. The Building Heights parameter plan is acceptable in so far as as the building heights are concerned.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

Ground Levels

7. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Energy

8. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site

renewable energy provision serving that unit is operational and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

Ecology Conditions

LEMP

9. The development hereby permitted shall be carried out and maintained in strict accordance with the Landscape and Ecological Management Plan (LEMP), dated March 2025.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

CEMP:

10. 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.

BEMP

11. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement and Management Plan (BEMP) for enhancing biodiversity on the site and/or elsewhere within the Cherwell District 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 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.

HMMP

12. 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.

Protected Species

13. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) 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 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.

Breeding Birds on Off-site Land

14. As part of the first Reserved Matters submission, breeding bird survey work relating to the off-site land proposed to be used for BNG and ecological mitigation purposes, shall form part of the submission. This survey work shall identify the carrying capacity of the site they plan to use to see if it feasibly can be used.

Reason: To ensure that the development manages, enhances and protects wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

Badgers Mitigation

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

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

Seasonal removal

16. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) 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.

Employment Floorspace Cap

Total Floorspace

17. No more than 100,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans'. Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

No additional internal floors

18. 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 or extensions increasing the floor space of any buildings hereby permitted 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.

PD Rights

Above ground infrastructure

19. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any

Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscape

Landscaping Strategy and Management

20. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is complimentary to the Illustrative Strategy (Landscape)

These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and

ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

Arboricultural method statement

21. 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.

Contaminated Land

Unexpected Contaminated Land at a later date

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

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

Lighting

23. 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.

Fire Hydrants

24. No above ground works shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

Highways

National Highways

Baynards Green Improvement works

25. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, is completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

Excavation Works

26. Prior to the commencement of any excavation works and landscaping works, geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A43).

Reason: To mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022.

Oxfordshire County Council

Cycle Arrangements

27. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of the vehicular, cycle and pedestrian access arrangements including pedestrian and cycle infrastructure connecting the parcels west of the proposed access road to the proposed improvement scheme at Baynards Green, incorporating

a safe crossing point of the access road. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details.

Reason: in the interest of highway safety. The current drawing does not show a suitable cycle connection and crossing point.

Public Right of Way Improvements

28. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of permanent improvements to the existing public footpath through the site and including its connection to the adjacent bridleway and its proposed diversion route through the site including route, width, surfacing, drainage, boundary treatments, gates and landscaping, together with a timetable for their implementation. Thereafter the improvements shall be provided in accordance with the approved details.

Reason: to ensure that the public right of way is usable and attractive.

Access

29. 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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Details

30. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

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.

HGV Routing

31. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the site access.

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.

Construction details

32. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

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.

Cycle Parking Details

33. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

Electric Vehicle Charging Points

34. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, 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 adopted 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

CTMP

35. 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 in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. 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 and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

Signage

36. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason - To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

37. 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.

Site Travel Plan

38. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition [XX], 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.

Drainage conditions

Thames Water

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

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

Anglian Water

40. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Local Lead Flood Authority

Surface Water Drainage

41. No development shall commence until 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 The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

SuDS As Built and Maintenance Details

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

- (a) As built plans in both .pdf and .dwg 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 does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

Surface Water Management Scheme (Phases):

43. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

20 **OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green**

The Committee considered application 21/03266/F for the site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping at OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green for Albion Land.

Emma Lancaster, Agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Biegel and seconded by Councillor Conway that application 21/03266/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 21/03266/F subject to -

- a. The expiry of the ongoing public consultation exercise on 30 July 2025 and no new materially different matters being raised,
- b. The land collaboration agreement between Albion land and Tritax big box has been reviewed and agreed by OCC and CDC (so that the highway improvements can be provided),
- c. The conditions set out in the officer report/appendix 1 and the additional amendments to the conditions as set out below (and any amendments to those conditions as deemed necessary)
- d. The entering into a s106 to include the contributions set out at para 9.150 of the officer's report (and any amendments to those obligations as deemed necessary);

Conditions

Phasing Plan

44. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

45. No development shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reserved Matters timings

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

Use Class

47. The development hereby permitted shall be used only for purposes falling within 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.

Approved Plans

48. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

20005-TP=009 Revision B Parameter Plan 07 Building Heights
20005=TP-010 Revision A Parameter Plan 08 Vegetation Retention & Removal

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

49. Notwithstanding the submission of the Land Use and Landscape Parameter Plans, where the overall provision of hard surfacing is unacceptable to the LPA, new Land Use and Landscape Parameter parameters plans will be submitted as part of the reserved matters application which includes the same provision of layout and roads but reduces the provision of lorry hardstanding and increases the provision of landscaping along the western boundary in parallel with the A43. The Building Heights parameter plan is acceptable in so far as as the building heights are concerned.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

Ground Levels

50. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Energy

51. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

Ecology Conditions

LEMP

52. The development hereby permitted shall be carried out and maintained in strict accordance with the Landscape and Ecological Management Plan (LEMP), dated March 2025.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

CEMP:

53. 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.

BEMP

54. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement and Management Plan (BEMP) for enhancing biodiversity on the site and/or elsewhere within the Cherwell District 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 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.

HMMP

55. 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.

Protected Species

56. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) 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 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.

Breeding Birds on Off-site Land

57. As part of the first Reserved Matters submission, breeding bird survey work relating to the off-site land proposed to be used for BNG and ecological mitigation purposes, shall form part of the submission. This survey work shall identify the carrying capacity of the site they plan to use to see if it feasibly can be used.

Reason: To ensure that the development manages, enhances and protects wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

Badgers Mitigation

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

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

Seasonal removal

59. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) 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.

Employment Floorspace Cap

Total Floorspace

60. No more than 100,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans'. Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

No additional internal floors

61. 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 or extensions increasing the floor space of

any buildings hereby permitted 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.

PD Rights

Above ground infrastructure

62. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscape

Landscaping Strategy and Management

63. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is complimentary to the Illustrative Strategy (Landscape)

These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.

- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

Arboricultural method statement

64. 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.

Contaminated Land

Unexpected Contaminated Land at a later date

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

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

Lighting

66. 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.

Fire Hydrants

67. No above ground works shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

Highways

National Highways

Baynards Green Improvement works

68. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, is completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

Excavation Works

69. Prior to the commencement of any excavation works and landscaping works, geotechnical submissions shall be submitted to and agreed in writing by the

Local Planning Authority (in consultation with the Highway Authority for the A43.

Reason: To mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022.

Oxfordshire County Council

Cycle Arrangements

70. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of the vehicular, cycle and pedestrian access arrangements including pedestrian and cycle infrastructure connecting the parcels west of the proposed access road to the proposed improvement scheme at Baynards Green, incorporating a safe crossing point of the access road. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details.

Reason: in the interest of highway safety. The current drawing does not show a suitable cycle connection and crossing point.

Public Right of Way Improvements

71. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of permanent improvements to the existing public footpath through the site and including its connection to the adjacent bridleway and its proposed diversion route through the site including route, width, surfacing, drainage, boundary treatments, gates and landscaping, together with a timetable for their implementation. Thereafter the improvements shall be provided in accordance with the approved details.

Reason: to ensure that the public right of way is usable and attractive.

Access

72. 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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Details

73. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

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.

HGV Routing

74. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the site access.

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.

Construction details

75. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

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.

Cycle Parking Details

76. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. Thereafter, the cycle

parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

Electric Vehicle Charging Points

77. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, 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 adopted 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

CTMP

78. 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 in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. 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 and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

Signage

79. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason - To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

80. 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.

Site Travel Plan

81. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition [XX], 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.

Drainage conditions

Thames Water

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

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

Anglian Water

83. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Local Lead Flood Authority

Surface Water Drainage

84. No development shall commence until 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. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

SuDS As Built and Maintenance Details

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

- (a) As built plans in both .pdf and .dwg 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 does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

Surface Water Management Scheme (Phases):

86. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

21 **OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green**

The Committee considered application 21/03267/OUT for outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping at OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green for Albion Land.

Cllr Caroline Cooke, on behalf of Stoke Lyne Parish Council, addressed the Committee in objection to the application.

Emma Lancaster, Agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Conway and seconded by Councillor Thornhill that application 21/03267/OUT 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 21/03267/OUT subject to -

- a. The expiry of the ongoing public consultation exercise on 30 July 2025 and no new materially different matters being raised,
- b. The land collaboration agreement between Albion land and Tritax big box has been reviewed and agreed by OCC and CDC (so that the highway improvements can be provided),
- c. The conditions set out in the officer report/appendix 1 and the additional amendments to the conditions as set out below (and any amendments to those conditions as deemed necessary)
- d. The entering into a s106 to include the contributions set out at para 9.150 of the officer's report (and any amendments to those obligations as deemed necessary);

Conditions

Phasing Plan

1. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. No development shall commence on any phase identified within the phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reserved Matters timings

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

Use Class

4. The development hereby permitted shall be used only for purposes falling within 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.

Approved Plans

5. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
 - 20005-TP-009 Revision B Parameter Plan 07 Building Heights
 - 20005-TP-010 Revision A Parameter Plan 08 Vegetation Retention & Removal

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

6. Notwithstanding the submission of the Land Use and Landscape Parameter Plans, where the overall provision of hard surfacing is unacceptable to the LPA, new Land Use and Landscape Parameter parameters plans will be submitted as part of the reserved matters application which includes the same provision of building layout and roads but reduces the provision of lorry hardstanding and increases the provision of landscaping along the western boundary in parallel with the A43. The Building Heights parameter plan is acceptable in so far as the building heights are concerned.

Reason: For the avoidance of doubt and to ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Ground Levels

7. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Energy

8. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

Archaeology

Archaeological Written Scheme of Investigation

9. Prior to 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).

A programme of archaeological mitigation

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

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

Ecology Conditions

LEMP

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

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

CEMP:

12. 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 Framework CEMP included at Appendix 6.2 of the submitted Environmental Statement (May 2024) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs
- The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

BEMP

13. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement and Management Plan (BEMP) for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain is achieved has been submitted to and approved in writing by the local planning authority. A breeding bird survey shall form part of this submission. 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 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.

HMMP

14. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved BEMP 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.

Protected Species

15. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) 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 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.

Seasonal removal

16. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) 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.

Employment Floorspace Cap

Total Floorspace

17. No more than 100,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans' and the minimum floorspace size of each unit will be not less than 32,500sqm GIA.

Reason: For the avoidance of doubt to ensure compliance with the submitted economic strategy for this development and to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

No additional internal floors

18. 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 or extensions increasing the floor space of any buildings hereby permitted 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.

PD Rights

Above ground infrastructure

19. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan

2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscape

Landscaping Strategy and Management

20. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is broadly complimentary to the Illustrative Strategy (Landscape)

These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

Arboricultural method statement

21. 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.

Contaminated Land

Unexpected Contaminated Land at a later date

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

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

Lighting

23. 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.

Fire Hydrants

24. No above ground works shall commence on any phase identified within the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

Highways National Highways

Baynards Green Improvement works

25. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, is completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

Oxfordshire County Council

Access

26. 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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Pedestrian/cycleway connection southeast

27. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a direct pedestrian/cycle connection to the adjacent B4100 public highway to the southeast. Thereafter the connection shall be provided in accordance with the approved details.

Reason: In the interest of highway safety, to provide a route for cycling between the site and nearby villages without using the carriageway of the B4100.

Pedestrian/cycleway connection south

28. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a

pedestrian/cycle connection to the adjacent public bridleway 367/21/10 to the south. Thereafter the connection shall be provided in accordance with the approved details.

Reason: To provide a connection to the adjacent public rights of way network, allowing employees access to nearby facilities at Cherwell Valley Services and to Stoke Woods.

Details

29. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

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.

HGV Routing

30. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. For the avoidance of doubt the approved routes shall not include the B4100 northwest of Baynards Green.

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.

Construction details

31. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within that phase, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

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.

Cycle Parking Details

32. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments, or such standards as may replace it. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

Electric Vehicle Charging Points

33. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, 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 adopted 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

CTMP

34. 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 in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. 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 and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

Signage

35. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be

completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason: To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

36. 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.

Site Travel Plan

37. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition 36, 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.

Drainage conditions

Thames Water

38. No development shall be occupied until confirmation has been provided that either:-

all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

Anglian Water

39. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Local Lead Flood Authority

Surface Water Drainage

40. No development shall commence until 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 The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction for the lifetime of the development; and post development in perpetuity;
 - Confirmation of any outfall details;
 - Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

SuDS As Built and Maintenance Details

41. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .dwg 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 does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

22

OS Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green

The Committee considered application 22/01340/OUT for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure at Os Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green for Tritax Symmetry Ardley Ltd.

Cllr Caroline Cooke, on behalf of Stoke Lyne Parish Council, addressed the Committee in objection to the application.

Louise Steele, Agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Brant and seconded by Councillor Broad that application 22/01340/OUT be refused, against officer recommendation, as it was contrary to policies ESD13, ESD15, 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, public speakers and the written updates.

Resolved

That, contrary to the officer's recommendation, application 22/01340/OUT be refused, details to be set out in the decision notice, and subject to the expiry of the ongoing public consultation exercise on 30 July 2025 and no new materially different matters being raised.

23

Land North of A4221 Bicester Road, Fringford

The Committee considered application 24/02167/F for the change of use of land to a 4 pitch travellers caravan site and erection of stable building a re-submission of application 23/02886/F, at Land North of A4221 Bicester Road, Fringford
by Mr J Bell.

Ginny Hope, on behalf of Fringford Parish Council, addressed the Committee in objection to the application.

Angus Murdoch, Agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Biegel and seconded by Councillor Thornhill that application 24/02167/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 24/02167/F subject to conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans and documents:
- Drawing number TDA.2836.01 – [Site Location Plan]
 - Drawing number TDA.2836.03 – [Proposed Site Layout & Outline Landscape Scheme]
 - Drawing number TDA.2836.05 – [Proposed Stable Block: Plans and Elevations]
 - Drawing number TDA.2836.04 – [Proposed Day Room: Plans and Elevations]
 - Planning Statement prepared by Murdoch Planning Limited dated August 2024
 - Transportation Planning, Highway Design and Environmental Assessment prepared by The Hurlstone Partnership dated July 2024
 - Noise Statement prepared by LD Acoustics dated March 2023

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

3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent and to comply with Government guidance contained Planning Policy for Traveller Sites.

4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than four shall be static caravans, shall be stationed on the site at any time.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent and to comply with government guidance contained within the Planning Policy for Traveller Sites.

5. All tourers maintained within the site shall only be used ancillary to and in connection with a mobile / static home on the site and shall not be used as independent residential accommodation.

Reason: To ensure the development does not result in an over development of the site and in the interest of the residents' amenity 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.

6. The stables and use of land hereby permitted shall be for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason: To protect the character of the countryside and in the interest of highway safety in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

7. No commercial activities shall take place on the land including the storage of materials associated with commercial activities.

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

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

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

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

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

- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

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

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

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

10. Prior to the commencement of the development hereby approved, all vegetation, trees and other material exceeding the height of 0.6m within the visibility splays set out in drawing No. TDA.2836-03 must be cleared. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason: In the interests of highway safety, 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. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

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

12. Before the hereby approved new access is first used, the existing access serving the field onto the A4221 shall be permanently stopped up in accordance with details which shall have first been submitted to and approved in writing by the local planning authority and shall not thereafter be used by any vehicular traffic whatsoever.

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

13. Prior the first use/occupation of the development hereby approved, the parking and manoeuvring area shall be provided in accordance with the plan approved (Drawing No. TDA.2836.03) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times

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

14. No development shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:
- a) Details of wheel cleaning/wash facilities, to prevent mud from being carried onto the adjacent highway by vehicles
 - b) Contact details of the Project Manager and Site Supervisor responsible for on-site works.
 - c) Details of how appropriately trained banksmen will be used for guiding vehicles and unloading.
 - d) Details of where staff and visitors to the construction site will park.
 - e) Details of times for deliveries to and the removal of materials from the site.
 - f) Layout plan of the site that shows haul roads, site storage, compound and pedestrian routes.

The development shall then be undertaken in 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 in accordance with Policy ESD15 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal prepared Pro Vision dated June 2023 unless otherwise agreed in writing by the local planning authority.

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

16. A revised Preliminary Ecological Appraisal shall be undertaken within the 3 months prior to the commencement of the development to establish changes in the presence, abundance and impact on reptiles, and badgers. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local planning authority. Thereafter, the development 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.

17. No development shall commence until a method statement for enhancing birds, bats, invertebrates and hedgehogs has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full 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.

18. 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

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.

19. 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 North of A4421: Impact plan for great crested newt District Licensing (Version 1)", dated 27th June 2024.

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.

20. 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 (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.

21. Prior to the installation of any external lighting, details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

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

22. 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.

23. Prior to the first use of the development hereby approved, details of any plant/machinery (including generators) including details of any treatment against the transmission of sound and/or vibration shall be submitted to and approved in writing by the local planning authority. The plan/machinery shall be installed in accordance with the approved scheme prior to the first use of the development hereby

approved and shall be operated and maintained as such at all times thereafter.

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

24. No development shall commence until a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved and shall be maintained as such thereafter.

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

25. Finished Floor levels shall be set above the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood level, in accordance with details that have been submitted to and approved in writing by the local planning authority, prior to the first occupation of the site.

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

26. No development shall commence above slab level until details for the incorporation of renewable energy features have been submitted to and approved in writing by the local planning authority. The renewable energy features shall be installed prior to the first occupation of the development and retained and maintained in good working order as such thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework

27. The existing steel barn structure on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the development hereby approved is first occupied.

Reason: In order to achieve a satisfactory form 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.

28. Notwithstanding the provisions of Article 3 and Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no gate fence wall or other means of enclosure shall be erected constructed or placed on the site without the grant of further specific planning permission from the local planning authority.

Reason: To safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
2. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR150, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.
3. It is essential to note that any ground investigations, site preparatory works and ground/vegetation clearance works/activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).
4. The disposal of manure and waste material from the site shall be

undertaken on a regular basis to limit the harm to the local environment.

24 Land West Of The Old Piggeries Bloxham Road Milcombe

It was proposed by Councillor Wood and seconded by Councillor Harwood that due to the already excessive length of the meeting consideration of application 24/03399/OUT, be deferred for one planning cycle, to the scheduled meeting on 31 July 2025, to allow for full consideration by the Committee.

Resolved

That consideration of application 24/03399/OUT be deferred to the next scheduled Planning Committee meeting on 31 July 2025.

25 Land To The Rear Of Mole End Main Street Great Bourton

It was proposed by Councillor Wood and seconded by Councillor Harwood that due to the already excessive length of the meeting, consideration of application 24/01885/F be deferred for one planning cycle, to the scheduled meeting on 31 July 2025, to allow for full consideration by the Committee.

Resolved

That consideration of application 24/01885/F be deferred to the next scheduled Planning Committee meeting on 31 July 2025.

26 Hanwell Fields Community Centre Rotary Way Banbury Oxfordshire OX16 1ER

It was proposed by Councillor Wood and seconded by Councillor Harwood that due to the already excessive length of the meeting, consideration of application 25/01191/CDC be deferred for one planning cycle, to the scheduled meeting on 31 July 2025, to allow for full consideration by the Committee.

Resolved

That consideration of application 25/01191/CDC be deferred to the next scheduled Planning Committee meeting on 31 July 2025.

27 Appeals Progress Report

It was proposed by Councillor Wood and seconded by Councillor Harwood that due to the already excessive length of the meeting, consideration of the

Appeals Progress Report be deferred for one planning cycle, to the scheduled meeting on 31 July 2025, to allow for full consideration by the Committee.

Resolved

That consideration of the Appeals Progress Report be deferred to the next scheduled Planning Committee meeting on 31 July 2025.

The meeting ended at 9.40 pm

Chair:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 31 July 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 West Of The Old Piggeries Bloxham Road Milcombe	24/03399/OUT	Deddington	Approval*	Katherine Daniels
9	Land To The Rear Of Mole End Main Street Great Bourton	24/01885/F	Cropredy, Sibfords & Wroxton	Approval*	Shona King
10	Phase 2 SW Bicester Kingsmere Parcel R East of Ludlow Road Bicester	23/03073/HYBRID	Bicester South and Ambrosden	Approval*	Linda Griffiths
11	Hanwell Fields Community Centre Rotary Way Banbury Oxfordshire OX16 1ER	25/01191/CDC	Banbury Hardwick	Approval*	Iwona Gogut

*Subject to conditions

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

**Land West Of The Old Piggeries
Bloxham Road
Milcombe**



24/03399/OUT

Land West Of The Old Piggeries
Bloxham Road
Milcombe

130.7m

1.22m RH

NEWCOMBE CLOSE



24/03399/OUT

Land West Of The Old Piggeries
Bloxham Road
Milcombe



Case Officer: Katherine Daniels

Applicant: Neptune Land Promotion Ltd, Mr I Smith, Mrs L Smit

Proposal: Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 50 homes (Use Class C3) together with associated infrastructure, open space and landscaping; and retained agricultural field

Ward: Deddington

Councillors: Councillor McLernon, Councillor Rogers, Councillor Reeves

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 31st July 2025

Committee Date: 31st July 2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO RESOLUTION OF NATURESPACE'S OBJECTION, CONDITIONS AND A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located off Bloxham Road in Milcombe. It is a rectangular field, with a footpath crossing diagonally through the site. A modern housing estate off New Road is located to the west of the application site. The field is arable, and has a hedgerow along its boundary. Open countryside is located to the north, east and south of the site. There is a residential building at the south-eastern corner.

2. CONSTRAINTS

- 2.1. The site is not within a conservation area, and there is a public rights of way through the site. The site is within an archaeological alert area, and it is Grade 3 Best and Most Versatile Land (BMVL)

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This is an outline application for the erection of up to 50 dwellings, with associated infrastructure, open space and landscaping. The application seeks to create a new access off Bloxham Road, with all other matters reserved.
- 3.2. The proposed development would be served by a single point of access from Bloxham Road, which will serve the retail, village hall as well as the housing. The proposal includes a play area, green infrastructure to the east, pumping stations, and public open space. The masterplan submitted with the application is indicative at this stage.
- 3.3. The applicant has confirmed that the site is available and deliverable and will help the Council meet its five year housing land supply shortfall. They advise that to expedite the delivery of housing, the Neptune Group (parent company of the applicant) would

deliver the housing and advise that they have a strong track record of building high quality homes across the UK over the past 20 years. They anticipate that the reserved matters would be submitted within 12 months, commencement by mid-2027 and completed by end of 2029.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. 23/01144/OUT - Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 90 homes (use class C3) together with associated infrastructure and open space, landscaping, including provision of land for new village hall (use class F2(b)) and retail space (use class E). – refused.

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 **25 February 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 25 letters of objection have been received, 3 letters of comment and 1 letter of support. The comments raised by third parties are summarised as follows:
- Too many houses for the size of Milcombe
 - Impact on residential amenity
 - Highway Safety impacts
 - No requirement for a new shop
 - Not sufficient infrastructure
 - Impact on Ecology
 - Impact on character and appearance of the locality.
- 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. MILCOMBE AND BLOXHAM PARISH COUNCIL: **Objects** on the grounds of over-development; outside the village confines; adding to traffic problems in the area, Infrastructure is not sufficient. Although a Cat A village, it is likely to be downgraded

in the new Local Plan. Village is not large enough to cope with two village shops, and the existing community hall is centrally located within the village. Has experienced much growth in the last few years.

- 7.3. OCC HIGHWAYS: **No objections** subject to S106 contributions and conditions
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to conditions
- 7.5. OCC EDUCATION: **No objections** subject to S106 for primary, secondary and special education contributions
- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions
- 7.7. OCC WASTE MANAGEMENT: **No objections** subject to S106 contributions towards household waste facilities
- 7.8. CDC ECOLOGY: **No comments** received to date
- 7.9. NATURESPACE: **Objection** subject to further investigation into Great Crested Newts
- 7.10. CDC RECREATION AND LEISURE: **No Objections** subject to S106 contributions for community hall facilities, outdoor sports provision, Indoor Sports provision, Public Art
- 7.11. BOBICB: No objection subject to monies to contribute towards additional clinical capacity at Hook Norton or Bloxham Surgeries

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing health and wellbeing
- 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
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction

- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Cherwell Annual Monitoring Report (2024 AMR) (February 2025)
- Housing and Economic Needs Assessment (December 2022)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area

- Heritage impact
- Residential amenity
- Ecology impact

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').
- 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. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell, with Milcombe classed as a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. The categorisation of villages was informed by a defined range of sustainability criteria as they applied in 2014-15 (CLP 2015 para C.255). PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As a Category A village Milcombe is identified by the Local Plan as being a suitable settlement for minor development, infilling and conversions.
- 9.5. 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.
- 9.6. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.7. The published Cherwell District Council latest Annual Monitoring Report dated February 2025 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.
- 9.8. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development (paragraph 11d of the NPPF) applies.
- 9.9. 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.
- 9.10. 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.
- 9.11. 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.
- 9.12. 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.
- 9.13. 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.
- 9.14. 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 removes Milcombe as a Category A Village Settlement. There are a number of objections to this policy, therefore the weight attached to this emerging policy is limited.

Assessment

- 9.15. The 2024 Annual Monitoring Report confirms that the LPA can only demonstrate a 2.3 year housing land supply at present, in light of which paragraph 11(d) of the NPPF is engaged.
- 9.16. Engagement of the 'tilted balance' under paragraph 11(d) does not mean that the Local Development Plan is set aside, as the assessment of a proposal against adopted LDP Policies can facilitate the overall assessment of the benefits and adverse impacts of a scheme in relation to the NPPF as a whole, but it does mean that the relevant local plan policies i.e. those relating to housing are afforded less weight, in particular, the numerical elements of those policies.
- 9.17. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 50 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Milcombe is therefore in open countryside.

- 9.18. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, 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 areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged. 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, shops, community centres and has good transport links to towns including Bloxham, Banbury and Chipping Norton. The site is bounded by a road to the north, residential development to the west, and open countryside to the east, and south of the site. The masterplan submitted with the application indicates that the development would occur to the west of the site, with open space to the east and south of the site. This indicates that the proposal could be designed so it is adjacent to the main built up area of Milcombe.
- 9.19. The applicant has confirmed that the site is available and deliverable, with the applicant's parent company building the homes, with the housing being completed by 2029.

Conclusion

- 9.20. 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.
- 9.21. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years. As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. 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. Whilst there may be some impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, it is considered that the harmful impact could be mitigated.

Design and impact on the character of the area

Policy context

- 9.22. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets*.
- 9.23. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density*. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.24. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

9.25. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

Assessment

9.26. This is an outline application, in which – except for access – all matters are reserved to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside to the north and east. This includes Sustainable Urban Drainage features and footpaths through an area of open space. The indicative road layout also separates the green buffer from the proposed dwellings. In effect, the proposal seeks to have a perimeter road to the east and south edge. It is noted that the indicative layout is similar for this application to the northern part of the previous proposal for a larger number of dwellings.

9.27. The site comes under the Rolling Village Pastures and the upstanding Village Farmlands landscape character area. Some of the key characteristics are a strong undulating landform of rounded hills and small valleys, densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside.

9.28. The LVIA states that the impact of the proposed development of the Landscape would have moderate to adverse impact within the site and its surroundings, and slight adverse on the wider landscape, with some areas being neutral. The proposed development would have an urbanising effect on this part of the countryside, emphasised by the flat nature of the site and its concomitant visibility from a wider area, though the proposal would be seen in context to the existing residential properties to the west.

9.29. The development would lead to a negative impact on the character and appearance of the locality. The existing estate to the west is a modern stand-alone development, and the further development of this area could further impact on its overall character, which is further exacerbated by the public right of way running through the site. The proposed development would further disperse into the wider countryside, and closer to Bloxham, and away from Milcombe's historic core.

9.30. The scale of the development has been reduced, from the previously refused application for up to 90 houses, to up to 50 houses. As noted above, the indicative layout is similar for this application to the northern part of the previous proposal for a larger number of dwellings, leaving the southern part of the site undeveloped but capable of being developed at a later date. Officers would be concerned if the detailed design was to come forward as per the indicative layout because the reality would be a similarly urbanising impact.

- 9.31. However, if the whole of the site was developed for the lower number, this would reduce the overall urbanisation on the character and appearance of the locality from that of the recently refused application, i.e. provided the density of the development reduces in line with the reduced number of dwellings. The applicant has confirmed that the density of the development would be less than 30 dwellings per hectare, which is not in accordance with the requirements of Policy BSC2. However, given its location at the edge of the village and its visual impact, it is considered a density of less than 30 dwellings per hectares may be appropriate in this particular location in order to make development of this scale acceptable.
- 9.32. The application submission states that the dwellings would be a maximum of two-storey dwellings. However, scale is a reserved matter and not to be assessed here. A condition could be imposed to ensure building height details are submitted as part of any approval.
- 9.33. Overall, the proposal would be a significant addition to the village and would have a significant visual impact, resulting in some harm to the character and appearance of the locality. This weighs against the proposal.

Highways impact

- 9.34. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - 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.
- 9.35. In addition, paragraph 116 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.
- 9.36. The Local Highway Authority originally raised objections to the proposal; however, the previous application for 90 was not refused on highway grounds. The applicants have sought to overcome the concerns of the Local Highway Authority and have now done so and the LHA does not object on highway grounds. The proposal is thus considered acceptable in highway safety terms.

Drainage

- 9.37. 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.
- 9.38. 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
- 9.39. 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.
- 9.40. 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.
- 9.41. 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 has commented on this and does not have an objection to the scheme provided suitably worded conditions are imposed, and the Environment Agency also consider the proposal will not increase the risk of flooding.
- 9.42. The proposal is therefore considered to be acceptable in terms of flood risk and drainage.

Residential amenity

- 9.43. 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.
- 9.44. The application is in outline form at this stage; therefore, the consideration of residential amenity is more relevant at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact on the amenities of the existing properties and proposed dwellings. This is helped further by the reduction in the overall number of dwellings from 90 to 50.

- 9.45. It is therefore considered that residential amenity is not a sound basis on which to refuse the application.

Ecology impact

Legislative context

- 9.46. 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.
- 9.47. 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.
- 9.48. 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.
- 9.49. 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.
- 9.50. 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

- 9.51. 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.
- 9.52. 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.
- 9.53. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.54. 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.
- 9.55. 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.
- 9.56. 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.
- 9.57. 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

- 9.58. The applicant has provided a Biodiversity Impact Assessment and a Preliminary Ecological Assessment, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.
- 9.59. The ecology statement carries several recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include

habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity, including native species, bat and bird boxes, and ongoing management of habitats.

- 9.60. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.
- 9.61. The proposal includes a biodiversity net gain of 12.49% on site habitat units and 25.04% in hedgerow units.
- 9.62. 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.
- 9.63. Officers are satisfied, in the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and 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

- 9.64. 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 165 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

- 9.65. 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).
- 9.66. 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 by the use of 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.

- 9.67. 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

- 9.68. The application is at outline stage; therefore, it is not clear how the dwellings would be constructed, and how many sustainable features would be used as part of the development of the scheme. The applicant has stated that the design would incorporate sustainable features to achieve a carbon positive development. The applicant has also provided an Energy and Sustainable Statement. It is considered that the development is likely to adhere to these policies; however, this would be confirmed at the reserved matters stage.

S106

- 9.69. Paragraph 58 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 56 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.
- 9.70. 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:

- 9.71. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.72. 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.
- 9.73. 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.
- 9.74. This application is for up to 50 residential units on the site, which would represent a major application in terms of definition. For this reason, the application would need to provide an element of affordable housing as part of the proposal.
- 9.75. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 16 units.
- 9.76. 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.
- 9.77. 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.
- 9.78. It is noted that the Parish Council have requested an area for a community hall with the parking of twelve cars. This was something which the previous application included, however this current application, which is for a smaller amount of housing does not. The Recreation and Leisure team has requested contributions towards the improvement to the existing facilities. It is considered that the provision of land for a new community hall in this particular case does not meet the relevant tests and should not be requested to mitigate against the impact of an additional 50 dwellings for the village.
- 9.79. 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 would comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

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.
- 10.3. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement is served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of ecological habitats available for wildlife and the setting of the site. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. These aspects are explored in greater detail through the coming paragraphs.

Social

- 10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.5. 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.
- 10.6. 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.
- 10.7. 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

- 10.8. 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.

- 10.9. Milcombe has a number of services and employment opportunities. It is a Category A village and, with a shop, public house and on an active bus route, one of the more sustainable villages within the district. The site's relatively sustainable location is afforded some positive weight.

Negative impacts

- 10.10. 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.

Conclusion

- 10.11. 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.
- 10.12. The proposal seeks permission for up to 50 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. In such a scenario, this policy is considered simply to be reflective of a strategy to direct residential development to the most sustainable settlements in the District. Milcombe is a Category A village and is one of the more sustainable villages in the District.
- 10.13. 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 is recommended for approval.

11. RECOMMENDATION

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

- 1. NO OBJECTIONS FROM NATURE SPACE**
- 2. THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS AND INFRASTRUCTURE AS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY); AND**
- 3. 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 £40 238.40 (index linked)**
 - 4. Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £5 094 (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 £64, 824 (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 £56 650 (index linked)
10. Payment of transport infrastructure (if not dealt with the S278) contribution £20 944
11. Payment of Traffic Regulations Order contribution: £4 224 (Index linked)
12. Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £35 000 (index linked)
13. Payment of a financial contribution towards Primary education needs in the locality £472 074 (index linked)
14. Payment of a financial contribution towards Secondary education needs in the locality £410 076 (index linked)
15. Payment of a financial contribution towards Special Needs Education needs in the locality £47 215 (index linked)
16. Payment of a financial contribution towards the expansion of Hook Norton and Bloxham Surgeries £45 309 (indexed linked)
17. Payment of the Council's monitoring costs to be confirmed

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

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework

CONDITIONS

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 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, 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

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 including any demolition unless and until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area and which has been submitted to and approved in writing by the Local Planning Authority.

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

5. Following the approval of the Written Scheme of Investigation referred to in condition 5, 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 (2023).

6. No development shall commence [on any phase], including any works of demolition until a Construction Environment and Traffic Management Plan [for that phase] 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 mitigation measures recommended at [Add References] of the submitted Environmental Statement [Date]

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 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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. No development shall commence unless and until 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 has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that 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.

9. If contamination is found by undertaking the work carried out under condition 8 if remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

10. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. 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.

CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION

11. 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.

12. Prior to the first occupation of the development hereby approved, a Travel Plan Statement 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.

COMPLIANCE CONDITIONS

13. 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.

CASE OFFICER: Katherine Daniels

24/01885/F

Agenda Item 9

Land To The Rear Of Mole End
Main Street
Great Bourton



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1:900

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

24/01885/F

Land To The Rear Of Mole End
Main Street
Great Bourton



1:700

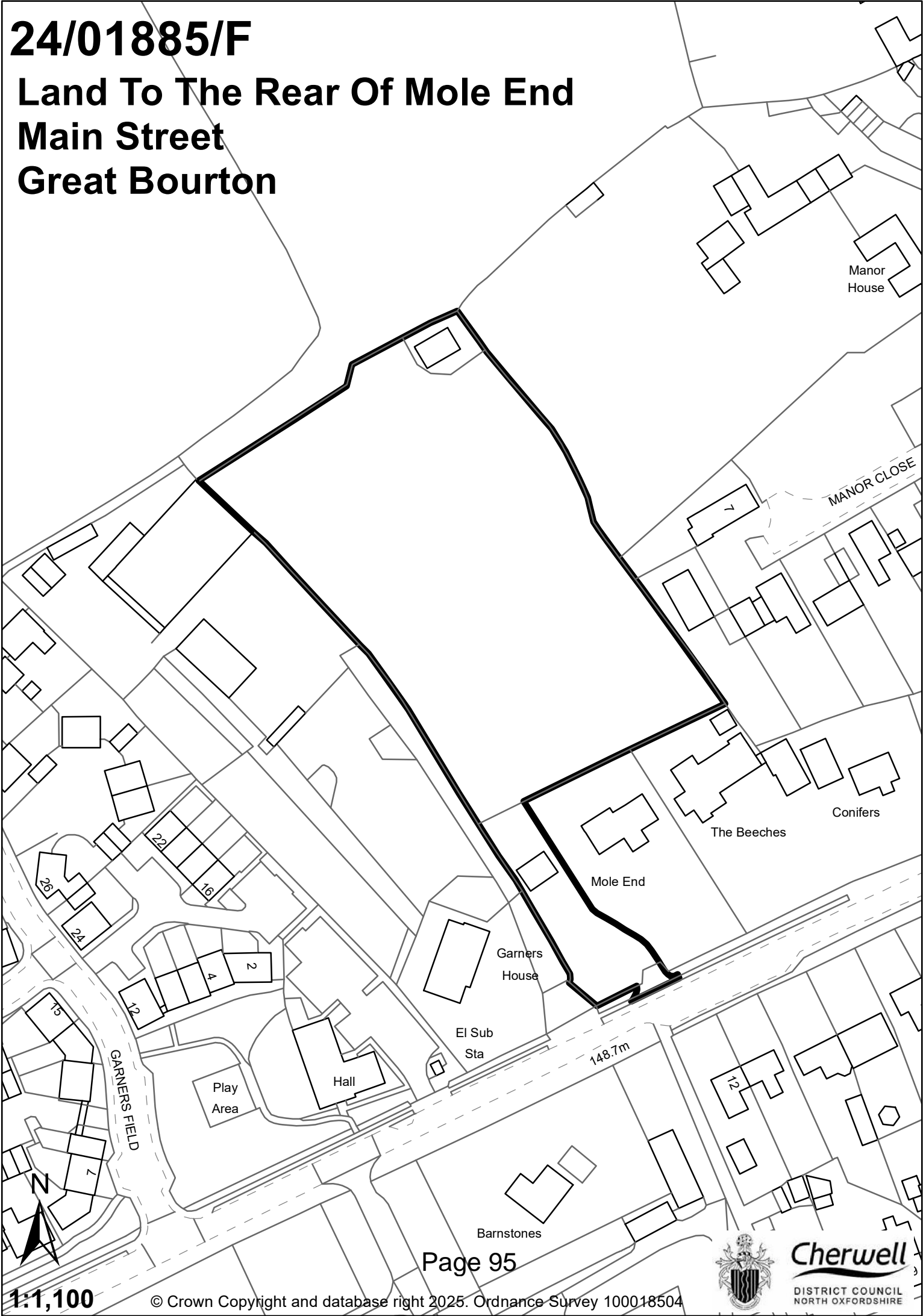
148.7m



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

24/01885/F

Land To The Rear Of Mole End
Main Street
Great Bourton



Case Officer: Shona King

Applicant: Talbot Homes

Proposal: Development of 19no dwellings

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Brant, Councillor Chapman and Councillor Webb

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 17 January 2025

Committee Date: 31 July 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of Main Street in Great Bourton. The site is bounded to the south and east by residential properties, and to the west by a commercial operation. To the north of the site is a line of mature vegetation separating the site from a defined Public Right of Way to the north of the vegetation. The site is currently a field which has a relatively flat topography. There are several protected trees in the boundaries of the site.

2. CONSTRAINTS

- 2.1. Public Right of Way to rear of site.
- 2.2. Trees subject to preservation orders to northern and eastern boundary, and at road frontage
- 2.3. Residential to east and south of the site, commercial to west.
- 2.4. Open countryside to north.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Full planning permission is sought for the erection of 19 dwellings on the site. Twelve are to be market houses with a mix of 7 x 3 bed dwellings, 3 x 4 bed and 2 x 5 bed houses. 7 are to be affordable units with a mix of 2 x 1 bed flats and 5 x 2 bed houses.
- 3.2. Amended plans have been submitted seeking to overcome concerns regarding the layout of the scheme, the design of the buildings, the potential impact on neighbouring properties, the visual impact of the development and the impact on protected trees.

Additional information has also been provided seeking to overcome drainage concerns.

4. RELEVANT PLANNING HISTORY

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

23/01929/PIP – Application for permission in principle for the development of between 8 and 9 houses – Approved

5. PRE-APPLICATION DISCUSSIONS

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

23/00972/PREAPP - Proposed development of 9 No dwellings on land to the north of Main Street, Great Bourton within the built limits of the village

5.2. The pre-application advice concluded the principle of housing in this location was acceptable on the basis that the site was within the built-up limits of the village. However, there would need to be a mix of dwelling sizes to include 1 and 2 bed dwellings as well as 3-4 beds. In addition, it would need to be demonstrated that 11 or more dwellings could not be delivered on the site and thereby allow for a proportion of affordable housing. The pre-application submission proposals did not make effective use of land and therefore conflicted with Policy BSC2 of the Cherwell Local Plan 2015. A greater number of dwellings proposed on the site would be expected.

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

6.2. There have been 26 letters of objection received, the comments raised by third parties are summarised as follows:

- Principle of development – greenfield site; not sustainable development; no facilities in the village; infrequent bus service – reliance on car use; unsuitable for cycling to Banbury/Cropredy; lack of pavement to Banbury
- Need – houses not needed
- Design – housing mix/size; scale development - 9 dwellings more appropriate; not in keeping with the village; density; concerns over the layout and the design of the dwellings; oversized affordable houses; the affordable housing requirements need to be met; building materials
- Impact on the character of the area – urbanising countryside; impact on street frontage of Mole End
- Residential amenity – impact on privacy of existing houses; noise and disturbance to existing residents;

- Highway safety – lack of visitor parking; increase in traffic movements in the village; pedestrian safety; traffic during construction
- Infrastructure impacts – impact on infrastructure; impact on sewage system; surgery in Cropredy at capacity;
- Other matters – Increase in light pollution; impact on wildlife; biodiversity net gain of the development; management of communal areas; inaccuracies in application documents
- Non-planning matters - Loss of value if existing dwellings

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. THE BOURTONS PARISH COUNCIL: Original comments – **Objects** for the following reasons –

- Inaccuracies in application – relating to services/facilities available in the village and sustainability
- Housing density and mix - inappropriate density for the village and housing mix doesn't reflect local need
- 5 year land supply
- site layout impact on character of the immediate area
- Does not reflect the character of either surrounding houses, the local ecology or the wider village
- Access, on-site parking, on street parking
- Intrusion & visual impact
- Impact on existing dwellings
- Impact on wildlife and habitat
- Improvement of access to the countryside
- Style and design of properties & building materials
- Waste water processing capacity
- Highway safety including on-street parking around the site entrance from events at the Community Hall
- S106 contributions

7.3. Comments on first amended scheme – **Objects** for the following reasons but accepts that significant changes have been made –

- Sewage treatment capacity – guidance required as to the implications and impact of the feasibility of the application and timing due to the revised comments of Thames Water
- Housing density - 30/hectare unacceptable in this location the proposed site will look congested, cramped, and completely out-of-character with its immediate surroundings and the wider village where no housing has been built at this density
- Parking – concern regarding parking provision within the site and the lack of visitor parking leading to parking on pavements or access road leading to highway safety issues. Above the minimum number of spaces should be provided.
- Ecology – Arboricultural report doesn't address concerns that a number of mature trees are being removed and hedgerows within private gardens.
- Access to the ProW
- Housing Mix – needs to meet local requirements
- Site layout – layout hasn't addressed any concerns. Out of character with a rural village
- Adoption of access road and maintenance
- Building materials – reference to local materials but concrete tiles need to be changed to a more suitable/acceptable alternative in keeping with surrounding properties.

7.4. Comments on second amended scheme – **Objects** for the following reasons but accepts that significant changes have been made –

- The impact of the revised layout of the affordable homes.
- Insufficient onsite parking to allow for the anticipated level of car ownership of home owners and parking for visitors.
- The location of Plot 7 remains very close to the boundary fence on the right of the site creating serious overlooking concerns with the adjacent house on Manor Close.
- Whilst the Principle of development on this site is accepted the PC remains very concerned about the housing density as this is completely out-of-scale with the surrounding area, and represents the highest density in Great Bourton, this making the development visually dominant in an area of the village where densities are very much lower.
- Pleased to note that the mix of affordable housing now meets the CDC target, but we remain concerned about the significant proportion of 4 & 5 bed dwellings, which has not changed, albeit we recognise the reduction in the number of 5 bed properties.

- Requirement of condition from Thames Water and the impact of this on the development
- 7.5. Comments on third amended scheme – **Objects** for the following reasons but accepts that some changes have been made and pleased that the housing mix on the site has been significantly changed reducing the number of 4 & 5 bed houses and increasing the number 2 bedroom properties which is what is required by existing families living in Great Bourton -
- Insufficient on-site parking
 - The visual intrusion and proximity caused by Plot 7 has NOT been addressed in any way
 - The proposed housing density remains out of scale with the surrounding area and the Parish
 - Remain concerned about the detail of the proposed s106 agreement and the contribution towards the improvement of public transport serving Great Bourton
- 7.6. Comments on Officer Report prepared for the 3 July Committee meeting – Raising concerns regarding:
- a) The condition required by Thames Water – seeking clarification that the reference within the report to water treatment infrastructure capacity relates specifically to surface water drainage as it is important that there is no possibility for the responsibility of either the developer or Thames Water to avoid their responsibilities for managing waste water and continuing the frequent and illegal discharge of untreated effluent from the Cropredy works.
 - b) Impact on 6 Manor Close due to the proximity of Plot 7:
 - space standards aren't met as there is only 8.475m between the dwellings
 - The impact of the actual proposal should be considered not a previous one
 - impact on No 6 by reason of closeness, overlooking and potential for visual intrusion into the windows and garden of 6 Manor Close
 - Clarification sought on the minimum distances between neighbouring properties and how the revised layout meets these
 - Additional planting within the garden of Plot 7 would create a further visual intrusion for 6 Manor Close and be unacceptable. This concern requires further investigation and clarity regarding the suggest additional planting.
 - c) Seeks clarification that the proposal that a s106 funding contribution of £50,000 be included for the creation of bus stops and supporting infrastructure on the A423 would be sufficient to provide the required laybys, bus stops and crossing places. Also seeks confirmation that OCC is happy with this sum and would proceed even if the costs prove to be higher.
- 7.7. Comments sent to Members prior to Planning Committee on 3 July acknowledging that the application site is within the settlement boundary and that the Council does not currently have a 5 year housing land supply, but raises concerns regarding:

- Density of the development
 - S106 contribution towards transport, £50,000 - not sufficient to provide bus stop laybys, etc
 - Insufficient parking spaces for residents and visitors leading to parking on access roads
 - Capability of Thames Water to manage the services for the site
 - Impact on neighbouring properties
- 7.8. OCC HIGHWAYS: Original comments: Objected for the following reasons - Width improvement of footway along Main Street either side of the access is required, a crossing between the footway on the northern side to the southern side of Main Street is required.
- In addition a legal agreement is required with an obligation to enter into a s278 agreement to mitigate the impact of the development including the above crossing and footway improvements and the provision of a pair of layby's along the A423 Southam Road with appropriate passenger waiting space (hardstanding), bus stop poles to OCC specification, connecting footways and an appropriate crossing point, with works contained within the existing highway boundary. A planning condition is also recommended relating to a provision of cycle parking facilities.
- 7.9. Interim comments - No objection subject to a s106 obligation to provide a pair of bus stops within laybys along the A423 Southam Road to include bus stop poles and connecting footways and appropriate crossing facilities.
- 7.10. Final comments – **No objection** subject to s106 contributions towards a pair of bus stops with associated hardstanding and a suitable crossing along the A423 Southam Road and an obligation to enter into a s278 agreement to secure mitigation/improvement works.
- 7.11. LEAD LOCAL FLOOD AUTHORITY (OCC): Original comments – Objects for the following reasons – A summary of the drainage strategy needs to be provided and additional testing and monitoring is required.
- 7.12. Interim comments – Objects for the following reason - Groundwater levels must be recorded during the winter period, to ensure suitable soakaway design otherwise an alternative viable drainage strategy must be put forward which would allow for further ground investigations by condition.
- 7.13. Final comments – **No objections** subject to conditions relating to surface water drainage and SuDS
- 7.14. OCC ARCHAEOLOGY: **Comments** - The proposal lies in an area of archaeological interest and potential and recommends conditions relating to a staged programme of archaeological investigation.
- 7.15. CDC ARBORICULTURAL OFFICER: Original comments – Objects for the following reasons – the impact of the development on the protected within and adjacent to the site, future pressure on the trees due to the proximity of the trees to the development, impact on the trees during construction. The proposals will not allow for the safe long-term retention of existing trees both on and off the site.

- 7.16. Final **comments** - an update of the arboricultural impact assessment showing the new proposals in conjunction with the trees is needed. If there are to be pathways/access roads within the RPA of the trees then we need a detailed method statement outlining how these will be installed without harming the trees. All access roads and pathways should be constructed using no dig methods and surfaces should be permeable. All boundary treatments should avoid damaging any trees and should follow an arboricultural method statement the details of which will need to be submitted and suitable for the particular boundary treatment to be used.
- 7.17. CDC BUILDING CONTROL: A full plans building regulation application will be required
- 7.18. CDC ECOLOGIST: Original comments - Objects for the following reasons – further justification is required regarding the classification of grassland, the biodiversity net gain metric needs updating along with the submission of an assessment of the condition of the habitat.
- 7.19. Final **comments** - Proportionate justification has been provided in the Ecology Response dated 13.11.24; The BNG metric has been provided concluding that the Development would result in a 34.15% loss in habitats and 2.19% loss in hedgerows which means the Development's requirement to provide 10% net gain has not been met. However, the applicant proposes to purchase units to offset the loss. An automatic Biodiversity Gain Plan condition would be applied where the applicant would need to demonstrate how they are providing 10% net gain across habitats and hedgerows.
- 7.20. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to preparation of a Construction Environment Management Plan (CEMP), contaminated land, and lighting
- 7.21. CDC LANDSCAPE SERVICES: No comment to date
- 7.22. CDC PLANNING POLICY: **No objection** to the principle of the development
- 7.23. CDC RECREATION AND LEISURE: Contributions are sought towards community hall facilities, outdoor and indoor sport provision, and public realm/public art
- 7.24. CDC STRATEGIC HOUSING: **Supports** this proposal in principle; however, the affordable housing needs to be better integrated with the market housing and the sizes and tenures need to correspond with the following mix - Social Rent (total 5 units) 2 x 2-bed, 4-person houses: 25-30% 2 x 3-bed, 5-person houses: 30-35% 1 x 4-bed, 7-person house: 15-20% Intermediate/First Homes (total 2 units) 1 x 2-bed 4-person house 1 x 3-bed 5-person house.
- 7.25. CDC URBAN DESIGNER: Original comments - Objects – the scheme doesn't reflect national and local design guidance and policy. The scheme requires a strong design concept that addresses the character of the site and immediate design context. The masterplan and street scenes should address the adjacent footpath and wider countryside and village context. Further design and analysis is required to determine and justify an appropriate number and mix of dwellings.
- 7.26. Final **comments** - The overall layout is acceptable; however, the following information/amendments are necessary. • Provide a direct footpath link between Main Street and the public footpath. • Review the use and character of the space to the side of plot 8 and 15. • Provide elevations for Plot 1 and 2. Conditions will be required to cover materials and detailing.

7.27. CDC WASTE AND RECYCLING: No comment to date

7.28. THAMES WATER: Thames Water has identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal in terms of waste and request a condition that restricts occupancy of the development until either all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. With respect to surface water drainage and water network and water treatment infrastructure capacity there are no objections to the development.

7.29. THAMES VALLEY POLICE: No comment to date

7.30. NHS BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE WEST INTEGRATED CARE BOARD (ICB) – **objects** - lack of any primary care mitigations to be secured in the proposed development. They are seeking a financial contribution of £16,416 towards either the potential extension project to reconfigure or to extend the premise of Woodlands Surgery or the proposed GP facility of Cropredy Surgery.

7.30 THE APPLICANT has submitted an email stating that “The Bourtons Parish Council response incorrectly states that *“The visual intrusion and proximity caused by Plot 7 has NOT been addressed in any way”*. This is categorically untrue, and we are pleased that the committee report addresses this point.”

A summary of the most up to date responses from professional / technical consultees, confirming no objections or comments to the updated proposals was included with the representation from the agent. This sets out that the following consultees:

- a. Have raised no objections to the amended proposals subject to conditions or s106 contributions:
 - OCC Highways
 - Lead Local Flood Authority (OCC)
 - CDC Arboricultural Officer
 - CDC Ecologist
 - CDC Environmental Protection
 - CDC Planning Policy
 - Thames Water
 - CDC Recreation and Leisure
 - OCC Archaeology
 - CDC Building Control
- b. Support the application in principle
 - CDC Strategic Housing – support the application proposal in principle but comments that the affordable housing needs to be better integrated with the market housing and the sizes and tenures need to correspond with the following mix - Social Rent (total 5 units) 2 x 2-bed, 4-person houses: 25-30% 2 x 3-bed, 5-person houses: 30-35% 1 x 4-bed, 7- person house: 15-20% Intermediate/First Homes (total 2 units) 1 x 2-bed 4- person house 1 x 3-bed 5-person house
- c. Have made no comment to date on the revised application
 - CDC Waste and Recycling
 - Thames Valley Police
 - CDC Landscape Services

The applicant also confirms their agreement to the following pre-commencement conditions as set out in the report and the financial contribution of £16416 towards primary care:

- 3 – Construction Environment Management Plan
- 4 – Remediation
- 5 and 6 – Archaeology
- 7 – Drainage
- 9 – Arboricultural Method Statement

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing health and wellbeing
- 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
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water resources
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- Villages 4 – Meeting the Need for Open Space, Sport and Recreation
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Residential Design Guide (2018)
- Cherwell Annual Monitoring Report (2024 AMR) (February 2025)
- Housing and Economic Needs Assessment (December 2022)

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
- Ecology impact
- Highway safety
- Drainage/Sewerage
- Sustainability and Energy Efficiency
- Effect on Infrastructure and Planning Obligations

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 the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. 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 District 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, with Great Bourton as a Category B Village. The categorisation of villages was informed by a defined range of sustainability criteria as they applied in 2014-15 (CLP 2015 para C.255). PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As a Category B village Great Bourton is identified by the Local Plan as being a suitable settlement for minor development, infilling and conversions.
- 9.7. 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.
- 9.8. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.9. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District.
- 9.10. The published Cherwell District Council latest Annual Monitoring Report dated February 2025 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. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development (paragraph 11d of the NPPF) applies.
- 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 area's 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.
- 9.16. 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 Great Bourton as a Category B Village Settlement.

Assessment

- 9.17. The 2024 Annual Monitoring Report confirms that the LPA can only demonstrate a 2.3 year housing land supply at present, in light of which paragraph 11(d) of the NPPF is engaged.
- 9.18. Engagement of the 'tilted balance' under paragraph 11(d) does not mean that the Local Development Plan is set aside, as the assessment of a proposal against adopted LDP Policies can facilitate the overall assessment of the benefits and adverse impacts of a scheme in relation to the NPPF as a whole, but it does mean that the relevant local plan policies i.e. those relating to housing are afforded less weight, in particular, the numerical elements of those policies.
- 9.19. The principle of residential development in Great Bourton is assessed against Policy Villages 1 in the CLP 2015. As noted above, Great Bourton is a Category B village. Within Category B villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement.
- 9.20. The development plan does not define the built-up limits of villages, and this is assessed on a case by case basis. The principle of development on the southern part of this site was established under the Permission in Principle application, 23/01929/PIP. This Permission in Principle also established the location of the access to serve the development. Considering the site's position, bounded by development to the east, south and west, and with the defined mature vegetation approximately 59m to the north, the southern part of the site was considered to be within the built-up limits of the village.
- 9.21. While the concerns of third parties are noted, it is important to stress that the 'Permission in Principle development' could be carried out and that it is likely a further application for the development of the northern part of the site for c.6-10 houses would then be submitted and would be difficult to resist. The benefits of the whole site coming forward at the same time is a more efficient and effective use of land and a better designed, more cohesive form of development.
- 9.22. Paragraph C.262 of the CLP 2015 states that in assessing whether proposals in villages are acceptable, regard will be had for a number of criteria including the site's context within the existing built environment and whether the development is in keeping with the character and form of the village. The other criteria are the size of the village and the level of service provision, its local landscape setting, and careful consideration of the appropriate scale of the development. Given the Permission in

Principle for up to 9 houses on part of the site, the relationship of the wider site with the surrounding built form and, importantly, the strong defined northern boundary, it is considered that the development of the additional area of land would not be viewed as an extension of the built form into open countryside.

Conclusion

- 9.23. 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. With the inclusion of the additional land over and above that granted Permission in Principle, the currently proposed development makes a more efficient and effective use of land and a better design and layout of development.
- 9.24. 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. While the site is not a particularly sustainable location in terms of access to key facilities, it relates well to the existing built form, is considered to be within the built limits of the settlement and regard must be had to the Permission in Principle for the southern part of the site. Whilst there may be some impact upon the locality through the development of this greenfield site, it is considered that the harmful impact can be mitigated.

Design, and impact on the character of the area

Policy context

- 9.25. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets*.
- 9.26. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density*. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.27. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

Assessment

- 9.28. The application proposals have been amended since originally submitted. The site area and number of houses along with the access from Main Street have remained unchanged; however, the internal layout of the site has changed, as well as the designs and sizes of the houses. A distinct access onto the PRow that runs along the northern boundary has also been provided. A main access road leads from Main Street into the site and smaller roads lead off this to provide access to the dwellings. The layout now provides for a frontage onto the main estate road and the smaller access roads. It is considered that the amended layout is acceptable, and that the

proposed number of dwellings can be accommodated within the site without resulting in a cramped form of development inappropriate to its setting.

- 9.29. The dwellings have also been moved away from the northern boundary with the existing hedge line within public space rather than private garden areas. With their retention, and seen in views from the north in the context of built form to the west and east of the site, it is considered that the amended proposal would not adversely affect the wider landscape setting of the village. The dwellings are also proposed to face onto the PRow giving some surveillance to this.
- 9.30. Built form has been repositioned outside of the root protection areas of the main trees some of which are protected by preservation orders. The trees proposed for removal are not considered to be of high public amenity value and it has been shown in the arboricultural statement that development can be carried out in such a way to limit harm on the trees to be retained. The Council's Arboricultural Officer has raised no significant concerns subject to the adherence to an arboricultural method statement which is conditioned below.
- 9.31. The proposal now includes the use of natural stone for the dwellings fronting onto the main access and those facing the northern boundary of the site. The remainder of the dwellings are to be constructed using a red brick. Slate is proposed for the roofs rather than concrete tiles. The proposed dwellings are considered to be of acceptable designs. A stone wall along with the dwellings provides for a continuous strong building line along the eastern side of the of the main access road

Conclusion

- 9.32. Overall, Officers consider that the layout and design of the proposal now represents an acceptable scheme that will be constructed from an appropriate palette of materials and proposes acceptable house types in design terms. The proposal is therefore considered to represent good design and comply with Policy ESD15 of the CLP 2015 and the NPPF.

Residential amenity

- 9.33 Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.
- 9.34 Saved Policy C30 of the CLP 1996 requires that new housing development provides standards of amenity and privacy acceptable to the local planning authority.
- 9.35 The proposed scheme as amended is not considered to result in any significant detriment to the living amenities of the neighbouring properties by reason of overlooking or overshadowing. The proposal has been amended to mitigate overlooking between dwellings and now meets the Council's adopted space standards with at least 22m between habitable room windows of the existing and proposed dwellings. It is proposed to retain existing intervening hedges between the application and boundaries of the existing dwellings and this would mitigate any impact further.
- 9.36 It is very important to note that, if the Permission In Principle scheme was to be taken forward, development would be located in the southern part of the site resulting in dwellings adjacent to the southern and eastern boundaries in the area where they are located under this scheme. As such the principle of development here has been established and the impact on neighbours to the south and east of the site would be

the same or very similar whichever of the two schemes was developed. This is a material consideration in the determination of this application.

- 9.37 Concerns have been raised by the owner of No. 6 Manor Close regarding the potential impact on their property and these concerns are shared by the Parish Council. The proposal has been amended removing any side facing windows in Plot 7 and the terrace has been moved further from the shared boundary with No. 6 Manor Close. There are no minimum standards between non-habitable rooms at ground floor level and first floor habitable room windows must not be within 7m of neighbouring property. The adopted Residential Design Guide sets out that there should be a distance of 14m between a rear elevation and a two storey side elevation. However, while important, this is guidance to help decision makers apply policy, and each development proposal needs to be considered on its merits having due regard to the individual circumstances. In this instance, Plot 7 and No. 6 Manor Close only intersect for less than half of the rear elevation of No.6 and the first floor windows facing Plot 7 serve a bathroom and landing.
- 9.38 Whilst there is a path within the site along the shared boundary this is to access the rear garden of Plot 7 only i.e. would not be publicly accessed. As such it is considered that the development would not result in any significant harm to the living amenities of No. 6 Manor Close.
- 9.39 There is more likely to be an impact from No. 6 Manor Close on future occupiers rather than the other way around, i.e. the rear garden of Plot 7 has the potential to be overlooked by two bedroom windows. However, the windows in No.6 Manor Close that would have a view of the side elevation of Plot 7 are a bathroom window and a secondary window to a landing. In addition, the existing hedge would be retained between the properties and the garden to Plot 7 is large enough for additional planting to be provided to mitigate any overlooking from these windows.
- 9.40 It is considered therefore that the proposal provides adequate levels of amenity for the existing and future residents and complies with Policy ESD15 of the CLP 2015, Saved Policy C30 of the CLP 1996 and the NPPF.

Ecology Impact

Legislative context

- 9.41. 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.
- 9.42. 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.
- 9.43. 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.

9.44. 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:

- 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?
- That there is no satisfactory alternative.
- 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.

9.45. 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

9.46. 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.

9.47. 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.

9.48. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.49. 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.

- 9.50. Policy ESD11 of the CLP 2015 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.
- 9.51. 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.
- 9.52. 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

- 9.53. 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')

- 9.54. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard there are a number of mature trees and hedgerows within and adjacent the site, along with two existing buildings that are to be demolished and therefore the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, Great Crested Newts and invertebrates.
- 9.55. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA 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.
- 9.56. 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.

- 9.57. The application is supported by a detailed protected species survey, which concluded that whilst the garage to be demolished has a moderate potential for roosting bats there was no evidence present. The site offers suitable foraging and commuting habitat for bats in the form of its hedgerows, trees, and grassland. There was no evidence of badger activity on the site or immediate adjacent habitat but the site has suitability for sett excavation and foraging and commuting Badgers. The site has habitats with the potential to support a limited range of common nesting birds, but the size of the site makes the presence of large or important breeding bird assemblages unlikely. The presence of ground nesting birds is very unlikely due to the habitats present and regular disturbance. The grassland and hedgerows provide limited suitability for use by terrestrial Great Crested Newt, but there are no known records within 2 km of the site and no apparent ponds within 250m. It is considered unlikely that Great Crested Newt are present on-site. The habitats of the proposal site and adjacent areas are suitable for use by reptiles to forage, bask, and hibernate. The neutral grassland and hedgerows provide limited foraging and commuting habitat.

Conclusion

- 9.58. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would 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.

Highway safety

- 9.59. The application seeks to utilise and modify an existing access into the site from Main Street to the west of Mole End. The access was approved as part of the Permission in Principle scheme and therefore the principle of using this, albeit for fewer dwellings, has been established. This part of the development would be the same whichever of the two schemes comes forward.
- 9.60. The Local Highway Authority has raised no objections to the use of the access in terms of highway safety, subject to the provision of a wider footpath either side of the access along with a crossing point. A legal agreement is required to secure a financial contribution towards a pair of bus stops with associated hardstanding and a suitable crossing along the A423 Southam Road with an obligation to enter into a s278 agreement to mitigate the impact of the development including the above crossing and footway improvements. OCC has reconsidered the original requirement for the provision of bus laybys and footways on the A423 as it was not considered to be reasonable or justifiable for a development of 19 dwellings to provide these elements. OCC has agreed that a contribution of £50,000 should be made towards the bus stop infrastructure, in hope that should any other development around this area that would benefit from the same service would also be tasked to contribute to the same and the infrastructure could be funded in this way.
- 9.61. No highway safety concerns have been raised regarding the internal road layout; however, a planning condition is recommended relating to a provision of cycle parking facilities. The parking provision within the site meets LHA parking standards.
- 9.62. Overall, officers conclude that the impact of the development on the highway network is not considered to be significant.

Drainage / Sewerage

- 9.63. Whilst the site lies within flood zone 1 and is at very low risk of flooding from surface water sufficient information was not originally submitted with the application for a full assessment of the potential for flooding to be made. This information has now been provided and the Lead Local Flood Authority has raised no objections to the development subject to conditions relating to surface water drainage and SuDS.
- 9.64. Thames Water has advised that the sewage treatment works at Cropredy cannot currently accommodate the foul water flow needs of the proposal. An upgrade scheme for Cropredy STW is scheduled to deliver for April 2026 but they have advised that as with any construction project there is potential for programme delays. As such they require a condition restricting the occupancy of the development until confirmation has been provided that all sewage works upgrades required to accommodate the additional flows from the development have been completed to ensure that the risk of pollution was reduced.
- 9.65. In response to the comments made by the Parish Council in their comments on the committee report prepared for the Planning Committee on 3 July, Thames Water has stated that the sewage treatment works (STW) capacity constraint with respect to the new development relates to foul flows and not surface water. They have said that “while all STWs are influenced by surface water infiltration, the surface water drainage strategy should be implemented in accordance with their (the applicant’s) revised strategy with infiltration into the ground which is more sustainable than discharging to the sewer and consistent with the SuDS hierarchy”.
- 9.66. The Lead Local Flood Authority has raised no objections to the proposed surface water drainage strategy.

Sustainability and Energy Efficiency

- 9.67. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques. The policies are however now out of date taking into account more recent Government guidance. Energy efficiency of homes is now a matter for the Building Regulations. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 9.68. The proposal is not accompanied by information to demonstrate compliance with the energy policies of the local plan; however, the site does not meet the scale of development set out within Policy ESD5 for the provision of onsite renewables. Solar panels are proposed in the roofs of the dwellings and a condition is proposed to be recommended to meet the higher Building Regulations Standards for water consumption as set out within Policy ESD3 (110 litres/ person/ day).

Effect on Infrastructure and Planning Obligations

- 9.69. A S106 Legal agreement is required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

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

9.70. 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.

9.71. Due to the level of development on the site an element of affordable housing is required. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 6.65 units which would be rounded up to 7 units. The submitted plans show 7 units are to be provided in the form of 2x 1 bed flats, 3x 2 bed and 2x 3 bed.

9.72. 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 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.

9.73. The heads of terms of the agreement are likely to include the following:

Financial Contributions

- Community Hall facilities - £20,948.08
- Outdoor sport provision - £38,323.57
- Indoor sport provision - £15,290.59
- Public realm/art - £4,256.00
- Public transport infrastructure - £50,000
- Primary Care - £16416
- Offsite contribution open space/play space

Other Requirements

- Affordable housing
- S278 Highway works
- Maintenance of open space method tbc
- Maintenance of roads within the development method tbc

9.74. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in the NPPF.

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 proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area.

Social

- 10.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposals would provide affordable housing for those in need and this would be 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.
- 10.4. The proposals would also provide social benefit from upgrades to local facilities through s106 contributions and these would be of benefit not just to the occupiers of the proposed development but to the wider community.

Environmental

- 10.5. 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.

Negative impacts

- 10.6. The proposal does involve the development of a greenfield site, and it could be argued that this would result in some harm to the character and appearance of the locality. Significant weight is 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 is mitigated by the strong well-defined boundaries of the site and the relationship with adjacent built form.

Conclusion

- 10.7. 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.
- 10.8. The site benefits from Permission in Principle for development; as amended and with retention of trees and hedgerow to the northern boundary of the site the current proposal provides for additional housing without any greater impact on the area or on the amenity of residents or highway safety; and it provides for Affordable Housing to which significant weight is afforded.
- 10.9. 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 is recommended for approval.

<p>11. RECOMMENDATION</p>

<p>DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND</p>

DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND 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 7 affordable dwellings on site
- b) Payment of a financial contribution (index linked) towards Community Hall facilities (£20,948.08), Outdoor sport provision (£38,323.57), Indoor sport provision (£15,290.59) and Public realm/art (£4,256.00)
- c) Payment of a financial contribution towards public transport provision (50,000.00)(index linked)
- d) S278 Agreement for carrying out works within the public highway
- e) Payment of the Council's and Oxfordshire County Council's monitoring costs to be confirmed
- f) Payment of a financial contribution of £16,416 (index linked) towards primary care.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 18.07.2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY THIS DATE AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure or mitigation required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of 18 months 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 the following approved plans:

5674 001 P0, 002 P0, 003 P13, 004 P9, 005 P8, 006 P6, 007 P5, 008 P5, 010

P6, 011 P6, 012 P2, 013 P6, 014 P8, 015 P6, 016 P1 and SK01 P2.

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

3. No development shall commence unless and until 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, has been 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.

4. As contamination was identified in the report provided with the application (RDM1194 dated 8th July 2024), 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.

5. No development shall commence including any demolition unless and until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area and which has been submitted to and approved in writing by the Local Planning Authority.

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

6. Following the approval of the Written Scheme of Investigation referred to in condition 5, 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 (2023).

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

Reason - To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

8. No development shall commence above slab level until a method statement for enhancing biodiversity has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details. The statement should include the location and type of all bird, bat and hedgehog boxes, RAMs for great crested newts, a nesting bird check, tree check and soft-strip methodology.

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. No development shall commence unless and until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved

in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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

CONDITIONS TO BE DISCHARGED PRIOR TO CERTAIN WORKS

10. No development shall commence above slab level until sample panels of the stone and brick to be used in the construction of the external elevations of the dwellings and stone boundary wall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panels shall be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique. The sample panels shall be constructed in a position that is readily accessible for viewing in good natural daylight and shall not be removed from the site until completion of the development. The development shall not be carried out other than in accordance with the approved samples and shall be retained as such thereafter.

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

11. Samples of the slates to be used in the covering of the roof of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of those works. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

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

12. No development shall commence above slab level until details of the construction, including cross sections, cill, lintel, reveal and colour/finish of the proposed windows and doors, to a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the dwellings and shall be retained as such thereafter.

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

13. Prior to the construction of the footpath link to the Public Right of Way construction and surfacing details of the footpath link shall be submitted to and approved in writing by the local planning authority. The works shall not be carried out other than in accordance with the approved details and shall be

retained as such thereafter.

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

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

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

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

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

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

CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION

15. No development shall be occupied until confirmation has been provided to the Local Planning Authority that all sewage works upgrades required to accommodate the additional flows from the development have been completed.

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

16. 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

17. The development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 4. 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 the first use or occupation of the development hereby approved details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

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

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 be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

COMPLIANCE CONDITIONS

20. 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.

Agenda Item 10
23/03073/HYBRID

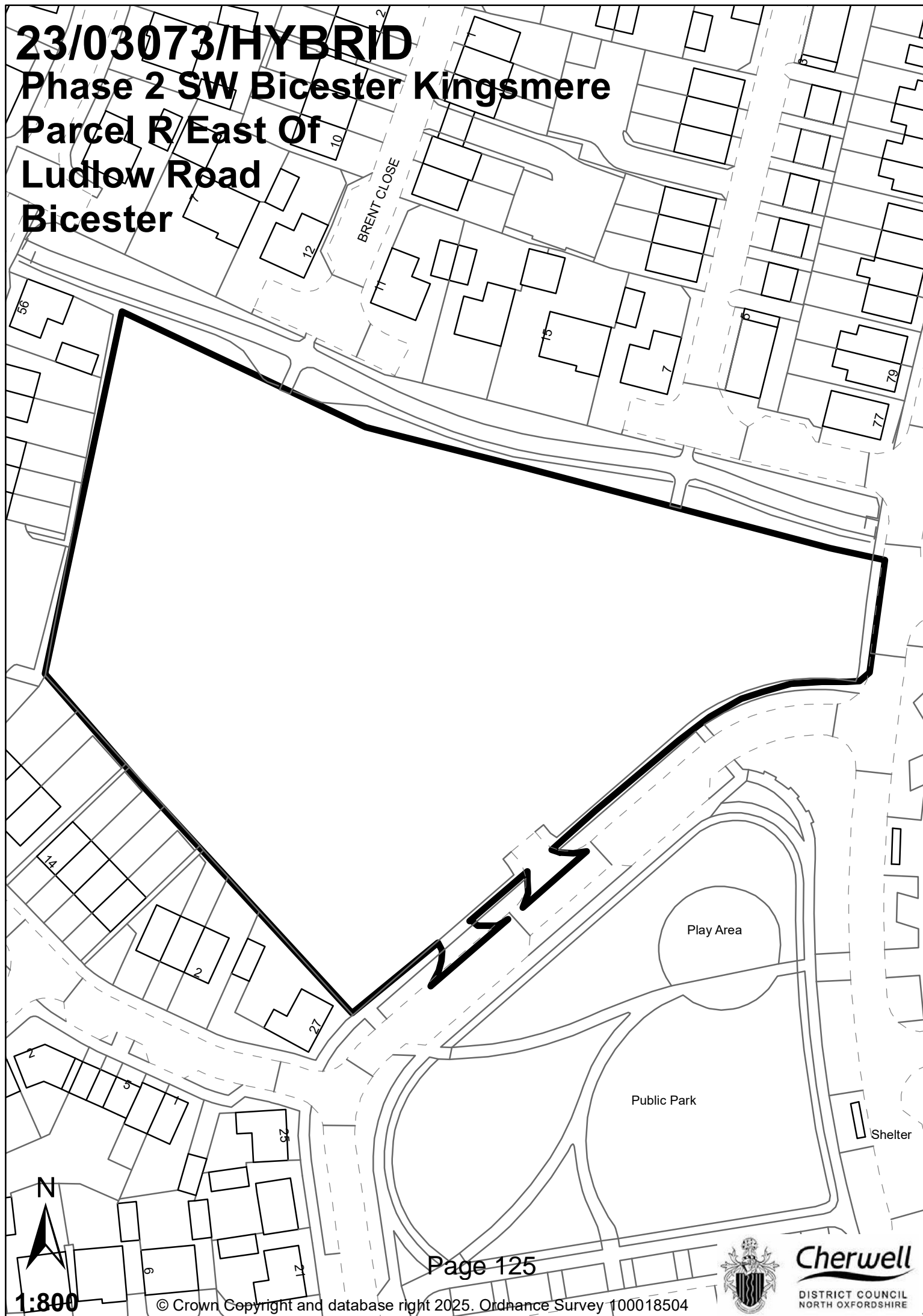
**Phase 2 SW Bicester Kingsmere
Parcel R East Of
Ludlow Road
Bicester**



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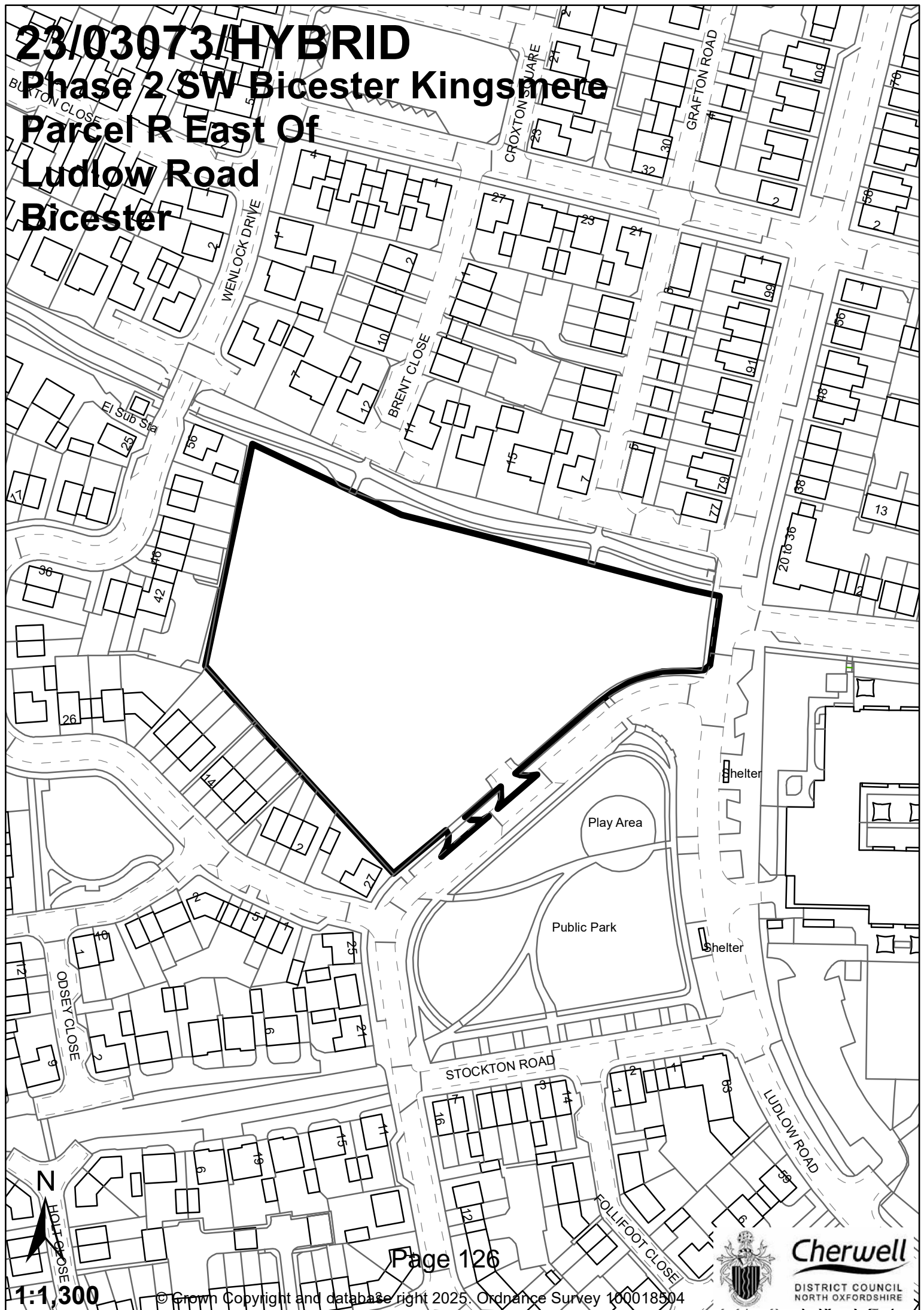


23/03073/HYBRID
Phase 2 SW Bicester Kingsmere
Parcel R East Of
Ludlow Road
Bicester



23/03073/HYBRID

**Phase 2 SW Bicester Kingsmere
Parcel R East Of
Ludlow Road
Bicester**



Case Officer: Linda Griffiths

Applicant: PHL Ltd & Countryside Properties (Bicester) Ltd

Proposal: In FULL, the construction of an 82-apartment affordable extra care home (C3 use class) with associated open space / green infrastructure, landscaping, car / cycle parking, service infrastructure (drainage, highways, lighting), engineering operations, creation of new vehicular access and re-instatement of existing access to footpath, and in OUTLINE, the construction of up to 14 residential (C3 use class) dwellings with associated landscaping, service infrastructure (highways, drainage, lighting)

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Ideh, Councillor Pruden

Reason for Referral: Major development

Expiry Date: 31 August 2025

Committee Date: 31 July 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on Phase 2 of the Kingsmere development. The site is located at the northern end of the central square and abuts the greenway which provides a shared footway and cycle path connecting through the development from Vendee Drive and through to Kingsmere Phase 1 development. The central square comprises a multi-functional park with LEAP serving the phase 2 residents, with a primary school on its eastern side. Residential development of 2-3 storeys in height lies to the north of the greenway and immediately to the west of the application site.
- 1.2. The site which was formerly agricultural land, is currently used as a construction compound and site storage for the phase 2 development and includes a soil bund.
- 1.3. Existing access to the site is via an access road from Ludlow Road which extends between Middleton Stoney Road at the north of the Kingsmere development and Whitelands Way east of the development.

2. CONSTRAINTS

- 2.1. The application site is within the Kingsmere development site, an urban extension to Bicester. There are no statutory nature conservation designations covering any part of the site although two national statutory designations, Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI are within 3km of the site. Bure Park Local Nature Reserve is also a local statutory designation, approximately 1.6km north-east of the site.

- 2.2. The site is within an archaeological alert area and is a minor aquifer.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is submitted as a hybrid, comprising full detailed submission and an outline submission. The application proposes the erection of a part 3 storey, part 4 storey flat roofed building to provide 82 extra care affordable apartments as a full application and in outline, consent is also sought for the erection of up to an additional 14 dwellings on this parcel identified as not being required for the extra care facility.
- 3.2. A new side street is proposed to the side of the extra care building which will serve both the extra care facility and the proposed new dwellings. A car park to serve the extra care facility will be accessed from the new side street and will have separate in and out movements. Amenity space to serve the extra care is proposed between the building and the greenway.
- 3.3. The application was previously considered by Planning Committee in March 2024 where it was resolved to grant planning permission subject to conditions and the completion of a legal agreement which included policy compliant affordable housing provision with 30% of the extra care facility secured through the S106. No affordable housing was sought from the 14 dwellings proposed because the delivery of the extra care scheme would meet this requirement by providing the policy required 30% (plus additional to 100%) The previous committee report is attached to this report for reference.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing as soon as possible following the approval of grant funding support from Homes England.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 13/00847/OUT – outline consent granted subject to conditions and S106 for up to 709 dwellings, primary school and associated infrastructure.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 21/03645/PREAPP – Erection of 80 bed extra care home with associated open space, landscaping, cycle/car parking and provision of 16 new residential units.
- 5.3. 22/00371/PREAPP – erection of 80 be extra care home with associated open space, landscaping and car/cycle parking and provision of 16 new residential dwellings.
- 5.4. The first pre-app submission in 2021 provided only an illustrative site layout plan, planning statement and indicative scheme document. Concerns were raised at that time regarding the scale and massing of the extra care building in relation to the surrounding development and the adjacent greenway. The scale of the building in comparison to surrounding development was also compounded by the fact that it was a flat roof building compared to the more traditional style dwellings with pitched roofs on the Kingsmere development. Whilst the principle of the development was considered acceptable, the applicant was requested to consider moving the building

away from the boundary with the greenway and reducing the overall scale and massing of the building. Concern was also expressed regarding the nature of the subsequent application, considering that a single detailed application would allow a full assessment of the proposed extra care and proposed additional dwellings to be considered holistically rather than through a hybrid application being part of a detailed application and part outline submission as it was considered that as proposed the design and layout of the residential dwellings was somewhat contrived and a little unfortunate in terms of its relationship with the extra care development.

- 5.5. The second pre-application submission which also proposed an 80-bed extra care home and up to 16 new residential dwellings was accompanied by a site layout plan, tracking plans, landscape strategy plan and massing development document. The applicant sought to address previous concerns regarding the massing of the building alongside the greenway by lowering the rear wing and introducing a large mansard roof. The applicant was advised that mansard roofs were not a traditional element of the locality and was not considered acceptable. The 4-storey building to the frontage remained. Following the detailed written advice, discussions continued in respect of the proposed development, however, the main concern regarding the scale and massing of the extra care building and hybrid nature of a future application remained unresolved.

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 **11 December 2023**, 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 at the time of writing the report.
- 6.3. Any comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. A summary of all the consultation responses received up to the point that the committee report was written for the March 2024 committee can be read in the attached report.
- 7.2. Below is a summary of the additional/updated consultation responses received following the committee last year and at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.3. CDC WASTE AND RECYCLING: Each 1100 bin is £125.87 so for 10 bins required contribution will be £1,258.70 for Extra Care Scheme. This is a current cost so will need to be indexed from date of the agreement. Contribution also for 3 x bins for each of 14 dwellings as previously agreed.
- 7.4. CDC RECREATION: (response dated 19th June 2024 and further discussions and correspondence 24th June 2024) Following discussions revised S106 contributions for Extra Care facility of Indoor Sport £23,606.52 and Outdoor Sport £59,166.25.

- 7.5. OCC Drainage: (response dated 16th May 2024) **no objections** subject to conditions relating to implementation in accordance with the approved detailed design and providing a record of installed SUDS and drainage.
- 7.6. THAMES WATER: (Response dated 5th June 2024) **No Objection** subject to inclusion of condition 12 below.
- 7.7. BOBICB: (response dated 30th May and 21st June 2024) Do not accept a reduction in contributions as the care available is not a substitute for GP services. In the absence of the full contribution requested, BOBICB would object.

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
- 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
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD7 – SUDS
- ESD10 – Protection and Enhancement of biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Bicester 3 – Kingsmere Phase 2 Strategic Allocation
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design Control over New Development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- Cherwell Design Guide (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Kingsmere Phase 2 Design Code 2018
- OCC Residential Streets Design Guide

9. APPRAISAL

9.1. The key issues for consideration in this case are the changes made since the application was considered by Planning Committee in March 2024:

- Section 106
- C2/C3 Use
- Conditions
- Other material changes

Section 106

- 9.2. Following the previous consideration of the application by Planning Committee a number of the Section 106 requests were questioned by the applicants and agent. These initially related to the contributions in respect of health and indoor and outdoor sport for the extra care units and the provision of a LAP/area of open space within the area to be developed for the additional 14 residential units.
- 9.3. In respect of the 14 dwellings, the applicant did not agree the provision of a LAP/area of open space was necessary for this small development having regard to the proximity of the site to the main area of open space and available play space within the wider Kingsmere development. Whilst this is considered regrettable as a small area of open space adjacent to the green infrastructure route both for amenity and to help integrate and connect this new development with that corridor and therefore enhance the scheme could be achievable, it was considered that in order to be pragmatic and to progress the S106 to ensure the timely delivery of the extra care scheme and the additional dwellings that on balance this was not critical to delivering a successful scheme on this last remaining parcel on the Kingsmere Phase 2 development. It was therefore subsequently agreed to remove this element from the S106. All other s106 matters included within the previous committee report relating to the market dwellings and outline part of the site were agreed.
- 9.4. In terms of the extra care units, the applicant questioned the need for indoor and outdoor sports contributions and healthcare contributions due to the nature of the facility and age of residents. This argument was not accepted by Officers. In terms of indoor and outdoor sport, the applicant was advised that this was not a nursing home and that residents would be living independently albeit with an element of care when needed and were therefore likely to be active and use such facilities. After much discussion this was accepted by the applicant, but reduced contributions were agreed based on single occupancy units and the likelihood that a small proportion of residents due to their advanced age were unlikely to be so active and therefore less likely to use these facilities. The contribution requests finally agreed are included in the recommendation at Section 11 of this report.
- 9.5. In terms of the healthcare contribution sought by BOBICB for the extra care units, the applicant was advised that this contribution remained relevant to the scheme and its removal was not accepted by officers. Whilst there will be some healthcare services available on site for residents should they be needed, this would not be a

substitute for GP, hospital or other medical services and as elderly residents there will likely be an increased need for GP and other services. This contribution as initially requested was therefore agreed and will be included in the final S106.

- 9.6. Following protracted S106 negotiations and discussion, from March 2024 to date, it became apparent in February 2025 that the Homes England Grant had not been secured by the applicant as had understood to be the case during the consideration of the application and the drafting of the S106. The resolution to grant the hybrid application was subject to the applicants entering into a S106 agreement relating to infrastructure contributions and policy compliant affordable housing at 30% which was also a requirement of the original S106 for the original outline consent relating to this development (13/00847/OUT) refers.
- 9.7. In February 2025, the applicant, PHL advised that the scheme to deliver 82 affordable extra care apartments would not be viable without 100% grant funding from Homes England. Homes England have advised that they would be unable to give a grant for the affordable housing required under policy (30% of the total units) and secured either through S106 or a condition of the planning consent, and therefore that only 70% of the units could be available as currently set out in the drafted S106 for grant funding. The applicant was therefore advised that the removal of the 30% policy compliant affordable housing provision from the S106 would need to be considered through a viability assessment.
- 9.8. A viability assessment was submitted by the applicant's agent in June which stated that without a 100% grant being available from Homes England for the extra care scheme that the development would not be viable and therefore they would be unlikely to be in a position to proceed to deliver the development. CDC therefore engaged a viability consultant to assess the viability submission and to ensure a robust, accurate assessment of the financial appraisal submitted on behalf of the applicant PHL to ensure that the inputs into the appraisal are appropriate and to ensure that the development is able to mitigate its impact as far as possible, to appraise the submission in line with the NPPG, the NPPF and other relevant viability guidance and to support officers in negotiating an appropriate solution once a conclusion is reached on the viability position of the extra care development.
- 9.9. The viability consultant appointed by CDC concluded that the extra care scheme cannot be viably delivered in a policy compliant way, that is, the delivery of 30% affordable housing secured via the S106 relating only to the extra care development. It also notes that the scheme can only be delivered as affordable if grant funding from Homes England is utilised. It should be noted that grant funding will be sought by the applicant from Homes England and that a fully affordable extra care scheme will be delivered as a result of obtaining grant funding which is welcomed. On that basis, officers are recommending that the S106 be amended in respect of the extra care development that reference to affordable housing provision is removed. Additional wording will be included in the S106 to safeguard the provision of 30% affordable housing on the extra care scheme should the site be ultimately sold to another developer who is not an affordable provider.
- 9.10. As the extra care scheme was to be delivered originally as a wholly affordable extra care product with 30% secured through a legal agreement, the original S106 did not require affordable housing to be provided for the outline 14 residential units, but this will now be required to ensure policy compliance and consistency with the original outline and therefore the S106 will need to be amended to require the provision of 30% affordable dwellings (4 units) be provided as part of that development. The applicant is aware of this and has requested that a contribution towards affordable housing provision is made rather than provision on site. This has not been accepted.

- 9.11. In respect of the above request off-site contributions in lieu of affordable housing on site are always a last resort for CDC and we will always seek for an applicant or developer to demonstrate thoroughly that other options have been fully explored. Whilst S106 funds are used for the delivery of affordable housing, the Council's strong preference is for on-site delivery through a Registered Provider (RP), even where small numbers are involved as CDC have RP partners who are interested in delivering small-scale schemes. There is also a significant amount of identified need for affordable housing in the district, with over 2,000 applicants on the housing register and therefore CDC is committed to achieving on-site delivery where possible. When asked to consider an off-site contribution in lieu of affordable housing (usually when the developer has already approached RPs) is for Strategic Housing to approach RP partners and determine whether they would be interested.
- 9.12. It should further be noted that the proposal would generate a requirement to provide 4no affordable units in Kingsmere, a large strategic residential area where there is already a significant amount of affordable housing, recently delivered by a number of different registered Providers and we consider that it is likely that one of them will be interested in purchasing these as they already have a management presence on Kingsmere. Alternatively, it is also likely that another RP operating in the district will be interested in delivering the 4no dwellings.
- 9.13. Having regard to the above, we are currently considering whether a cascade mechanism within the S106 to address the above and if an RP cannot be found, to secure an alternative affordable housing scheme on the site or within Cherwell District through a deed of variation. This remains under consideration and will be discussed further in S106 discussions following Committee.

C2 to C3 Use

- 9.14. The original application submission and that considered by members in March 2024 identified the extra care facility as a 'C2' use. This was queried during the consideration of the application with both the applicant and agent as the units proposed are all self-contained and therefore considered to be a C3 use rather than C2. The applicant and agent declined to amend the description at that time and this was not considered to be a reason not to determine the application or to consider refusal of the scheme, the application considered by planning committee therefore referred to the extra care facility as a C2 use. Following negotiation of the S106, OCC again raised the C2 use as an issue and advised that they were not willing to be party to the agreement in respect of the C2 use and the affordable housing provision. We were advised that this left the applicant in a vulnerable position in terms of securing the necessary affordable housing funding from Homes England.
- 9.15. Therefore, as a consequence, the applicant's agent submitted on Friday 20th September a statement to request a change of the description of development for the affordable extra care from use class C2 to use class C3. The description of development has therefore been amended to refer to C3 affordable extra care rather than C2.
- 9.16. The change of the description does not have any material impact on the application that was considered in March 2024. There is no change to the policy consideration in this respect and the scheme remains identical in terms of the proposals, scale, appearance, design, access, parking provision, landscaping and drainage etc. S106 contributions had also been sought and agreed as considered necessary for the development.
- 9.17. Protracted negotiation has also taken place between the applicant and OCC since the application was considered by Planning Committee regarding the Extra Care

Specification (this was not requested by OCC during the consideration of the application itself). A specification produced by OCC is now included as an appendix to the S106. Whilst some of the specifications requested will require internal changes, these will not materially impact the design and appearance of the building which Members resolved to approve and are therefore inconsequential in terms of the planning application as considered previously by Planning Committee. The applicant's agent has confirmed that no changes will be required to the external appearance of the building.

Conditions

- 9.18. Following the report to Planning Committee in March 2024, no specific concerns regarding the conditions in principle were raised, but a number of comments were made in respect of the wording of a number of the conditions and the need for the materials condition 5 to be so specific in terms of materials and the submission of samples for approval. Questions were also raised in respect of conditions applying to both the outline and full applications and whether these should be split so that they refer to each development specifically, for example, the submission of travel plans.
- 9.19. Following discussions with the applicants agent last summer, the conditions were agreed with only minor amendments from those considered by planning committee with the exception of the detailed drainage condition 13 as recommended by OCC as Lead Local Flood Authority which has subsequently been removed as the information already submitted and the drainage works already carried out as part of the main Kingsmere development were accepted as sufficient.
- 9.20. It was also agreed to split the travel plan condition so that it specifically related to both the extra care full application and the residential outline development rather than a combined condition. This is also considered acceptable by OCC.

Other Material Changes

- 9.21. In terms of other material changes in circumstances since the committee resolution, a new Government is now in control and a new NPPF was issued in December 2024. The changes in National Policy and the NPPF do not materially impact the consideration of this application made by the Planning Committee in March 2024 and there is therefore no reason to reconsider the principle of the development. The approval of this scheme to provide the extra care affordable housing and additional residential units will make an important contribution to the district housing supply.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. On the basis of the above comments and appraisal it is recommended that the application as amended since the previous committee in March 2024 be accepted and Members resolve to approve the application as set out.

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% (4 units) affordable housing on the outline site
- b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £28,238.42 residential and £59,166.25 extra care, plus £11,266.75 residential and £23,606.52 extra care indoor sports (index linked)
- c) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £1,554.00 for residential and £1,258.70 for extra care (index linked) OCC waste and recycling centre £1,315.00.
- d) OCC Middleton Stoney Cycle Network contribution for residential of £14,000
- f) Payment of a financial contribution towards primary health care provision serving the residential development of £12,096.00 and £44,352.00 extra care (index linked)
- g) OCC Travel plan monitoring for extra care £3,110.00
- h) Payment of the District Council's monitoring costs of £5,000.
- i) OCC Monitoring fee - tbc

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

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure and affordable housing provision required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

CONDITIONS

FULL APPLICATION – Extra Care

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.

2. That prior to first occupation of the extra care facility hereby approved, a Car Parking Management Plan 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.

Reason: In the interests of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

3. Prior to the first occupation of the extra care facility hereby approved, a Delivery and Servicing Management Plan 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.

Reason: In the interests of highway and pedestrian safety and to comply with Government guidance within the national Planning Policy Framework.

4. That prior to the first occupation of the extra care facility, a detailed plan showing the cycle parking provision and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained as such.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

5. Prior to the commencement of any development above slab level and notwithstanding the details submitted, a schedule of revised materials and finishes, which shall include the submission of sample and sample panels of bricks and natural limestone to be constructed on site (minimum 1 squared metre in size) to be used in the construction of the external walls of the extra care building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the details and samples hereby approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, approved Kingsmere Phase 2 Design Code 2018 and Government guidance within the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building, including the windows and doors (and their surrounds and reveals), guttering etc, shall be submitted to and approved in writing by the Local Planning Authority prior to any construction above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the details are appropriate to the locality and are locally distinctive and ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season prior to the first occupation of the extra care building and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

8. A scheme for the suitable treatment of the sub-station and air source heat pumps against the transmission of sound and/or vibration on the proposed and existing residential units shall be submitted to and approved in writing by the Local Planning Authority and the measures implemented and maintained in accordance with the approved scheme at all times.

Reason: To protect existing and proposed new residents from noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

9. Prior to the commencement of development in respect of the extra care units, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed sensitively for bats in accordance with the BCT lighting guidance (ILP Bat Conservation Trust Guidance Note 08/23) with a colour temperature of 2700 degrees kelvin or under. The lighting plan should also take into account any trees, landscaping and bat box location. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection of ecology and biodiversity to accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

10. Prior to first occupation a Full Travel Plan for the extra care facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Travel Plan.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

HYBRID – Extra Care and Residential Dwellings

Compliance with Plans

11. 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 and documents: Site Location 21413-CWA-BC-XX-DR-A-0202 Rev P02; Hybrid Plan 21413-CWA-BC-XX-DR-A-0211 Rev P13; Site Layout 21413-CWA-BC-XX-DR-A-2011 Rev P25; Site Context 21413-CWA-BC-XX-DR-A-0100 Rev P01; Ground Floor 21413-CW-BC-ODA-2000 Rev P09; First Floor 21413-CW-BC-01-DR-A-2001 Rev P09; Second Floor 21413-CW-BC-02-DR-A-2002 Rev P09; Third Floor 21413-CW-BC-03-DR-A-2003 Rev P08; Roof Plan 21413-CW-BC-XX-DR-A-2004 Rev P03; Elevations 21413-CW-BC-XX-DR-A-2006 Rev P07 and 2007 Rev P07; Acoustic Box Detail SPqbove 01a and 21413-CWA-B1-00-DR-A2011; Substation 21413-CW-B1-00-DR-A-2021 Rev P02; Cyclestore 21413-CWA-BC-XX-DR-A-2020 Rev P01; Boundary Treatment 21413-CWA-BC-XX-DR-A-2010 Rev P05; Bellmouth 03/801 Rev A; Tree Pit Detail UG-2166-LSN-DRW-04 Rev P01; Landscape Plans UG-2166-LAN-GA-DRW-01 Rev P08, 03 Rev P06 and 02 Rev P07; S38 Plan 23047-ARC-XX-XX-DR-C-6200-P5; Vehicle Swept Path PC5143-RHD-GE-SW-DR-R-0050 Rev

P05, 0051 Rev P05, 0052 Rev P04, 0055 Rev P04 and 0057 Rev P04; Visibility Splays PC5143-RHD-GE-SW-DR-R-0056 Rev P04 and 0059 Rev P01; Drainage Plans 23047-ARC-XX-XX-DR-C-5000-P5, 5201-P4 and 02/801 Rev E and Site Sections 21413-CWA-B1-XX-DR-A-2030 Rev P02, 2031 Rev P01 and 2032 Rev P01.

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.

12. No development shall be occupied until confirmation has been provided that either: (1) all network upgrades required to accommodate the additional demand to serve the development have been completed; or (ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan has been agreed with Thames Water, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

13. 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. Where unacceptable risks are found remediation and verification scheme shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

14. The approved drainage system shall be implemented in accordance with the approved Detailed Design as shown on the following drawings: Land Parcel R drainage layout reference 02/801 Rev E; 23047-ARC-XX-XX-DR-C-5000-P5-DRAINAGE GA; Impermeable Area Plan 5500-P4; Section 104 adopted Drainage GA 5200-P4 and Appendix E – Surface Water Drainage Calculation, prior to the use of any of the development commencing.

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

15. Prior to first occupation of any part of the development, 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: (i) As built plans in both pdf and shp format; (ii) photographs to document each key stage of the drainage system when installed on site; (iii) photographs to document the completed installation of the drainage structures on site; (iv) the name and contact details of any appointed management company information.

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

16. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the whole site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

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

17. Full details of a scheme for the location of bat, bird, owl and invertebrate boxes (which may be integral to the building construction) (on that part/phase of development) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building on that phase or part of the development, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ED10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. No development shall take place on the site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for a minimum:

- the parking of vehicles of site operatives and visitors
- the routeing of HGVs to and from the site
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- erection and maintenance of security hoarding
- wheel washing facilities including type of operation and road sweeping
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from the construction works
- delivery times, demolition and construction working hours

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

Reason: To ensure the environment and amenities of local residents are protected during the construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National

OUTLINE – Residential Dwellings

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

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

20. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as '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 2025 (as amended).

21. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic Scheme (Strategic Surface Water Management Scheme) and include all supporting information listed in the condition.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property and 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 within the National Planning Policy Framework.

22. Prior to the first occupation of the residential properties, a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Travel Information Pack.

Reason: In the interest of sustainability and to comply with Government guidance within the National Planning Policy Framework.

**Phase 2 SW Bicester Kingsmere Parcel R East Of
Ludlow Road Bicester**

Case Officer: Linda Griffiths

Applicant: PHL Ltd & Countryside Properties (Bicester) Ltd

Proposal: In FULL, the construction of an 82-apartment affordable extra care home (C2 use class) with associated open space / green infrastructure, landscaping, car / cycle parking, service infrastructure (drainage, highways, lighting), engineering operations, creation of new vehicular access and re-instatement of existing access to footpath, and in OUTLINE, the construction of up to 14 residential (C3 use class) dwellings with associated landscaping, service infrastructure (highways, drainage, lighting)

Ward: Bicester South And Ambrosden

Councillors: Councillor Cotter, Councillor Pruden, Councillor Sames

Reason for Referral: Major development

Expiry Date: 6 May 2024

Committee Date: 21st March 2024

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS
AND SUBJECT TO COMPLETION OF AN ACCEPTABLE S106**

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on Phase 2 of the Kingsmere development. The site is located at the northern end of the central square and abuts the greenway which provides a shared footway and cycle path connecting through the development from Vendee Drive and through to Kingsmere phase 1 development. The central square comprises a multi-functional park with LEAP serving the phase 2 residents, with a primary school on its eastern side. Residential development of 2-3 storeys in height lies to the north of the greenway and immediately to the west of the application site.
- 1.2. The site, which was formerly agricultural land, is currently used as a construction compound and site storage for the phase 2 development and includes a soil bund.
- 1.3. Existing vehicular access to the site is via an access road from Ludlow Road which extends between Middleton Stoney Road at the north of the Kingsmere development and Whitelands Way east of the Kingsmere development.

2. CONSTRAINTS

- 2.1. The application site is within the Kingsmere development site, an urban extension to Bicester. There are no statutory nature conservation designations covering any part of the site although two national statutory designations, Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI are within 3km of the site. Bure Park Local Nature

Reserve is also a local statutory designation, approximately 1.6km north-east of the site.

- 2.2. The site is within an archaeological alert area and is a minor aquifer.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the erection of a part 3 storey, part 4 storey flat roofed building to provide 82 extra care apartments as a full application. Outline consent is also sought for the erection of up to 14 additional market dwellings on the remainder of this parcel identified as not being required for the extra care facility.
- 3.2. A new side street is proposed to the side of the proposed extra care building which will serve both the extra care facility and the proposed new dwellings. A car park to serve the extra care facility will be accessed from the new side street and will have separate in and out movements. Amenity space to serve the extra care is proposed between the building and the greenway.
- 3.3. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing as soon as possible as the timetable for the current funding support of Homes England effectively expires in March 2026.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. 13/00847/OUT – outline consent subject to section 106 granted for up to 709 dwellings, school and associated infrastructure.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 21/03645/PREAPP – Erection of 80 bed extra care home with associated open space, landscaping and cycle/car parking and provision of 16 new residential units.
- 5.3. 22/00371/PREAPP – erection of 80 bed Extra care Home with associated open space, landscaping, and car/cycle parking and provision of 16 new residential dwellings.
- 5.4. The first pre-app submission in 2021 provided only an illustrative site layout plan, planning statement and indicative scheme document. Concerns were raised at that time regarding the scale and massing of the extra care building in relation to the surrounding development and the adjacent greenway. The scale of the building in comparison to surrounding development was also compounded by the fact that it was a flat roof building compared to the more traditional style dwellings with pitched roofs on the Kingsmere development. Whilst the principle of the development was considered acceptable, the applicant was requested to consider moving the building away from the boundary with the green way and reducing the overall scale and massing of the building. Concern was also expressed regarding the nature of the subsequent application, considering that a single detailed application would allow a full assessment of the proposed extra care and proposed additional dwellings to be considered holistically rather than through a hybrid application being part detailed application and part outline submission.

- 5.5. The second pre-application submission which also proposed an 80-bed extra care home and up to 16 new residential market dwellings was accompanied by a site layout plan, tracking plans, landscape strategy plan and 'massing development document'. The applicant sought to address previous concerns regarding the massing of the building alongside the greenway by lowering the rear wing and introducing a large mansard roof. The applicant was advised that mansard roofs were not a traditional element of the locality and was not considered acceptable. The 4-storey building to the frontage remained. Following the detailed written advice, discussions continued in respect of the proposed development, however, the main concern regarding the scale and massing of the extra care building and hybrid nature of a future application remained unresolved.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by advertisement in the local newspaper. The final date for comments was **21 December 2023**, 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 at the time of writing the report.
- 6.3. Any comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: **No Comments received** at the time of writing the report.

CONSULTEES

- 7.3. CDC Environmental Health: **No objection** subject to conditions relating to CEMP and contaminated land.
- 7.4. CDC Landscape Services: **Comments** regarding the garden design and generally landscaping proposals are acceptable.
- 7.5. CDC Planning Policy: No comments received.
- 7.6. CDC Bicester Delivery Team: No comments received.
- 7.7. CDC Ecology: **Objection**. No evidence submitted that shows at least 10% net gain will be achieved in line with the Cherwell Local Plan and Community Nature Plan 2020-2022. This should be demonstrated using the Biodiversity Net Gain (BNG) metric 4.0 which should be submitted along with a BNG plan/assessment.

Update 16th February 2024: The Biodiversity Net Gain Assessment outlines the habitats that will be created on site to achieve a net gain. The baseline of the site is entirely bare ground, as such even though there will be a removal of habitat units, which shows up as a net loss on the metric, the habitat being removed is not of any ecological value and the location of the site means that there is not much scope for

adding habitat units, instead the BNG strategy is to add hedgerow units which will provide greatest benefits to wildlife for this site. This strategy is accepted, and the addition of trees, hedgerows, scrub, shrubs and grassland will provide a clear net gain. However, the BNG metric has not been submitted. I would like to review the details of the created habitats in the excel metric before providing final comments.

Update 4th March 2024: **Objection withdrawn** following receipt of the full metric, which is accepted, a further condition relating to the provision of a LEMP is recommended.

- 7.8. CDC Recreation and Leisure: Section 106 infrastructure requests – Outdoor sport towards facilities at Whitelands Farm of £193,648.88; Indoor sport towards enhancements at Bicester Leisure Centre of £77,257.73 and public art contribution of £21,504.00.
- 7.9. CDC Strategic Housing: **Support** this proposal in principle as there is a recognised need for affordable Extra Care Housing. However, full support is subject to the units being C3 class and County Council support for the additional 22 units based on the emerging needs analysis.
- 7.10. CDC Waste and Recycling: No comments received.
- 7.11. CDC Drainage: **No objection**, the applicant has proposed acceptable foul and surface water drainage solutions.

Update 21.01.2024: No comments on foul drainage strategy but drainage consultant requested to contact CDC regarding the surface water drainage strategy in order to clarify the philosophy and proposed discharge rates.

Update 13.02.2024: Agent clarifies that following discussions as requested which relate to restrictions into the existing Kingsmere drainage strategy. These restrictions were requested by Countryside's drainage consultants.

- 7.12. OCC HIGHWAYS: **Objection** in respect of cycle parking, plans are not dimensioned in respect of parking bays, aisle widths and servicing facilities, appear to be obstructions to visibility splays. A long section has not been provided and will be required to ensure compliance with the Equalities Act 2010 and include details of the vertical alignment to determine appropriate carriageway and footway gradients which will need to be DDA compliant. Contributions will be sought through a sec 106 for Middleton Stoney Cycle Network Improvements (£1000 per residential C3 dwelling) and Travel Plan Monitoring (£3,110). Admin and Monitoring fee tbc.

Update 30th Jan 2024: **Objection maintained** as above in respect of cycle parking provision, site dimensions too narrow in some areas and vision splays obstructed by planting.

Update 26th February 2024: **Objection maintained** (further information required)

Update 4th March 2024: **No objection** subject to the imposition of conditions relating to cycle parking, no obstructions within visibility splays, pedestrian/cycle link to the northwest of the site, electric vehicle charging points to OCC's standards, car park management plan, servicing and delivery management plan and travel plan.

- 7.13. OCC Drainage: **No Objection** subject to a number of conditions requiring drainage to be implemented in accordance with the approved detailed drainage design prior to the use of the building commencing and conditions relating to the submission and

approval of drainage prior to approval of first reserved matters; surface water management scheme and SuDS as built and maintenance details.

- 7.14. OCC Archaeology: **No Objection**, the site lies in an area of archaeological interest, and has been subject to an archaeological evaluation. The evaluation recorded no archaeological features in the proposal area, and so, there are no archaeological constraints to this scheme.
- 7.15. OCC Education: Section 106 contributions for C3 dwellings if in addition to original outline.
- 7.16. OCC Waste and Recycling Centre: Section 106 contribution of £1,315
- 7.17. Clinical Commissioning Group: **Section 106 request** of £56,448 to support local plans to surgery alterations or capital projects to support patient services within the vicinity of the development and the Bicester Health Centre.
- 7.18. Bicester Bike User Group: **Objection** – many cycle paths around Kingsmere have access barriers and pose an obstacle to disabled and vulnerable users; location of parking seems inaccessible; bike parking seems small given size of the development and double stacking would not be appropriate for this type of development; permeable access should be included in the design and access statement.

Update 13th Feb 2024: **Objection maintained.** The surprisingly low figures for users and visitors for the applicant's other locations may say more about the facilities at those locations and the poor historical cycling infrastructure in those locations and therefore an unlikely appropriate basis for comparison. Furthermore, it rejects an outdated 'predict and provide' approach that has now been replaced by a 'decide and provide' approach within Oxfordshire. In particular, OCC has set out ambitious plans for increasing cycling levels in and around Bicester by 300% in the Bicester LCWIP and is correspondingly investing heavily in cycling infrastructure. It is thus likely that these commitments will facilitate cycling and significantly increase the proportion of residents, employees and visitors choosing to cycle. As such, the applicant should not be exempted from the standards set by OCC as this would directly undermine active travel policies and aspirations. Furthermore, the location of the cycling facilities within the plan is not ideal in that it is located cross a car park rather than near to the residential units. Orienting these closer to the residential units would be more convenient and secure. LTN1/20 and other standards also note that not all cycle users will be using standard 2-wheeled bikes. A significant proportion of the provision should therefore be for non-standard cycles such as tricycles, cargo bikes and other atypical cycles. Provision to charge electric bikes should also be provided.

- 7.19. Kingsmere Residents Association: No comments received at the time of writing the report.
- 7.20. Thames Valley Police: **Holding Objection.** Contrary to advice in NPPF regarding safe and accessible communities. Concerns have been raised in respect of the building layout and design and residential security.
- 7.21. Thames Water: **No objection** in respect of waste and surface water, but in terms of water network, a **condition is recommended as** Thames Water have identified an inability of the existing water infrastructure network to accommodate the needs of the proposal. There are water mains crossing or close to the development. Thames Water does not permit the building over or construction within 3m of water mains.

- 7.22. Active Travel England: Proposal should be considered under the standing advice issued by Active Travel England.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in favour of sustainable development
- BSC1 – District Wide Housing Distribution
- 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
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD7 – SUDS
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – Character of the Built and Historic Environment
- ESD17- Green Infrastructure
- Bicester 3 – Kingsmere Phase 2 Strategic allocation
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design Control over New Development

- 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- CDC Residential Design Guide SPD 2018
- CDC Planning Obligations SPD 2018

- Kingsmere Phase 2 Design Code 2018
- OCC Residential Streets Design Guide

9. APPRAISAL

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

- Principle of development and Planning History
- Quantum of Development and Uses
- Design, and impact on the character of the area
- Highways
- Affordable Housing
- Flood Risk and Drainage
- Residential amenity
- Ecology impact
- Sustainability
- Health and Well-Being
- Planning Obligation

Principle of Development and Planning History

- 9.2. Both planning legislation and the NPPF state that the starting point for decision making is the development plan. The Development Plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996 and adopted Cherwell Local Plan 2011-2031 plus a Partial Review relating to Oxford's Unmet Housing Needs and a number of Neighbourhood Plans.
- 9.3. Policy PSD1 'Presumption in favour of sustainable development' of the adopted Cherwell Local Plan 2011-2031 states that the Council will take a proactive approach in seeking to deliver sustainable development across the district without delay. New development across the district is focussed primarily upon the towns of Bicester and Banbury whilst limiting development elsewhere in order to provide for the most sustainable growth over the plan period. Policy BSC1 states that Cherwell will deliver a wide choice of high-quality homes. The Cherwell Local Plan Partial Review – Oxford's Unmet Housing Need provides a vision, objectives and specific policies for delivering additional development to help meet Oxford's housing needs which can be viably delivered by 2031 in accordance with cross-boundary strategic priorities so that the vision and objectives are achieved without undermining the existing Cherwell Local Plan 2011-2031.
- 9.4. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and is supported by Planning Practice Guidance (PPG). The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own need and advising at paragraph 10, a presumption in favour of sustainable development.
- 9.5. Paragraph 12 of the NPPF also advises as follows in respect of sustainable development and the status of the Development Plan:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that

depart from an up-to-date development plan, but only if material consideration in a particular case indicate that the plan should not be followed'.

- 9.6. Section 5 of the NPPF focusses on the delivery of a sufficient supply of homes advising that it is *'important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community'*.
- 9.7. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural built and historic environment.
- 9.8. The site forms part of a larger allocated site in the adopted Cherwell Local Plan 2011-2031 under Policy Bicester 3: Southwest Bicester Phase 2. Policy Bicester 3 relates to a residential development of approximately 726 homes with associated infrastructure and facilities, including the provision of extra care housing. The application proposal is located at the centre of the site occupying a prominent position around the main square and close to the primary school.
- 9.9. Outline planning permission was granted in May 2017 under application number 13/00847/OUT for this Phase 2 development at Kingsmere for residential development of up to 709 dwellings within use class C3 and extra care facility (C2), primary school, retail, primary school and associated infrastructure. The reserved matters consents granted to date permit a total of 649 dwellings leaving 60 extra care units to be delivered on Parcel R (the application site). Parcel R is the last parcel within Phase 2 to come forward for development.
- 9.10. The Section 106 Agreement attached to the outline consent seeks to secure the reservation of a site for extra care on a 0.885ha site for up to 60 beds and the latest Market Position Statement for Extra Care Housing produced by Oxfordshire County Council already includes this site within the forecast of delivery of 60 extra care units up to 2026.
- 9.11. In terms of the proposed development, the NPPF supports the need to boost significantly the supply of housing. The site is within a highly sustainable location and forms part of an approved strategic allocation. The erection of the extra care units and additional 14 residential dwellings on the site, subject to other policies in the plan and discussed below, is acceptable in principle.
- 9.12. This application is termed a 'drop in' application to the original outline consent and therefore very careful consideration must be given to the implications of the Hillside case on the original consent of this planning permission if granted. Consequently, Countryside have also submitted a Section 73 application to run concurrently with this application to amend condition 4 of the outline consent relating to the approved plans and therefore to amend the parameter plans attached to the original consent to remove reference to the extra care facility (albeit it is also referred to within the Description of Development). A draft deed of release relating to Parcel R and the original outline planning consent has also been included (23/03086/F) refers, this application has not yet been determined. If Members resolve to grant planning permission for this development, a decision cannot be issued until the sec 73 application has been determined and granted. Legal advice has been sought on the appropriate mechanism to facilitate the proposals on this site so that the

implementation of this development, if approved, would not preclude the rest of the site from being developed.

Conclusion

- 9.13. Having regard to the above, it is considered that the principle of the development proposed is in accordance with the development plan and Government guidance within the NPPF and is therefore in principle considered acceptable, subject to consideration of the matters below.

Quantum of Development and Uses

- 9.14. Paragraph 123 of the NPPF - Making Effective use of land, advises that policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 9.15. Paragraph 128 further advises that decisions should support development that makes efficient use of land taking into account matters such as 'the importance of securing well-designed and beautiful, attractive and healthy places'.
- 9.16. Policy Bicester 3 envisages that approximately 726 dwellings will be delivered, of which some will be Extra Care. The outline consent which excluded Whitelands Farm permitted up to 709 new dwellings (13/00847/OUT refers). The site was divided into parcels which have been subsequently sold to individual house builders who are now on site. Bellway have now completed all the dwellings on the parcels they took. A significant number of dwellings on site are now occupied. The last remaining parcel to be brought forward is Parcel R which is the subject of this application.
- 9.17. The application proposals set out that the scheme includes 82 extra care units made up of 68 one bed units and 14 two bed units, all of which are affordable rented accommodation for persons aged 55+ with some element of care need on the main part of this retained site. The erection of an additional 14 market dwellings by another developer, yet to be finalised, on the remainder of the site is proposed to be brought forward independently of the extra care units. In terms of the extra care units proposed, Cherwell has an increasingly aging population and therefore the additional extra care units proposed will contribute towards meeting the shortfall in extra care provision.
- 9.18. Having regard to the above, it is considered that the erection of additional residential units on this sustainable site within the built-up area of Kingsmere is acceptable in principle subject to the consideration of other matters discussed below.

Ecology Impact

Legislative context

- 9.19. 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.

- 9.20. 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.
- 9.21. 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.
- 9.22. 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.
- 9.23. 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

- 9.24. 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.
- 9.25. 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.

- 9.26. 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.
- 9.27. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.28. 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.
- 9.29. 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.
- 9.30. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.31. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- It also states that LPA's can also ask for:
- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.32. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site currently consists of land that has been previously cleared for development, with temporary structure located centrally and hardstanding, including a bund of soil, with colonising vegetation and other neutral grassland. Prior to be cleared for development the site comprised agricultural land. The site is bounded to the east by the greenway with planting, new hedgerow and trees.

- 9.33. The application is also accompanied by a preliminary ecological appraisal produced following an ecological desk study and field survey carried out in fine and dry weather conditions on 24th May 2023 which encompassed the site and immediately adjacent habitats that could be viewed. Confirmed ecological constraints to development at the site have been identified as the presence of nesting birds and other neutral grassland. The report therefore recommends that ecological enhancements to be implemented at the site include the provision of bat and bird boxes, low level lighting around new vegetated boundaries and native shrub and hedgerow planting.
- 9.34. The submission has been assessed by the Council's Ecology Officer who is satisfied that it demonstrates that the site is not overly suitable for protected species and suggests conditions relating to avoiding clearance of the site during the bird nesting season and that the external lighting is designed sensitively for bats and proposed habitat boxes and features. Further comments are made however regarding a 10% Biodiversity Net Gain (BNG) which should be demonstrated using the Biodiversity Net Gain metric 4.0 which should be submitted along with a BNG plan/assessment.
- 9.35. The applicant was requested to consider the comments relating to the comments above. An updated lighting plan has been submitted to reflect the lower kelvin levels, although if this lighting is not acceptable to OCC along the access road, lighting to reflect that already installed on Bishop Road is agreed. In terms of BNG, the agent advises that they are not required to provide a 10% Biodiversity Net gain as the application was submitted prior to the requirement formally coming into effect, neither is it adopted policy and the Community Nature Plan 2020-2022 referred to by the Ecology Officer is not adopted SPD and only requires a net gain (not 10%). Further the site was planned as part of the wider Kingsmere development with green space and infrastructure designed and considered as a whole.
- 9.36. Following the above, revised comments have been received from the Ecology Officer advising that having reviewed the Biodiversity Net Gain assessment submitted that the proposals to add hedgerow to achieve a net gain are acceptable as the application was submitted prior to the BNG mandate coming into effect. The excel version of the BNG metric which was requested by the ecology officer has been submitted and assessed. The ecology officer further comments that the condition targets for most of the habitats are 'poor', with 'moderate' scrub and rain gardens. These are achievable conditions which is good, however, there is a good opportunity here to provide a great benefit to biodiversity – with a good management scheme, the hedgerows may be able to achieve 'moderate' condition and therefore a management plan should be provided which provides opportunities for enhancing the site as much as possible. A further condition is therefore recommended for a LEMP which should provide a management scheme for the landscaping proposed in the BNG report and metric. The plan should include species specific enhancements, such as integrated bat/bird bricks which can be clustered, hibernacula piles and insect bricks.
- 9.37. 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.

Layout Design, Open Space and Landscaping

- 9.38. Section 12 of the NPPF 'Achieving well designed and beautiful places' attaches great importance to the design of the built environment and advises at paragraph

131 that 'the creation of high quality, beautiful and sustainable buildings and places is **fundamental** to what the planning and development process should achieve, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

- 9.39. Paragraph 135 gives further advice about the need to ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create a strong sense of place.
- 9.40. The Cherwell Residential Design Guide SPD 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy. The design guide is a material consideration, and the proposals should therefore accord with the requirements and advice of the Design Guide and the submission has therefore been assessed against it accordingly.
- 9.41. Policy Bicester 3 of the Cherwell Local Plan 2011-2031 sets out a number of site-specific design and place shaping principles relating to the development of the site. One of these is that the development should comply with Policy ESD15. Policy ESD15 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects and respects the urban or rural landscape within which it sits, that is that new development should build on the character of Cherwell. The policy also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale which should be demonstrated within a design and access statement.
- 9.42. The Cherwell Local Plan 1996 contains saved Policy C28, which states that '*control will be exercised over all new development to ensure the standard of layout, design and external materials are sympathetic to the character of the urban or rural context of the development*'. Saved Policy C30 states that '*design control will be exercised to ensure...(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority*'.
- 9.43. The application is accompanied by a design and access statement which sets out that an analysis of the immediate area context as well as the surrounding environment has been undertaken to inform the design proposals. The design and access statement focusses on the extra care element which is a detailed proposal rather than the additional market dwellings which are proposed in outline. The statement also advises that it has had regard to the approved Phase 2 Design Code in designing the proposed extra care building. The submission proposes a 4-storey flat roof building to the frontage to the square with a lower 3 storey wing to the rear. This wing was originally pitch roofed but has since been amended to a flat roof to match the frontage block. The amenity space for the extra care building is provided between the rear wing and the adjacent greenway and the car park is proposed to the rear of the building accessed from the new side street. A bistro, which will serve residents but will also be open to the public and Kingsmere residents is located on the corner of the building where the greenway meets the square. An external seating area is also proposed here. The proposed additional dwellings are indicated to follow a ribbon of development along the other side of the new side street.

- 9.44. The phase 2 Kingsmere development was subject to an approved design code which also included the extra care Parcel R. It is considered that whilst this is coming forward independent of the original outline consent due to the increased number of extra care units and the additional 14 market dwellings, the approved design code remains a material consideration. The design code divides the development into different character areas, this part of the development being within the Core Character Area. The urban development principles within the document indicate the primary and secondary frontages and position of marker buildings. The development is located in a prime position on the central square with a marker building suggested at the north-eastern corner of the square. Building heights are also higher fronting this main square, with dwellings up to 3 or 4 storey and a maximum height of 14.5m, but this only relates to the primary frontage, the remainder of the development is only 2-2.5 storey. It should be noted that the site also abuts the greenway along its northern boundary, and this is identified as a 'broken frontage' within the code with lower building heights and a more informal, looser knit development form. This greenway is one of the key pedestrian/recreation routes through the development.
- 9.45. The design and form of the building have been revised through pre-application discussions by moving the rear projection from directly adjacent to the greenway, to provide a set back and to enable the existing trees and hedges along this boundary to be appropriately retained and maintained and to reduce the overall impact of the building along this key route which is considered to be an improvement. This original submission proposed a 3-storey pitched roof over the rear wing, which was not considered acceptable, as the pitched roof design did not relate well to the main block and appeared at odds. Due to its scale, neither was it considered that this rear wing related well to the adjacent more traditional design dwellings. The scheme has been amended to provide a flat roof in keeping with the main block which is considered to be an improvement.
- 9.46. In terms of the extra care building, which is proposed in two flat roof blocks, the frontage block is 4 story and the rear 3 storey, the applicant has been advised through the pre-application submissions that there is concern regarding the scale and massing of this building having regard to the adjacent and surrounding development and its relationship with the adjacent greenway which is one of the key pedestrian/recreation routes through the development. Whilst the building does not exceed 14.5m in height and the applicant has sought to break up the building with the use of different materials, the fact remains that this is a large single, flat roofed building which is quite different in its scale and design compared with the surrounding dwellings which are of more traditional design under pitched roofs and therefore lower eaves than the proposed. Whilst it is not considered that the design of this building should necessarily mimic those within the Kingsmere development as a whole, it is vital that, in the interests of creating a well-designed and beautiful place as stated in the NPPF, that this building sits comfortably with its surroundings and does not dominate or appear at odds.
- 9.47. The applicant has sought to address the above concerns through the submission of cross sections to show the height and relationship of the proposed with that existing and by the introduction of a series of materials to help break up the visual bulk of the building. In terms of the cross sections submitted whilst they do show that the difference in overall heights between the residential to the main square and the extra care building are not significant, due to the scale and massing of the extra care building compared to the smaller, narrower gable span pitched roof dwellings, it is considered that these cross sections do clarify the concerns raised above.
- 9.48. The scale and massing of this building has been discussed at length both during the pre-application discussions and through the consideration of this application. In

response the applicant has advised that the building has been designed around the 'HAPPI' principles which are national guidance for extra care housing. This advises that apartments are provided either side of a central corridor so that each apartment has access to daylight and either direct outside space or balcony area which results in the overall width of the building as proposed. The applicant also provided further information regarding similar developments which are currently being brought forward by Preferred Homes elsewhere. These proposals are not dissimilar to this scheme but are not directly comparable as they are located within urban town centre brownfield areas rather than an urban residential extension such as Kingsmere.

- 9.49. In terms of materials, the approved design code requires the use of natural limestone around the main central square, although the code does recognise that the extra care building may not necessarily be constructed wholly in stone. The design code also requires landmark buildings, of which this is part, to be constructed in natural stone. During pre-application discussions the applicant was therefore asked to consider constructing the whole of the corner element adjacent to the greenway in natural stone with a light red multi brick used in conjunction with the stone to match the red brick used elsewhere on Kingsmere. The latest revised plans propose the use of a mix of both traditional and contemporary materials; a traditional brick with natural limestone cladding, render and profiled terracotta cladding panels. Samples and colours of bricks, natural stone, cladding etc will need to be conditioned for consideration and approval, but the applicant has been advised that the terracotta cladding is not an appropriate colour for Kingsmere and an alternative is being considered. Due to the prominent position of this building to one side of the square it is considered that there should be a greater use of limestone or similar material to help mitigate its visual impact and integrate the building with the existing development.
- 9.50. A carpark to serve the extra care facility is proposed to the rear of the building and fronting the proposed new side street from which it will be accessed. Concern was expressed during the pre-application submissions regarding the stark and open car park and its expanse of hard surface and their visual impact on the street scene and relationship with the proposed new market dwellings opposite. The applicant has sought to address this through planting and whilst the car park remains open and visible to the public domain, some screening is proposed between the car park and adjacent street to try to mitigate its visual impact. All deliveries and servicing are also taken from this car park.
- 9.51. The above concerns regarding the scale, massing and appearance of the extra care building and the car park within the public domain is compounded by the fact that a larger development than originally proposed (additional 22 units) and that a smaller area of land is also being utilised for this development, with the remainder proposed for additional market dwellings and therefore the consequence is that a new side street is to be provided to serve the two proposals. The splitting of the site as proposed and the introduction of the additional side street to serve the new development has resulted in the building being exposed on all sides to the public domain with little scope to mitigate its impact through landscaping or other buildings/development. The splitting of the site in this way and seeking additional development has resulted in a much more compact development with little scope for significant green space around the building and any significant landscaping to help mitigate the visual impact of the building and the open car park.
- 9.52. There was much discussion at pre-application regarding the amenity space, landscaping proposals and the relationship of the new development with the adjacent green infrastructure corridor. Section 12 of the NPPF – Achieving well- designed places advises at paragraph 136 that *'trees make an important contribution to the character and quality of urban environments and can also help*

mitigate and adapt to climate change. Planning Policies and decisions should ensure that new streets are tree-lined. The submission includes a detailed landscaping scheme for the extra care site which does provide a single line of trees to the boundary of the car park with the adjacent access road, some tree planting to the external seating area to the proposed bistro and within the extra care site itself which despite the concerns raised above about the nature of the site, are welcomed. The scope for tree planting within the outline area appears less having regard to the indicative layout included. The Landscape Officer has not raised any concerns with the planting proposals themselves and the species chosen.

- 9.53. Having regard to the comments above, the requirements of Policy ESD15 and Government guidance within the NPPF the applicant has been requested to provide further justification in respect of compliance with this policy and achieving a 'well-designed and beautiful' place. This has not been specifically addressed although the agent advises that the building has been designed around HAPPI principles, one of the key factors which relates to internal corridor widths which have been kept to a minimum to provide reduced and safer walking distances to lifts and the central communal facilities. This has resulted in the main frontage building being proposed as four storeys rather than three and the T-shaped building gives the most appropriate design solution to achieve the economies of scale. The applicant further considers that this provides a 'gateway' building of contemporary well-designed scheme, and which incorporates materials and colours identified within the approved Phase 2 Design Code, reflecting its requirements as far as is practicable.
- 9.54. Turning now to the outline part of the submission for the 14 additional residential units, the illustrative layout provided indicates a ribbon of semi-detached and short terraces fronting the new side street and the proposed car park ending in an open cul-de-sac and footpath link to the adjacent to the greenway. Throughout the pre-application discussions and the consideration of this application the applicant has been advised that the development should be considered as a whole and not piecemeal and that the additional dwellings should also be a full application so that a comprehensive development can be delivered, and that the submission should not therefore be a hybrid but a single detailed submission.
- 9.55. The submission of the hybrid application does not provide a fully integrated scheme and due to the shape of the land 'left over' from the extra care development it will result in a ribbon of dwellings looking out over the car park to serve the extra care facility which will not create a particularly good sense of place or public/private realm and a side street ending in a small cul-de-sac. Design is not only about the physical appearance of a development, but how it works, functions and fits together ensuring a quality of life for all those who live there. It is considered that the illustrative layout fails to demonstrate a well thought out scheme and in the absence of a fully integrated detailed scheme, it is difficult to envisage how else the remainder of the site can come forward any differently which is regretful. However, when considering the proposal as a whole, and the delivery of affordable extra care on the site, it is considered that an objection based on piecemeal and the lack of a fully integrated development cannot be justified in this instance.
- 9.56. Having regard to the above, whilst it is considered that the scheme proposed, and in particular the extra care scheme is unfortunate in terms of its scale, massing and design and therefore relationship with the remainder of the Kingsmere development, the delivery of housing, and in particular affordable housing is high on both the Government's and District Council's agenda. The application as submitted is therefore on balance considered acceptable and therefore considered to be in accordance with the saved policies of the adopted Cherwell Local Plan 1996, the adopted Cherwell local Plan 2011-2031 and Government guidance within the National Planning Policy Framework in respect of its design and layout.

Access and Transport

9.57. Section 9 of the NPPF – Promoting sustainable transport states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. The application is accompanied by a Transport Statement and Travel Plan accordingly which were assessed by OCC as local highway authority. The original submission lacked sufficient information regarding the differences between the traffic generation between the extant and proposed developments and the travel plan also lacked sufficient information. 2 Transport Notes dated 9th January and 9th February 2024 were subsequently submitted to respond to the comments made. OCC were subsequently able to remove the objection and recommended a number of conditions be attached to any planning permission which included the submission and approval of a travel plan.

9.58. The National Design Guide states:

75. Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.

76. Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.

9.59. NPPF paragraph 116 also advises that applications for development should amongst other matters, address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive – which minimises the scope for conflicts between pedestrians, cyclists and vehicles, and allow for the efficient delivery of goods and access by service and emergency vehicles. The site in question is located within the centre of Kingsmere close to bus stops and a footpath/cycle network through Kingsmere and beyond. A public footpath is also proposed alongside the proposed new access road and there is an existing footpath to the main square frontage. It is considered therefore that the development proposed is in accordance with the NPPF in this respect.

9.60. Policy SLE4 of the adopted Cherwell Local Plan 2011-2031 also states that all development where reasonable to do so should facilitate the use of sustainable transport to make fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

9.61. The proposed development will be served via a new side street from the secondary street which runs along the northern boundary of the central square that would form a single priority junction. The site access configuration comprises a carriageway width of 5.5m widening at the junction incorporating corner radii of 6m on both sides of the junction. A swept path analysis for an 11.6m length refuse vehicle manoeuvring in and out of the proposed access junction has been provided.

- 9.62. The internal road network within Kingsmere connects to Middleton Stoney Road to the north, Whitelands Way to the east and Vendee Drive to the south. There are a number of footpath cycle routes through Kingsmere into the surrounding area and the closest bus stop which has a shelter and seating is located on Ludlow Road approximately 30m south of the application site. A footpath link from the development site onto the greenway is also proposed.
- 9.63. The proposed layout of the extra care development includes 28 on-site car parking spaces, 3 of which are designed for use by disabled users. An ambulance and deliveries bay is also provided within the car park. The submitted transport statement also advises that the proposed residential units are provided with a communal parking area as well as individual garages and dedicated driveways for the larger units.
- 9.64. The submission was assessed by Oxfordshire County Council Transport Development management who raised an objection on a number of grounds. Additional information was requested to show any net change in development scale a breakdown and direct comparison between the extant permission and the proposed scheme for the development as a whole; cycle parking levels were not policy compliant and should comply with LTN 1/20 standards; active charging points for electric vehicles should accord with OCC's Parking Standards for New Development; site layout plans must be fully dimensioned, annotated and compliant with OCC's current design standards in terms of parking bays, aisle widths and servicing facilities and obstructions to visibility splays. A long section was also requested to ensure compliance with the Equalities Act 2010 and must include details of vertical alignment to determine appropriate carriageway and footway gradients and must be DDA compliant with a maximum 1:21 or 5% gradient.
- 9.65. Following a number of revised submissions, OCC were able to confirm on 4th March that the objection had been removed and subject to the imposition of a number of conditions which are included at the end of the report within the recommendation, the proposals were now acceptable from a Transport perspective.
- 9.66. It should be noted that objections have been received from Bicester Bike Users Group (Bicester BUG) relating to cycle parking and appropriate cycle links, some of which relate to the provision of cycle racks for less mobile residents such a three- wheel cycles and cycle storage of an appropriate type and location. It should be noted that whilst OCC in their latest response now raise no objections, it is acknowledged by OCC that the proposed cycle parking levels do not comply with policy, the application of the OCC minimum cycle parking standards to the proposed development results in a minimum requirement of 41 cycle parking spaces for the extra care home units. A total of 18 cycle spaces are proposed and in addition to this, an internal storage area has been allocated for between 6 to 12 cycle parking space should expansion be required due to demand. It is suggested by OCC that this is suitably conditioned and monitored through the care home travel plan. The applicant has submitted further information regarding the planning precedent set out in previous planning application approvals and therefore the proposed levels including the proposed expansion based on actual demand are now accepted by OCC.
- 9.67. Having regard to the above, whilst the concerns raised by Bicester BUG are noted, in the absence of an objection from OCC regarding this matter it is not considered that a refusal based on insufficient cycle parking cannot be justified.
- 9.68. Having regard to the above, subject to appropriate section 106 and conditions the proposals have appropriately assessed the highway impacts of the development and comments made by Bicester BUG have been carefully considered, the

proposals have been found to be acceptable and in accordance with the Development Plan and NPPF in this respect.

Affordable Housing

- 9.69. The proposed development provides for 82 affordable extra care units and up to 14 new market dwellings on the remainder of the site. Preferred Homes who are leading on this submission and in particular in respect of the extra care facility have worked from the outset to design an extra care scheme using best practice and will be the landlord responsible for letting, managing and commissioning care services to support residents of the development.
- 9.70. The application submission has been assessed by Strategic Housing who advise that CDC's housing register does not provide evidence of need for Extra Care Housing as we rely on data provided by Oxfordshire County Council. The Housing and Economic Needs Assessment for Cherwell District and Oxfordshire County Councils completed in December 2022, highlights Oxfordshire County Council's support for Extra Care as a model, as it is preferable to residential care. As stated above, the Market Position Statement for Extra Care Housing produced by Oxfordshire County Council for the period up to 2026 includes this site for 60 units based on the Housing LIN Assessment. Strategic Housing further advise that the County Commissioner has recently advised that they are awaiting the results of a study which was carried out in 2023 which will provide an up-to-date picture of the needs and will provide evidence to demonstrate whether an 82-bed scheme is justified. This study identifies that there is a trend in the draft analysis towards shared ownership so they have indicated that the tenure mix may need to be altered to reflect this if this is highlighted in the final report. It should be noted that this report has not yet been finalised and published and therefore the application must be determined as submitted and it would not be appropriate to change the tenure mix at this stage.
- 9.71. Strategic Housing have been supportive of the scheme through the pre-application discussions and received confirmation from the County Council that a 60-bed affordable Extra Care scheme would meet the needs identified in the Market Position Statement. In respect of this application, Strategic Housing advise that they remain supportive of an affordable Extra Care Housing Scheme, however, (i) the County Commissioner has expressed a concern that due to the increased number of units now proposed that there may be an over-provision of Extra Care units; (ii) the Extra Care units are proposed as C2 rather than C3 and do not agree with the rationale put forward by the applicant and advise that Extra Care is an entirely different provision than a C2 residential care home. Strategic Housing further consider that it is clear from planning policy and Sec 106 extracts that the Extra Care Housing will be self-contained, provide independent living and are therefore a C3 use rather than C2.
- 9.72. Having regard to the above it is considered that the additional provision of 22 Extra Care units as proposed will contribute to the overall housing requirement within the district and the affordable housing provision which is a key need and the increased number of units which is not significant is therefore acceptable in principle. In respect of the C2/C3 issue, this has been raised with the applicant at both pre-application and submission stages. The residential units proposed all have their own facilities, including kitchen area, living area, bathroom and separate bedroom, and whilst the complex will provide dining facilities and living room for all residents on site, each unit is an independent unit of accommodation and therefore it is considered that this should be C3 rather than a C2 use. The applicant however considers this to be a C2 use due to the level of care and the communal facilities

provided on site and has provided additional information to support this matter which is accepted in this case.

- 9.73. In terms of the outline site which seeks consent for up to 14 market dwellings, an affordable request is not being required here as the Extra Care facility will be 100% affordable and therefore the 30% affordable housing requirement for Kingsmere Phase 2 will be met by this site and the affordable housing provision on the other development parcels. It is considered that the provision of the affordable extra care units are retained through a section 106 agreement.
- 9.74. Having regard to the above, it is considered that the proposals are acceptable in terms of the provision of affordable housing and are in accordance with Policies BSC3 and BSC4 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Flood Risk and Drainage

- 9.75. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 states that when determining any applications, local planning authorities should ensure that *'flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment'*.
- 9.76. Policy ESD7 of the Cherwell Local Plan 2011-2031 relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement for the future management, maintenance and replacement of the SuDS features.
- 9.77. The site is located in Flood Zone 1 (low probability) and as such, the development itself is at low (less than 1 in 1000 year) risk of flooding from rivers or the sea. The existing flood risk assessment for the Phase 2 Kingsmere development was prepared by WSP on behalf of Countryside (Bicester) Ltd. The drainage strategy for this development will continue to use the drainage principles set out in the Kingsmere Design Code, developed during Phase 1 and sets out the hierarchy of SUDS measures to be utilised on site.
- 9.78. A Section 104 adoptable drainage layout has been included in the application documentation. Adopted foul and surface water drainage is to be included within the adopted road. Connections have been provided for both the proposed extra care development site and the proposed C3 market dwellings. A private surface water drainage network has also been provided for the extra care development. The outline scheme area will be provided by others once the site comes forward for development.
- 9.79. The submission has been assessed by OCC as Lead Local Flood Authority who raise no objection to the submission subject to a condition requiring the approved drainage system is implemented in accordance with the approved detailed design prior to the use of the building commencing.

Residential Amenity

- 9.80. The application site, being located within the central area of Kingsmere is surrounded by residential development. Whilst the proposed extra care building as discussed above is considered to be of some scale when compared to the surrounding residential properties, due to its position on the site and the presence of the green corridor, the building will be some distance from existing residential properties and is unlikely to result in significant overshadowing, over domination or overlooking to the extent that a refusal could be justified. Further no objections have been received from nearby residents to the proposals.
- 9.81. In terms of the residential amenity for residents of the extra care facility, the moving of the rear wing away from the boundary of the green way has resulted in the private garden area being north facing and somewhat overshadowed by the proposed building itself and the proposed planting along the greenway. A number of units to the square also have small areas to the square frontage. Following pre-application discussions, the building has been set back slightly from the main square and adjacent public footpath to provide a little protection to these residents which is welcomed. Whilst the outside space to serve these residents is relatively small due to the reduced site size and increased number of units, the applicant has advised that since the initial outline consent, the introduction of HAPPI principles has evolved and developed into a distinctly different model, buildings are more compact, garden areas and overall plot sizes are notably smaller. The applicant's approach is wholly aligned with the current sector thinking to enable viable and sustainable design. One of the requirements of the Homes England grant funding is the adherence to the aforementioned HAPPI principles and Housing LIN Design guidance which have a profound effect on the eventual building type for residents.
- 9.82. Having regard to the above, whilst it is a little disappointing that the usable private outdoor areas provided for residents are relatively small, it is considered that on balance the proposals are acceptable in terms of residential amenity for residents.

Sustainability

- 9.83. Policies ESD1-5 of the adopted Cherwell Local Plan 2011-2031 require the consideration of sustainable construction through the submission of planning applications and seek to achieve a development in excess of Part L of the Building Regulations and also development which is water efficient.
- 9.84. Section 14 of the NPPF – Meeting the challenge of climate change, flooding and coastal change advises at paragraph 157 that *'the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'*.
- 9.85. The application is accompanied by an Energy and Sustainability Statement which advises that Photovoltaic (PV) modules which convert sunlight directly to DC electricity will be installed on the roof of the extra care block. In terms of the dwellings, it is intended that all heating and hot water will be electric. The submitted planning statement also advises that sustainable design and construction technology is being applied to achieve reductions in carbon through a combination of fabric efficiency, carbon compliance to achieve at least BREEAM 'very good' for the extra care. Similar principles of fabric efficiency, carbon compliance will also be applied to the C3 dwellings.

- 9.86. The Energy and Sustainability Statement demonstrates that the provision of district heating and combined heat and power systems are not feasible, practicable or viable for the proposed development given its small size and limited available space within the site and Kingsmere as a whole does not include such systems.
- 9.87. The Statement similarly advises that the use of renewable technologies such as biofuel boilers, wind turbines, ground source heat pumps, solar water heating, air source heat pumps and photovoltaics have also been explored. The outcome of this indicates that the most appropriate technologies for the extra care element of the proposed development are the use of air source heat pumps and photovoltaics. The air source heat pumps are to be located within an attenuation enclosure adjacent to the electricity substation to the north of the car park where it can be more appropriately into the site and screened.
- 9.88. Having regard to the above comments, it is considered that sustainability has been adequately covered through the Energy Statement and is therefore in accordance with Policies ESD1-5 of the adopted Cherwell Local Plan and Government guidance within the NPPF in this respect.

Health and Well-Being

- 9.89. Health and Well-being is high on both the Government's and Council's agenda, particularly in the light of the recent pandemic and the impact it has had on the population, emphasising the need for access to good quality open space as well as the benefit of private outdoor space. The applicants were therefore advised through the pre-application that a Health Impact Assessment (HIA) should be carried out and included with any subsequent planning application for the development proposed. A Health Impact Assessment is a tool used to identify the health impacts of a development and how best to prevent ill-health and reduce health inequalities.
- 9.90. No HIA has been submitted with the application as the agent considers that this is not necessary in this instance as this is part of an existing development which has been designed appropriately in terms of open space, comprehensive pedestrian and cycle networks, access to public transport, retail and community needs and a high quality of design. The agent goes on to state that the *'pre-planned urban extension within which the specific extra care home sits, together with the very specific requirements to which the facility is designed, has considered the effects and impacts on the health and well-being of its intended residents. Both have sought to maximise positive health impacts'*.
- 9.91. Whilst it is regrettable that no HIA has been submitted, this has not been raised as an issue by OCC and these are not currently a legal or policy requirement of the planning system, and although they are recognised as good practice in the Planning Practice Guidance, it is considered that having regard to the above, an objection or reason for refusal on this matter could not be sustained at appeal.

Planning Obligation

- 9.92. In order to ensure that the development is acceptable in planning terms, a number of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All section 106 requirements are subject to statutory tests which are to be taken into account in deciding to grant planning permission, they need to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. Officers have had regard to the requirements of relevant development plan policies and considered the planning obligation requirements against the above provisions. Having done so, officers are of the view that a number

of items need to be secured through a planning obligation before development can be considered acceptable and, in turn, planning permission granted. It should be noted that the applicant is currently disputing an education contribution and BOBICB contribution so these will need to be discussed in more detail. These items are as follows:

9.93. CDC Obligations:

- Extra care affordable housing provision
- Provision and maintenance of a LAP (market dwellings only)
- Outdoor sport provision - £193,634.88 for both extra care and market units
- Indoor sport provision - £77,257.73 for both extra care and market units
- Public Art contribution - £21,504.00 towards enhancement within the area/site
- Rubbish and Recycling bins for each residential property at £111 per dwelling.
- Monitoring Fee - £5,000

9.94. OCC Obligations:

- Transport: £1,000 per C3 dwelling towards the Middleton Stoney Cycle Network Improvements.
- Travel Plan Monitoring Fee: £3,110 RPI index linked) for 5 years.
- Education: TBC
- Waste and Recycling: £1,315 towards the expansion and efficiency of household waste recycling centres.
- Monitoring fee: TBC

9.95. Other Obligations:

- BOBICB: £56,448.00 to support local plans to surgery alteration or capital projects to support patient services within Bicester.

8. PLANNING BALANCE AND CONCLUSION

10.1. 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 that do not be normally refused unless outweighed by other material consideration.

10.2. In respect of this application weighing in favour of this proposal is the provision and delivery of housing and in particular older persons affordable housing in a highly sustainable location within an existing development site attract substantial weight.

9. RECOMMENDATION

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

- Extra care affordable housing provision
- Provision and maintenance of a LAP (market dwellings only)
- Outdoor sport provision - £193,634.88 for both extra care and market units
- Indoor sport provision - £77,257.73 for both extra care and market units
- Public Art contribution - £21,504.00 towards enhancement within the area/site
- Rubbish and Recycling bins for each residential property at £111 per dwelling.
- Monitoring Fee - £5,000
- Transport: £1,000 per C3 dwelling towards the Middleton Stoney Cycle Network Improvements.
- Travel Plan Monitoring Fee: £3,110 RPI index linked) for 5 years.
- Education: TBC
- Waste and Recycling: £1,315 towards the expansion and efficiency of household waste recycling centres.
- Monitoring fee: TBC
- BOBICB: £56,448.00 to support local plans to surgery alteration or capital projects to support patient services within Bicester.

FURTHER RECOMMENDATION: THE PPA DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 6th May 2024. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

CONDITIONS**FULL APPLICATION**

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.

2. That prior to first occupation of the extra care facility hereby approved, a Car parking management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme approved.

Reason: In the interest of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

3. Prior to the first occupation of the extra care facility hereby approved, a Delivery and Servicing Management Plan 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.

Reason: In the interest of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

4. That prior to the first occupation of the extra care, a detailed plan showing the cycle parking provision and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained as such.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

5. Prior to the commencement of any development above slab level and notwithstanding the details submitted, A schedule of materials and finishes, including the submission of samples and sample panels of bricks and limestone to be constructed on site (minimum 1 squared metre in size) to be used in the construction of the external walls of the extra care building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the approved details and samples.

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 adopted Cherwell Local Plan 2011- 2031, the approved Kingsmere Phase 2 Design code 2028 and Government guidance within the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building, including the windows and doors (and their surrounds), guttering etc shall be submitted to and approved in writing by the local planning authority prior to any construction above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the details are appropriate to the locality and are locally distinctive and ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local

Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the first occupation of the building and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

8. A scheme for the suitable treatment of the sub-station and air source heat pumps against the transmission of sound and/or vibration on the proposed or existing residential units shall be submitted to and approved in writing by the Local Planning Authority and the measures implemented in accordance with the approved scheme at all times.

HYBRID

Compliance with Plans

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

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.

10. No development shall be occupied until confirmation has been provided that either: (i) all network upgrades required to accommodate the additional demand to serve the development have been completed; or (ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan has been agreed with Thames Water, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

11. 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 within the National Planning Policy Framework.

12. The approved drainage system shall be implemented in accordance with the approved Detailed Design as shown on the following drawings: Land Parcel R drainage layout reference 02/801 Rev E; 23047-ARC-XX-XX-DR-C-5000-P5-DRAINAGE GA; Impermeable Area Plan 5500-P4; Section 104 adopted Drainage GA 5200-P4 and Appendix E – Surface Water Drainage Calculation, prior to the use of the building commencing.

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

13. Construction shall not begin until/prior to the approval of reserved matters; a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall include: (i) a compliance report to demonstrate how the scheme complies with the 'Local Standards and Guidance for Surface Water Drainage on major development in Oxfordshire'; (ii) Full drainage calculation for all events up to and including the 1 in 100 year plus 40% climate change; (iii) A Flood Exceedance Conveyance Plan; (iv) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable); (v) Detailed design and drainage layout drawings of the SUDS proposals including cross-section details; (vi) Detailed maintenance management plan in accordance with Section 32 of the CIRA C753 including maintenance schedules for each drainage element; (vii) Details of how water quality will be managed during construction and post development in perpetuity; (xvi) Confirmation of any outfall details and (xi) Consent for any connections into third party drainage systems.

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

14. 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: (i) As built plans in both pdf and shp format; (ii) photographs to document each key stage of the drainage system when installed on site; (iii) photographs to document the completed installation of the drainage structures on site; (iv) the name and contact details of any appointed management company information.

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

15. Prior to the commencement of development on any part or phase of the development site, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed sensitively for bats in accordance with the BCT lighting guidance (ILP Bat Conservation Trust Guidance Note 08/23) with a colour temperature of 2700 degrees kelvin or under. The lighting plan should also take into account any trees, landscaping and bat box location. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection of ecology and biodiversity to accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

16. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the whole site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

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

17. Full details of a scheme for the location of bat, bird, owl and invertebrate boxes (which may be integral to the building construction) (on that phase/part of development) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building on that phase or part of the development, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

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

18. Prior to the first occupation a Full Travel Plan for the care home and a Residential Travel Information Pack for the housing development should be submitted to the Local Planning Authority. The Travel Plan for the care home and the Residential Travel Information Pack for the housing development shall be independent submissions.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

19. Construction Environmental and Traffic Management Plan - TBC

OUTLINE

20. Application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this

permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

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

21. 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).

22. Prior to the approval of any related reserved matters, a detailed Surface Water management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information listed in the condition.

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

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

APPENDIX 2 - Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	100% of the extra care dwellings to be affordable homes.	TBC	Necessary – Yes, policies BSC3 and BSC4 and Oxfordshire market position statement Directly related – Yes, as proposed Fairly and reasonably related in scale and kind – yes, the amount is a policy requirement
OCCG	£56,448 at 68 x 1bed at £504 per dwelling, 14 x 2 bed at £720 per dwelling and 14 market at 2.4 (predicted population increase) x £360	TBC	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 the additional population generated by the development. The provision will support plans to surgery alterations to accommodate the additional population Directly related – the contribution will be used to fund increased facilities within Bicester Fairly and reasonably related in scale and kind – yes
Outdoor Sports Provision	Based on £2,017.03 per dwelling 96 x £2,017.03=£193,634.88 Towards enhancement of outdoor sports facilities at Whitelands Sports Ground	TBC	Necessary – Policies BSC10 and BSC11 seek to address existing deficiencies in access to sports and recreation through new provision or enhancement of existing facilities either on site or commuted sum off-site. Directly related – yes Fairly and reasonably related in scale and kind – yes
Indoor Sports Provision	Based on £335.32 per person 96x2.4=230.49 230.40 x £355.32 = £77,257.73	TBC	Necessary – Policies BSC10 and BSC12 seek to address existing deficiencies in existing provision through enhancements.

	1,344.60 x £335.32 = £450,871.28 towards improvements at Bicester Leisure Centre		Directly related – Yes Fairly and reasonably related in scale and kind – Yes
Community Hall	The development is providing on-site communal facilities including a bistro, large communal lounge, a multi-purpose room will enable the facility to host a wide range of different activities both internally and community wide. As the development is providing onsite facilities, if no contribution is requested, it will need to show how the facilities will be accessed community wide.	TBC	Necessary – Policy BSC12 of CLP Directly related – to mitigate the impact of the development. Fairly and reasonably related in scale and kind – Yes
Public Art, Public Realm and Cultural Well-being	£21,504.00 towards a public art scheme at £200 per unit plus 12% for management and maintenance. Could be provided on site by developer as part of the scheme.	TBC	Necessary Planning Obligation SPD 2018 – support cultural well-being and public art can play an important role in enhancing the character of an area. Directly related. Yes Fairly and reasonably related in scale and kind. Yes
Public Open Space	Provision of public open space within the built development is already provided within Kinsmere	TBC	Necessary – Policy BSC11 Directly related – Yes Fairly and reasonably related in scale and kind – Yes
Play Space	1 x LAP for market dwellings or contribution towards improvement to existing play space within Kinsmere	TBC	Necessary – Policy BSC11 Directly related – yes Fairly and reasonably related in scale and kind – Yes

Appendix 2

Refuse and recycling bins	3 x bins per property – market dwellings	Prior to first occupation	Necessary – yes Directly related – yes Fairly and reasonably related in scale and kind - yes
Monitoring Fee - CDC	TBC	TBC	Necessary – Yes for monitoring obligations# Directly related – yes Fairly and reasonably related in scale and kind - yes
Transport	£1,000 per C3 dwelling towards Middleton Stoney Cycle Network Improvements	TBC	Necessary – yes Directly related – yes Fairly and reasonably related in scale and kind - yes
Travel Plan Monitoring	£3,110	TBC	Necessary – yes Directly related - yes Fairly and reasonably related in scale and kind - yes
Education	TBC re additional C3 dwellings	TBC	Necessary yes Directly related - yes Fairly and reasonably related in scale and kind - yes
Waste and Recycling	£1.315 towards the expansion and efficiency of household waste recycling centres	TBC	As above
Monitoring Fee - OCC	TBC	TBC	As above

25/01191/CDC

Agenda Item 11

**Hanwell Fields Community Centre
Rotary Way
Banbury
Oxfordshire
OX16 1ER**



1:450



25/01191/CDC
Hanwell Fields Community Centre
Rotary Way
Banbury
Oxfordshire
OX16 1ER

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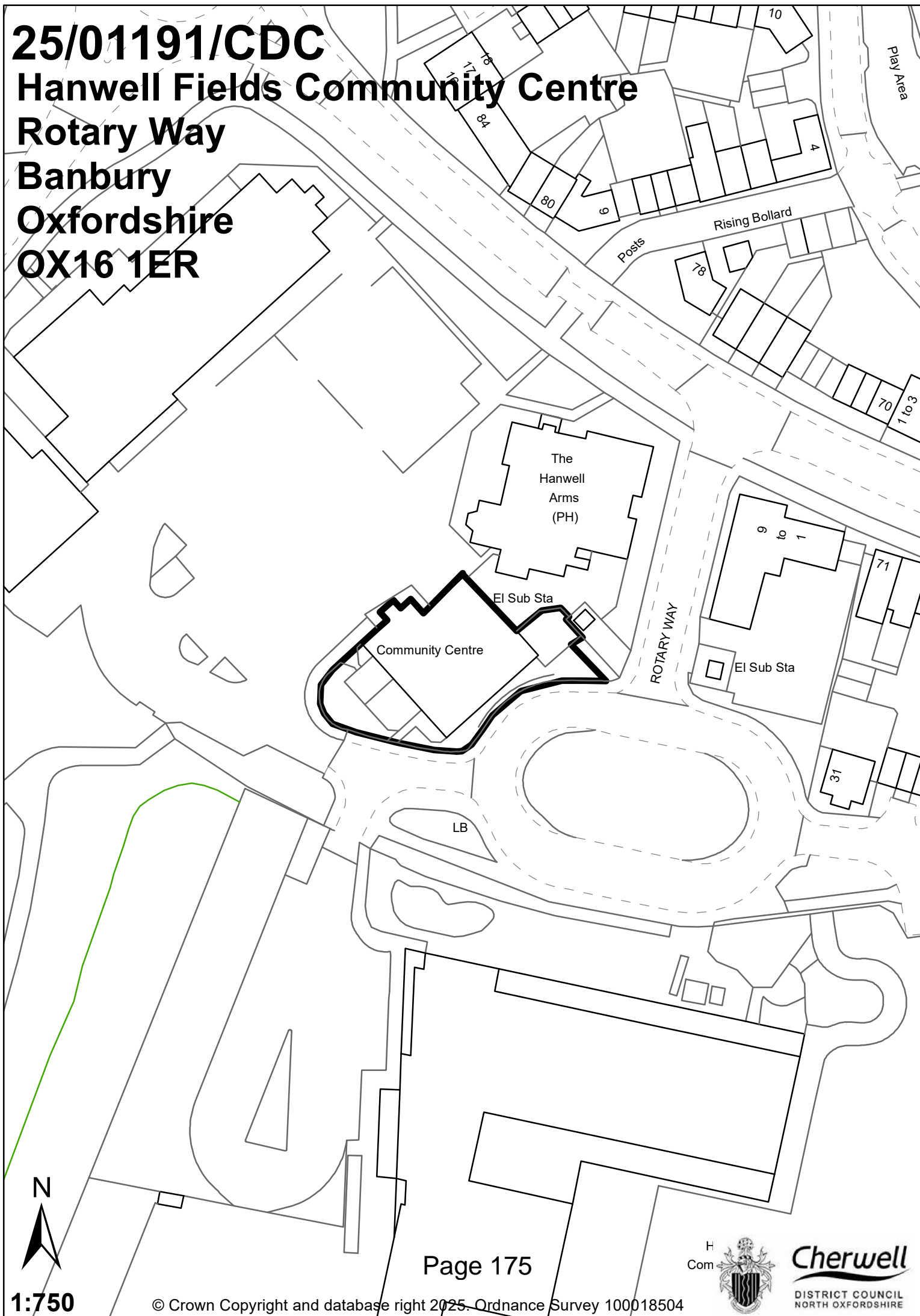
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Community Centre

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25/01191/CDC
Hanwell Fields Community Centre
Rotary Way
Banbury
Oxfordshire
OX16 1ER



Case Officer: Iwona Gogut

Applicant: Cherwell District Council

Proposal: Insertion of 3 new windows, enlargement of fire escape door opening and insertion of glazed door with sidelights, addition of rear escape gate in courtyard and rear escape steps with handrails and associated internal changes to increase capacity

Ward: Banbury Hardwick

Councillors: Cllr Besmira Brasha, Cllr Andrew Crichton, Cllr Dr Kerrie Thornhill

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

Expiry Date: 4 July 2025

Committee Date: 03 July 2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The Hanwell Fields Community Centre is situated north-west of the Rotary Way roundabout, adjacent to 'The Hanwell Arms' public house and the car parking serving a number of local shops to the north-west. Hanwell Fields Community School is situated across the road to the south of the site.

2. CONSTRAINTS

- 2.1. There are no relevant site constraints to this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning permission for the proposed works comprising:
- The insertion of three new windows at ground floor level, specifically 1no window on the north-west elevation and 2no windows to the north-east elevation;
 - The enlargement of the existing fire escape door opening and insertion of glazed door with sidelights (north-west elevation);
 - The provision of rear escape gate in courtyard, along with rear escape steps with handrails; and
 - Associated internal alterations, including the creation of a community café and meeting room at ground floor level in lieu of the existing main hall, and the relocation of the main hall to first floor level.

4. RELEVANT PLANNING HISTORY

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

95/01117/OUT (PER) Residential development, new link road, landscaping, ancillary development and new primary school site, (as amended by additional masterplan received 15/05/96 and link road plans received 27/03/97).

05/00809/REM (PER) Reserved Matters to Outline 95/01117/OUT: Mixed Use Local Centre comprising of up to 7 No. A1, A2 and A5 units, public house, community centre, 39 No. 1 and 2 bed flats, land identified for possible future doctors surgery, landscaping and parking. Including temporary construction access (as amended by plans received 30/06/05, 01.08.05, 24.10.05 and 11.11.05).

08/02146/F Replacement of first floor level windows to include opening panels.

08/02408/F Alteration to existing entrance canopy.

15/00015/CLUE Certificate of Lawful Use Existing for a photovoltaic array installation on south-west facing roof.

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, 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 **01 July 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. BANBURY TOWN COUNCIL: No objections

7.3. BUILDING CONTROL: The proposal is subject to the Building Regulations, and will require an application to be submitted to a Building Control body.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a

number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)

9. APPRAISAL

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

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

Design, and impact on the character of the area

- 9.2. The proposed new window openings, along with the enlargement of the existing fire escape door opening and insertion of glazed door with sidelights, would be located to the north-east and north-west side of the building and would be readily visible from the public domain.
- 9.3. However, the proposed fenestrations and door would match the designs of the existing openings on the building in terms of its size, scale, design and materials and as such would be in keeping with the established character and appearance of the building.
- 9.4. A rear escape gate, together with escape steps and handrails, is proposed to be installed in the courtyard on the eastern side of the site. These elements are intended to improve the safety and functionality of the building and are considered to be in keeping with the utilitarian character typically associated with buildings of this type and use.
- 9.5. Having regard to the above and given its scale and nature, it is not considered that the proposal would result in any adverse impact on the character or appearance of the area, are therefore acceptable in this regard, and would accord with Policies ESD15 of the CLP 2015 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential amenity

- 9.6. Having regard to its nature, scale and design and distance to the neighbouring properties, it is considered that the proposed development would not adversely affect the living conditions of neighbouring properties in terms of loss of outlook, loss

of light or privacy and would therefore accord with Policy ESD15 of the CLP 2015 in this respect.

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, Site Location Plan (dwg no 06425-101) and following approved plans and documents: 06425-106 (Proposed Elevations), Proposed Floor Plans (06425-105) and Design/Access/Planning/Ecology Statement.

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 12

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	31 July 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	22 nd July 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	23 rd July 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 July. 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, 21 July 2025			
Legal	As this report is purely for information there are no legal implications arising. Denzil Turbervill Law & Governance Legal Services			
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. Celia Prado-Teeling, Performance Team Leader			
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

4.1. Planning Appeals

New Appeals

Written Representations	Informal Hearing	Public Inquiry
3	0	1

4.1.1 The 3 new **Written Representations** appeals are :

- Construction of a dwelling on Hambleside Bicester (delegated refusal)
- 2-3 dwellings at Main Street Wendlebury (delegated refusal)
- Alterations and extensions to 63 Sandford Green to create 1-bed flats (delegated refusal)

4.1.2 The **Public Inquiry** appeal received is:

- A Certificate of Lawfulness for a the use of a barn as a dwelling at Point to Point Farm Mollington (appeal against non-determination)

4.1.3 Details of the new appeals can be found at appendix 1

In Progress/Awaiting Decision

Written Representations	Informal Hearing	Public Inquiry
15	1	4

4.1.4 The 15 Written Representation appeals includes the proposed Solar Farm at Noke which has been switched to a written representation appeal from an informal hearing.

4.1.5 Details of all the planning appeals can be found at Appendix 1

4.2. Enforcement Appeals

New Appeals

4.2.1 There are no new enforcement appeals

In Progress/Awaiting Decision

4.2.2 There are 5 enforcement appeals awaiting decisions

4.2.3 Details of all the enforcement appeals can be found at Appendix 2

4.3. Appeals Results

4.3.1 24/02664/PIP – The Pheasant Pluckers Inn, Burdrop, OX15 5RQ.

Planning Permission in Principle sought for the provision of 3-7 dwellings

Appeal Dismissed

The Planning Inspector concluded that while the appeal site at The Pheasant Pluckers Inn is in a generally sustainable location within a Category A Service Village and could offer some public benefits through the provision of housing, the proposal would result in the unjustified loss of a valued community facility and cause significant harm to the character and appearance of the conservation area and the setting of nearby listed buildings. The absence of clear evidence on the viability of the public house and the lack of an indicative layout for the proposed 3–7 dwellings contributed to concerns about overdevelopment and heritage impact. Consequently, the appeal was dismissed as the harm identified outweighed the benefits, and the proposal conflicted with both local and national planning policies.

4.3.2 **24/01378/CLUP – Manor House, Islip Road, Bletchingdon, 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.

Appeal Allowed

The Planning Inspector, D. Wilson, allowed the appeal by Mr. Stephen Dunne regarding proposed design alterations to a previously approved replacement dwelling and garage at Manor House, Bletchingdon. The appeal followed Cherwell District Council's failure to determine the application due to the absence of a planning obligation. However, the Inspector concluded that the Council's concerns—particularly about ensuring demolition of the existing dwelling and preventing overdevelopment—could be effectively addressed through planning conditions rather than a legal agreement. Finding the proposed changes acceptable and enforceable via conditions, the Inspector granted planning permission subject to a detailed schedule of conditions.

4.3.3 **24/00899/OUT – Land Adjoining The Cottage, The Green, Fringford, OX27 8DY.**

OUTLINE application for construction of 9 detached dwellings, formation of new vehicular and pedestrian access, associated landscaping, drainage and associated works with All Matters Reserved except for Access

Appeal Dismissed

The Inspector dismissed the appeal for the proposed development of nine dwellings on land adjoining The Cottage, Fringford, primarily due to the unacceptable harm it would cause to the living conditions and health of the current occupant of The Cottage, a disabled person with specific care needs. While the site was deemed suitable in terms of location, character, and planning policy, the proposed mitigation measures for noise—such as an acoustic barrier—would negatively impact the occupant's mental health and quality of life. The Inspector found that less harmful alternatives were not adequately explored or secured, and that the development would conflict with the Public Sector Equality Duty and the UN Convention on the Rights of Persons with Disabilities. As such, the harm significantly outweighed the benefits of the development, leading to the appeal's dismissal.

4.4. **Appellants Award of Costs Application to the Planning Inspectorate.**

4.4.1 **24/01378/CLUP – Manor House, Islip Road, Bletchingdon, OX5 3DP.**

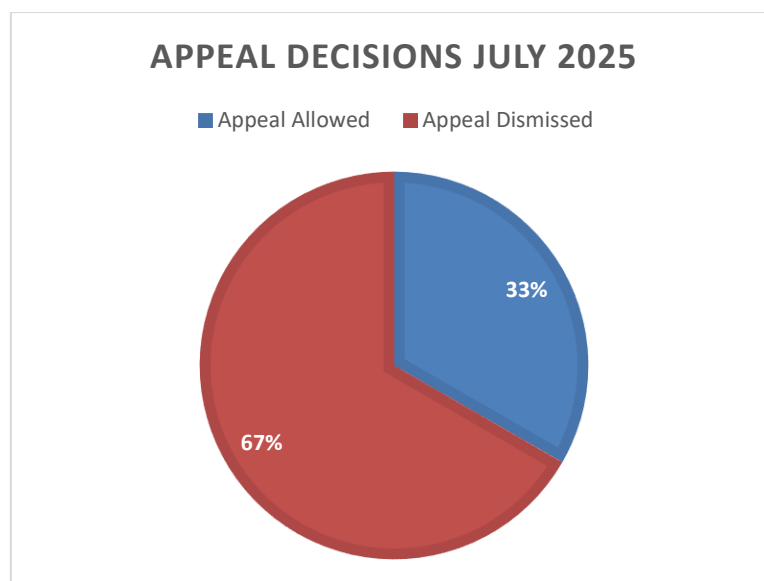
Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015.

Dismissed

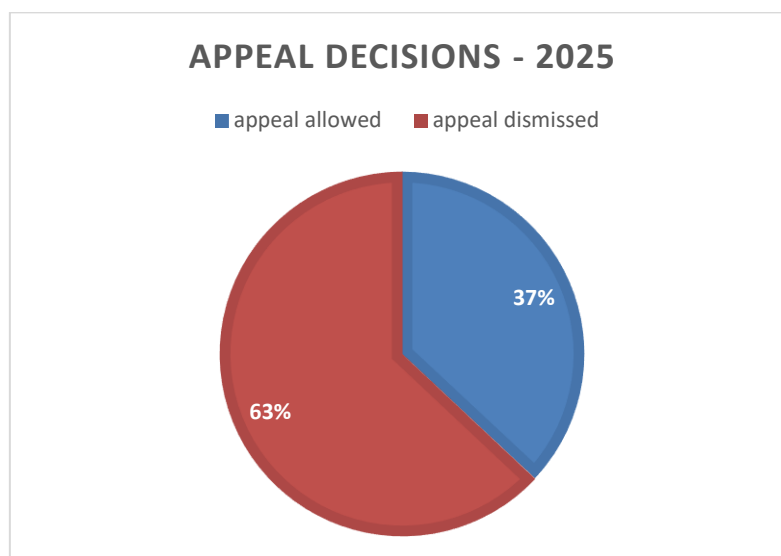
The Planning Inspector, refused the application for an award of costs made, finding that the Council had not acted unreasonably in its handling of the planning application. Although the Inspector ultimately determined that a planning condition could have addressed the Council's concerns—rather than requiring a legal agreement—the Council's approach was considered justified, consistent with previous permissions, and supported by relevant case law and planning policy. The Inspector also found that the conditions imposed and the time taken to consider the application were reasonable, and no unnecessary or wasted expense had been demonstrated to warrant a costs award.

4.5. **Appeal Decision Data**

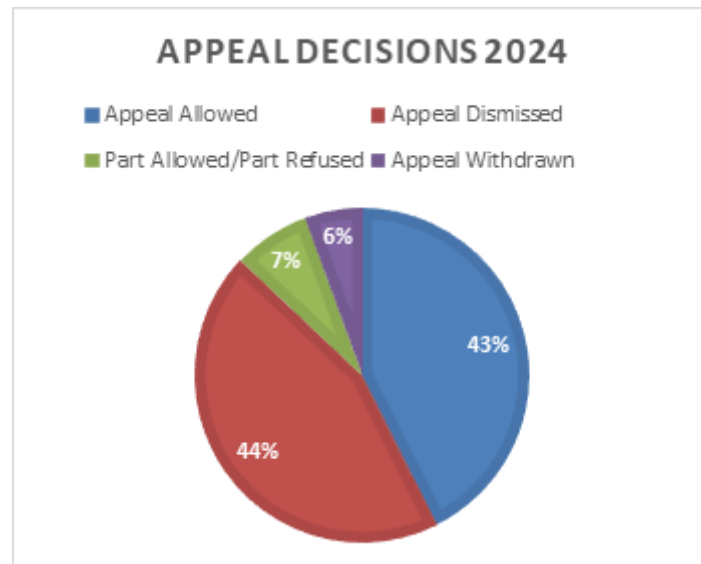
4.5.1 Since last month's appeals report we have received 3 appeal decisions. 2 were dismissed, 1 was allowed.



4.5.2 So far in 2025 there have been 38 appeal decisions, 14 allowed and 24 dismissed



4.5.3 In 2024 there were 54 appeal decisions, 23 allowed, 24 dismissed, 4 split decisions and 3 withdrawn



4.5.4 The above data shows that the proportion of appeals being allowed is decreasing.

4.6. **Forthcoming Public Inquiries and Hearings between 31st July 2025 and 4th September 2025.**

4.6.1 The public Inquiries for Quarry Close Bloxham (23/01265/OUT & 24/01908/OUT) begin on the 19th August 2025

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
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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
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Appendix 1 - Planning Appeals

New Written Reps Appeals received

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/03431/F	Land Adjacent 53 And 54 Hambleside Bicester	Construction of self-build two storey, two bedroom, three person house	Refused Delegated	25.06.2025
25/00427/PIP	Land rear of Bridge House and 1 and 2 The Villas, Main Street, Wendlebury	Permission in principle - proposed residential development of 2-3 dwellings	Refused Delegated	07.07.2025
24/02692/F	63 Sandford Green Banbury	Part single/double storey rear extension and first floor side extensions to facilitate additional 1 studio flat and reduction of 2 existing 2 bed flats to 1 bed flats	Refused Delegated	09.07.2025

New Informal Hearing Appeals Received:

None

New Public Inquiry Appeals Received:

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/03162/CLUE	Barn At Point To Point Farm Mollington Banbury OX17 1QE	Certificate of Lawfulness of Existing Use to regularise the existing use of a dwelling house	Non Determination	24.06.2025

Written Reps Appeals Outstanding :

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 and T2 - Beech - crown reduction. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
24/01295/F	Duns Tew Manor, Main Street, Duns Tew	Erection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchingdon	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.
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 Refusal Against Officers Recommendation	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 Bletchingdon	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Delegated Refusal	27.03.2025

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)	Delegated Refusal	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	Committee Refusal Against Officers Recommendation	08.05.2025
24/03085/F	1 Station Road, Launton	RETROSPECTIVE - Installation of entrance door	Delegated Refusal	14.05.2025
25/00748/PIP	8 Heathfield Cottages	Permission in Principle - Proposed conversion of existing building to form 1 no. dwellinghouse. Removal of existing outbuildings.	Appeal Against Non-Determination	30.05.2025.
24/03076/F	Phone Kiosk To The Front Of No 30 Bridge Street Banbury	Installation of 1no. BT Street Hub unit	Delegated Refusal	02.06.2025.
24//03077/ADV	Phone Kiosk To The Front Of No 30 Bridge Street Banbury	Installation of 1no. BT Street Hub unit	Delegated Refusal	02.06.2025
24/03350/F	73 High Street, Kidlington	RETROSPECTIVE - First floor extension over an existing garage with eaves height increment to accommodate new windows	Committee Refusal Against Officers Recommendation	11.06.2025
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.	Committee Refusal Against Officers Recommendation	12.02.2025

Informal Hearing Appeals Outstanding:

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/03802/OUT	Part Of OS Parcel 8752 East Of Combe Cottage	Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton	Second Hearing Due to the Appellants	08.01.2025

	And South Of St Johns Way Hempton Road 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.	Successful JR of the Original Appeal Decision.	
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Public Inquiry Appeals Outstanding

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.	Committee Refusal following Officer recommendation	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	Committee Refusal following Officer recommendation	29.04.2025
23/03428/OUT	Land East of J11 of the M40, (OS Parcel 5616 South West of Huscote Farm and East of Daventry Road, Banbury, Oxon, OX17 2FJ	Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.	Committee Refusal following Officer recommendation	14.10.2024.

Appendix 2 - Enforcement Appeals

New Enforcement Appeals Received:

None

Enforcement Appeals Outstanding:

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, Kidlington, OX5 2LD	Expansion Of Yard onto Agricultural Land	Enforcement Notice. 1 Day Inquiry	24.02.2025
23/00525/ENF	Heathfield Yard, Street Through Heathfield Village, Heathfield, Oxon, OX5 3DX	Erection of a large building for scaffolding and portacabins without planning permission	Enforcement Notice	04.06.2025

