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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 2 October 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 Andrew Crichton
Councillor Harry Knight
Councillor Rob Pattenden
Councillor David Rogers
Councillor Dorothy Walker
Councillor John Willett

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

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.

Requests to address the meeting (including the application, whether you will speak in support of or objection to the application, your contact details) should be submitted to democracy@cherwell-dc.gov.uk

The deadline for requests to address this meeting is noon on Wednesday 1 October 2025.

Addresses can be made virtually or in person. Full details of public participation at Planning Committee meeting is available in the Constitution, [Planning Committee Procedure Rules](#).

4. Minutes (Pages 4 - 14)

To confirm as a correct record the Minutes of the meeting of the Committee held on 4 September 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 At Hanwell Fields, Dukes Meadow Drive, Banbury (Pages 17 - 49)
25/01545/OUT

9. Glebe House, 8 Mill Street, Kidlington, OX5 2EF (Pages 50 - 89) **24/03174/F**

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.

Evacuation Procedure

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Webcasting and Broadcasting Notice

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

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

Queries Regarding this Agenda

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

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 24 September 2025

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 4 September 2025 at 4.00 pm

Present:

Councillor Barry Wood (Chair)
Councillor Amanda Watkins (Vice-Chair)
Councillor Rebecca Biegel
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor David Hingley
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor Les Sibley
Councillor Dr Kerrie Thornhill
Councillor Douglas Webb

Substitute Members:

Councillor Rob Pattenden (In place of Councillor Chris Brant)
Councillor David Rogers (In place of Councillor Ian Harwood)
Councillor Linda Ward (In place of Councillor Fiona Mawson)

Apologies for absence:

Councillor Chris Brant
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean

Officers:

Paul Seckington, Head of Development Management
Joel Turner, Principal Planning Officer
Denzil Turbervill, Head of Legal Services
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

43 **Declarations of Interest**

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

Councillor Linda Ward, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on application 25/01346/OUT.

9. 23-24 Castle Quay, Banbury, Oxfordshire, OX16 5UE.

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

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

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

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

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

44 **Requests to Address the Meeting**

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

45 **Minutes**

The Minutes of the meeting held on 31 July and 14 August 2025 were agreed as a correct record and signed by the Chair.

46 **Chair's Announcements**

There were no Chair's announcements.

47 **Urgent Business**

There were no items of urgent business.

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Proposed Pre-Committee Site Visits (if any)

The Committee considered a proposed site visit to Part OS Parcel 0006 North Of, The Moors, Kidlington, 25/01346/OUT, an Outline planning application with All Matters Reserved (except means of access) for up to 340 dwellings (Use Class C3), land for local community use and pavilion, landscaping, public open space and associated infrastructure, including demolition of 162 The Moors to enable all modes access.

It was proposed by Councillor Ward and Seconded by Councillor Hingley that a site visit take place before application 25/01346/OUT was considered by the Committee because of its inclusion within the green belt and the potential visual impact to the conservation area.

The Committee considered a proposed site visit to Land at Hanwell Estate, Main Street, Hanwell, 25/00407/F an Installation of a 40MW ground mounted solar array, together with all associated works, equipment and necessary infrastructure, the associated cable route along the public highway and DNO connection point.

It was proposed by Councillor Pattenden and Seconded by Councillor Chapman that a site visit take place before application 25/00407/F was considered by the Committee due to the scale and complexity of the application and its impact on the surrounding area.

Resolved

- (1) That it be agreed that a site visit for application 25/01346/OUT, Part OS Parcel 0006 North Of, The Moors, Kidlington take place prior to consideration of the application at Planning Committee.
- (2) That it be agreed that a site visit for application 25/00407/F, Land at Hanwell Estate, Main Street, Hanwell, take place prior to consideration of the application at Planning Committee.

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Hornton Grounds Quarry, Street from Stratford Road to Hornton Grounds Quarry, Hornton, OX15 6HH

The Committee considered application 25/01445/OUT, for outline planning permission with all matters reserved, apart from means of access, for the construction of eight light industrial (Class E(g)(iii)) and general industrial (Class B2) industrial units and associated works including parking and landscaping and demolition of existing buildings, at Hornton Grounds Quarry, Street from Stratford Road to Hornton Grounds Quarry, Hornton, OX15 6HH, for FINSCO Property Company Ltd.

Roy Hammond, agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Webb and seconded by Councillor Chapman that application 25/01445/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 25/01445/OUT subject to the conditions set out below (and any amendments to those conditions as deemed necessary) as well as compliance with Planning Policy ESD 5.

CONDITIONS

Time Limit

1. 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 three 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).

Reserved Matters

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:

0318_00_000 rev 02 (Site Location Plan);
0318_00_000 rev 01 (Existing Site Plan);
0318_00_100 rev 02 (Proposed Site Plan);
0318_00_101 rev 02 (Proposed Site Plan – Detailed);
Phase 1 Land Contamination Assessment (Brown Fisher Environmental, 8 May 2025);
Preliminary Ecological Appraisal (Philip Irving, March 2025);
Landscape and Visual Impact Assessment (Ecology Solutions, May 2025); Transport Appraisal (Rev A, DTA Transport Planning Consultants);
Flood Risk Assessment (Harban Redwood Consulting Engineers).

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.

Restriction of Use Class

4. The premises shall be used for Class E(g)(iii) and B2 uses and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C31 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Secured by Design

5. No development shall commence above slab level unless and until details of how the developer will incorporate Secured by Design principles and/or standards into the development has been submitted to and approved in writing by the Local Planning Authority. The details should include the following:
- Evidence that an application has been made for Secured by Design accreditation
 - A detailed Security and Access Strategy that demonstrates how the building will be managed
 - Confirmation that all car parking areas will be covered by CCTV

- Lighting throughout the development will meet the general standards of BS5489-1:2020 whilst the site is in use, be motion activated and reduce light spill when no activity is present in the area.

The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

Schedule of Materials

6. 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 buildings 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.

Noise

7. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 5dBA below the pre-existing background noise level (dBLA90) when measured at the site boundary. Measurements and rating of noise for the purpose of this condition shall be in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates).

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

Sustainability

8. The development hereby permitted shall be constructed to at least a BREEAM 'Very Good' standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with government guidance contained within the National Planning Policy Framework.

Landscaping

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. The existing hedges along the boundaries of the site shall be retained for the lifetime of the development and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years

from the completion of the development shall be replaced in the next planting season with others of similar size and the same species.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Biodiversity

11. No development shall commence above slab level until a method statement for enhancing the biodiversity of the site, including provision for bird, bat, and bee bricks, as well as native species planting, 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.

Drainage and Flooding

12. 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 be subsequently 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 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 and post development in perpetuity;
 - Confirmation of any outfall details;
 - Consent for any connections into third party drainage systems.

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.

13. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - a. As built plans in both .pdf and .shp file format;
 - b. Photographs to document each key stage of the drainage system when installed on site;
 - c. Photographs to document the completed installation of the drainage structures on site;
 - d. The name and contact details of any appointed management company information.

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.

INFORMATIVES

1. 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 online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
2. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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23-24 Castle Quay, Banbury, Oxfordshire, OX16 5UE

The Committee considered application 25/01702/ADV for the erection of one internally illuminated and one non-illuminated replacement fascia signs, at 23-24 Castle Quay, Banbury, Oxfordshire, OX16 5UE for Miss Marina Alleyne.

It was proposed by Councillor Watkins and seconded by Councillor Clarke that application 25/01702/ADV be approved, in line with the officer recommendation.

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

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 24/03399/OUT subject to –

Time Limit

1. This consent to display advertisements shall expire at the end of 5 years, beginning on the date this consent was granted.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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, the site location plan, and the drawing pack ref. Banbury – 1328, V03-27-06-25.

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

4. No advertisement shall be sited or displayed so as to -

- a. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

7. Where an advertisement is required under the Advertisement Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

51 **Appeals Progress Report**

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

In introducing the report, the Head of Development Management explained that application reference 23/03366/OUT had inadvertently been listed as an appeal with written reps outstanding. The appeal had been withdrawn by the appellant and therefore should not have been included on the report.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 4.57 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 2 October 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 At Hanwell Fields, Dukes Meadow Drive, Banbury	25/01545/OUT	Banbury Hardwick, Cropredy, Sibfords and Wroxton	Approval*	Lewis Knox
9	Glebe House, 8 Mill Street, Kidlington, OX5 2EF	24/03174/F	Kidlington East	Approval*	Sophie Browne

*Subject to conditions

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

Agenda Item 8
25/01/25/OUT

**Land At Hanwell Fields
Dukes Meadow Drive
Banbury**



1:2,000



25/01545/OUT

Land At Hanwell Fields

Dukes Meadow Drive

Banbury



1:1,700

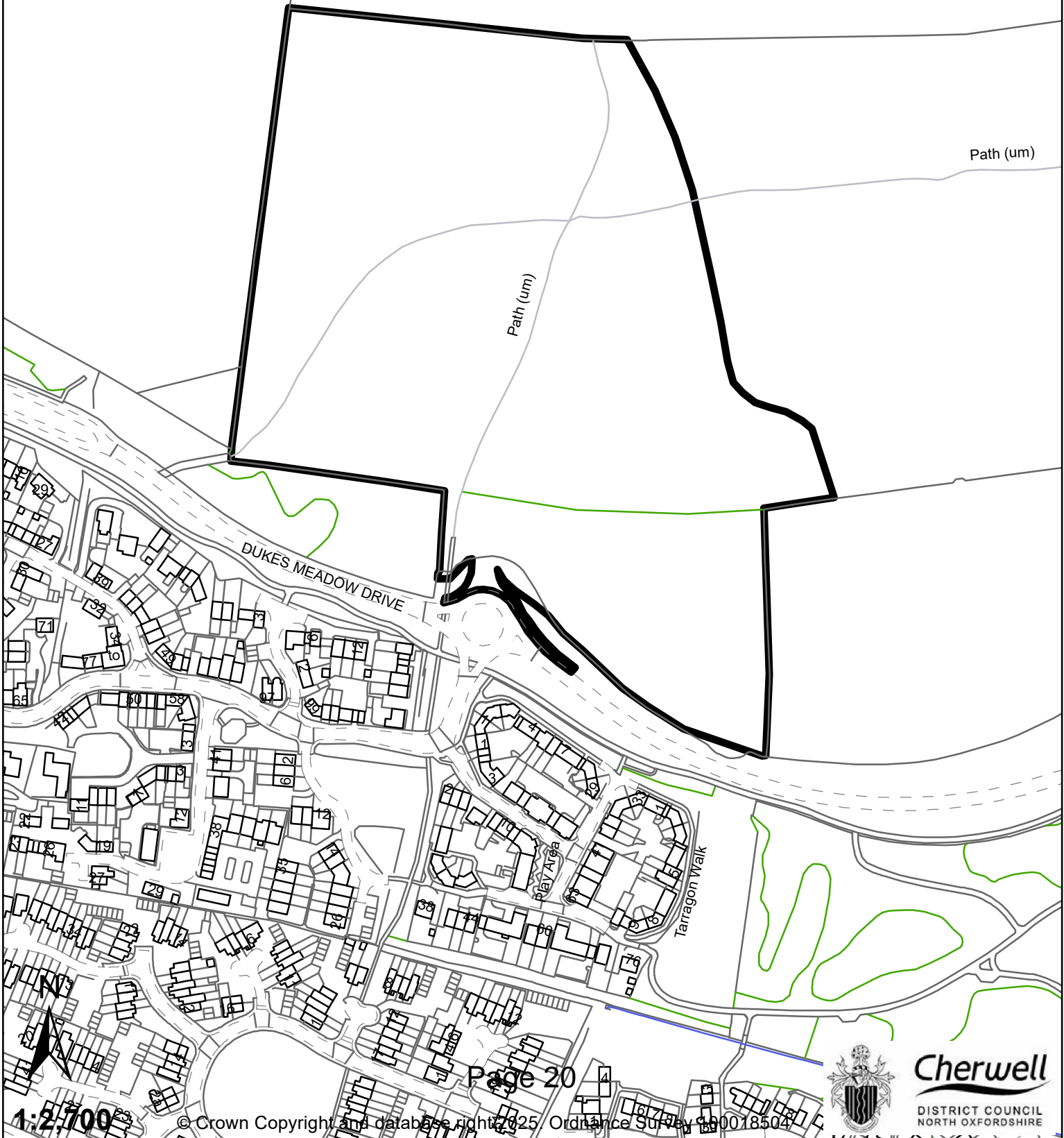


25/01545/OUT

Land At Hanwell Fields

Dukes Meadow Drive

Banbury



Case Officer: Lewis Knox

Applicant: Manor Oak Homes and Mr and Mrs Donger

Proposal: Outline planning application for up to 150 dwellings and associated open space with All Matters Reserved other than access

Ward: Banbury Hardwick
Cropredy, Sibfords & Wroxton

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

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

Expiry Date: 10 September 2025

Committee Date: 2 October 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 north of Dukes Meadow Drive and extends to approximately 7.1 hectares of fallow agricultural land. It comprises the western extent of a larger parcel of undeveloped land to the north of Dukes Meadow Drive, opposite the Winter Gardens Way roundabout junction, and close to the Hanwell Fields school, shops and community centre. This is the third proposed phase of development to this northern side of Dukes Meadow Drive with previous consents granted for 78 dwellings (Ref: 21/03426/OUT) to the southeast and 114 dwellings (Ref: 24/02514/OUT) immediately to the east of the site adjacent to Dukes Meadow Drive and the Lapsley Drive roundabout junction. This application seeks consent for a further 150 dwellings and is described in the application submission as 'Phase 3'.
- 1.2. The southern roadside, eastern and northern boundaries are defined by mature hedgerows but is open to the elevated plateau land to the west. The site slopes upwards from Dukes Meadow Drive (rising from both east to west and from south to north) and the higher ground is open and exposed in views from the south and east. The Hanwell Fields Recreation Ground and pavilion lies to the east of the site (beyond the approved phase 1 and 2 developments) and the Hanwell Fields Community Centre, school, dental surgery, pub and shops all lie immediately to the southeast, on the southern side of Dukes Meadow Drive, at its junction with Lapsley Drive.

2. CONSTRAINTS

- 2.1. The application site comprises Grades 2 and 3 agricultural land. It has remained fallow for a considerable period and has been used as an informal recreational resource. The Neithrop Fields Cutting SSSI is located within about 1km of the site. Site investigations have identified that the site could potentially contain Priority Grassland Habitat and also Oxfordshire Protected and Notable Species.
- 2.2. On the plateau land to the west of the site is a network of Public Rights of Way (PRoW) linking Hanwell village to the north with the northern edge of Banbury. In addition to the nearby PRoW, there is clear evidence of informal pathways across parts of the application site, used extensively by dog walkers.
- 2.3. The site is in flood zone 1, i.e., an area at the lowest risk of flooding.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the erection of a further 150 dwellings, described in the application as Phase 3 of the previously approved developments of 78 (phase 1) and 114 dwellings (phase 2) north of Dukes Meadow Drive. All matters are reserved except for access.
- 3.2. Vehicular access to the site is proposed via a new northern spur to the existing Dukes Meadow roundabout junction with Winter Gardens Way. The application Parameters Plan indicates development in two clusters on the plateau, either side of a retained oak tree in the site centre and with landscaped POS on the northern and eastern edges, where development would be most noticeable in wider landscape views.

4. RELEVANT PLANNING HISTORY

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

Application: 21/03426/OUT Permitted 3 May 2024

Outline planning application for up to 78 dwellings and associated open space with all matters reserved other than access

Application: 23/03366/OUT Refused 12 August 2024

Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access.

Application: 24/02514/OUT Permitted 30 June 2025

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

Application: 24/03424/REM Permitted 16 September 2025

Reserved matters for phase 1 development of 78 dwellings, access and associated open space

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with respect 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 **11 July 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. To date there have been 13 letters of objection, 1 letter of support and 1 letter of comment. The matters raised by third parties are summarised as follows:
- Unallocated site
 - Harmful increase to traffic levels in and around Hanwell;
 - Erosion of gap to Hanwell village;
 - Loss of greenness and openness of countryside;
 - Visually prominent site, particularly from the east;
 - Impact on heritage and Hanwell Conservation Area;
 - Contrary to CLP 2015;
 - Contrary to HELAA assessment;
 - Beyond built up limits of Banbury;
 - Impact on climate change; and
 - Lack of additional local facilities proposed.
- 6.3. The comments received can 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. BANBURY TOWN COUNCIL: **Object**. Premature prior to the outcome of the local plan examination. Harmful impact to open countryside impacting on the landscape on the approach to Banbury.
- 7.3. DRAYTON PARISH COUNCIL: **Object**. Unallocated site harmful to the character of the countryside, narrows the gap between Banbury and Hanwell, landscape harm. Loss of agricultural land.
- 7.4. HANWELL PARISH COUNCIL: **Object**. Unsustainable, against local plan policies, landscape harm, erosion of gap to Hanwell.
- 7.5. OCC HIGHWAYS: **No objections** subject to conditions and contributions.
- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions.
- 7.7. LLFA: **No objections** subject to conditions.
- 7.8. OCC EDUCATION: **No objections** subject to s106 contributions.

- 7.9. OCC WASTE MANAGEMENT: **No objections** subject to s106 contributions.
- 7.10. BBOWT: **Object**. Further information requested on several ecological impact points.
- 7.11. CDC Drainage: **No objections**.
- 7.12. BOBICB: **No Objections** subject to s106 contributions.
- 7.13. THAMES VALLEY POLICE: **No objections** subject to s106 contributions.
- 7.14. CDC LEGAL SERVICES RIGHTS OF WAY: Raised no comments.
- 7.15. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions.
- 7.16. CDC RECREATION & LEISURE: **No objections** subject to s106 contributions.
- 7.17. CDC BUILDING CONTROL: Raised no comments.
- 7.18. CDC PLANNING POLICY: **Object**, recognising the benefits to housing supply and affordable housing in the context of a lack of 5-year housing land supply, but must be balanced against the landscape harm, which the HELLA and LUC landscape impact reports prepared in support of the emerging Local Plan both concluded would be significantly adverse and would therefore not warrant an allocation for development in the Plan, notwithstanding its otherwise sustainable location.
- 7.19. CPRE: Comments raised with regard to ecology, transport and infrastructure.
- 7.20. ACTIVE TRAVEL: Standing advice received.
- 7.21. CDC URBAN DESIGN: **Objection**, to the scheme as submitted on grounds that the site was an area of High Landscape Value (not formally designated) of Moderate-High Sensitivity where development would likely result in a Major Adverse Effect when viewed from informal footpaths within the site and elsewhere. He suggested that the proposed landscaping scheme and parameters needed strengthening (which could potentially be achieved through imposition of conditions).
- 7.22. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*
- 7.23. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 8.3. The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM10: Protection & Enhancement of the Landscape
- COM13: Settlement Gaps – Hanwell Strategic Gap
- COM14: Achieving Well Designed Places
- BAN 1: Banbury Area Strategy

- 8.4. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)

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

9. APPRAISAL

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

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

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3. The Development Plan for this area currently comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and saved policies of the Cherwell Local Plan 1996 (CLP 1996). The 2042 Review Local Plan has been submitted for Examination and is due, upon final adoption following Examination, to replace the 1996 and 2015 Local Plans. Whilst some weight may now be afforded to the policies and proposals within the new Review Local Plan, including its maintenance of the general strategy approach to concentrate most District development needs at the two principal towns of Banbury and Bicester and thereafter to accommodate the bulk of remaining needs at Kidlington, Heyford Park and the ten largest villages that act as service centres for their immediate environs, numerous objections have been lodged in respect to its policies and proposals, which reduces the relevant weight that may be attributable.
- 9.4. Policy PSD1 of the adopted CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in Policies*

Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car’.

- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.8. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.9. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.10. So that sustainable development is pursued in a positive way, the NPPF includes a ‘presumption in favour of sustainable development’ (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.11. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the ‘tilted balance’.
- 9.12. 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. 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.
- 9.13. 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.
- 9.14. 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:

- 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
 - 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.
- 9.15. 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.
- 9.16. 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.
- 9.17. 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.
- 9.18. 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.

Assessment

- 9.19. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 150 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. Indeed, the HELLA and LUC landscape reports both conclude that the application site should not be allocated for development in the Local Plan due to the severity of harmful landscape impact. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Banbury and the Hanwell Fields development and is therefore in open countryside. It is however noted that the parcels of land adjoining the site to the east / southeast have already been granted outline consent for 78 and 114 dwellings respectively. A reserved matters application is currently being considered for the "Phase 1" 78 dwellings with one soon to follow for "Phase 2", it is therefore considered that there is no reason to believe that this site would not come forward, if approved, and delivery would be quicker given that the existing approved sites would be being built out. Given this, it is considered that the site would be connected to the built form of Banbury and would not appear as a standalone development within the open countryside.
- 9.20. The development would not be in accordance with the development plan's allocations, however given the current housing land supply within the district it is considered that the tilted balance is engaged. The overall goal of the Cherwell Local Plan 2031 (and its emerging replacement) is to direct housing towards the most sustainable metropolitan areas such as Banbury, Bicester and Kidlington. It is considered that the

proposed development would be located in a sustainable location on the edge of Banbury close to a wide range of facilities including schools, shops, community centres and has good transport links into the town centre and beyond through cycle routes and bus services.

- 9.21. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of, the proposed development would create jobs both directly and indirectly. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of ecological habitats available for wildlife and the setting of the site. It would, however, have significant adverse landscape impacts when viewed distantly from the east and more locally from the north, when viewed from Hanwell village and the intervening PRoWs. Overall and on balance, it is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. These aspects are explored in greater detail through the coming paragraphs.

Conclusion

- 9.22. 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.
- 9.23. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years at 2.3 years. As such, the 'tilted balance' is engaged and therefore a presumption is in favour of sustainable development. The site is located on the edge of one of the most sustainable settlements within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there may be some negative impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, Officers accept the applicant's assessment within the submitted LVIA that the proposed mitigation would, in time, be acceptable and sufficiently reduce any identified landscape harm. It is considered that the harmful impact could be mitigated and would be outweighed by the benefits of the additional housing, which would boost the housing land supply within the district at its most sustainable settlement. The provision of affordable housing, the sustainability of the location and the long term socio-economic benefits which additional housing and population would bring would, on balance, render this proposal acceptable.
- 9.24. Overall, it is considered that the development would boost the local housing supply in a sustainable way and therefore would comply with the goals of both the Local Plan and NPPF.

Landscape Impact

Policy context

- 9.25. Policy ESD13 of the adopted CLP 2015 requires landscape protection and enhancement opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: cause visual intrusion into the open countryside; cause undue harm to important

natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity.

- 9.26. Paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton. The site comprises open and prominent steeply rising ground (rising from east to west) and from Dukes Meadow Drive with the northern boundary of the site being located on the brow of the hill. The site consists of open, agricultural land which is classified Grades 2 and 3 with field hedges and trees that contribute to its rural character. The site is visible from the adjacent public right of way network.

Assessment

- 9.27. The site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (site HELAA036) – It concluded as follows: *Greenfield site outside the built-up limits. The site is considered to be unsuitable for development in this location would be prominent in the landscape, particularly when viewed from the east, on one of the highest points in the vicinity. It would lead to the loss of greenfield land and informal recreation resource for local people which is in close proximity to the existing Hanwell Fields development.*
- 9.28. The application site forms part of a parcel of land assessed by the Landscape Sensitivity Capacity Assessment prepared to inform the emerging Cherwell Local Plan Review. Although a much wider parcel of land was assessed, including the higher plateau land to the east, the Study concluded that the assessment unit had moderate-high sensitivity for residential and commercial development. The sensitivity to logistics development was considered high. This sensitivity arises from the physical character including the undulating valley slopes and openness of the assessment unit to views from the north and north-east. Observations from the top of the plateau showed that Grimsbury Reservoir was clearly visible as was the M40, Southam Road and Little Bourton. There was no intervisibility identified with Hanwell village to the north, although it is recognised in the application LVIA that some proposed development would extend up to the plateau edge that would form the horizon view in vistas from Hanwell and the Public Rights of Way between the two settlements.
- 9.29. In describing the landscape setting of Banbury, the September 2013 Banbury Green Buffer Report (paragraph 3.1.1) states; *'The town itself is strongly contained by landform, with the River Cherwell and its floodplain located on the eastern side of the town and the Sor Brook and its tributaries to the west. The rounded ridge-line located to the west and south west of the town, between the Sor Brook and Cherwell, marks the edge of development to the town, whilst to the east and north, a series of undulating hills and valleys beyond the River Cherwell create a sense of enclosure in the wider landscape'.*
- 9.30. It is noted that the site will be visible from several vantage points around the town, particularly from the east. It is further noted that there are panoramic views of parts of the development site from some of the higher ground to the west which would restrict building heights on the eastern part of the site.
- 9.31. The site has been further assessed through the creation of the new Local Plan. The site is identified as Banbury L1 within the Landscape Evidence Base Site Landscape Assessments prepared by LUC. The assessment concludes that the majority of the site would have a moderate sensitivity to residential development as is proposed. The principal issue with development on this site would be the perceived encroachment

on the undeveloped valley landform to the north which would impact on the site's relationship with Hanwell as well as some long range views.

- 9.32. The assessment concludes that development on the eastern part of the site; on the highest ground, would have a moderate-high sensitivity to residential development and should be avoided to ensure the rural character of the valley landscape is protected as well as the gap to Hanwell being maintained. It is noted that the Parameters Plan shows that built form of development would avoid the most visually harmful northern and eastern edges of the plot where the land is most elevated and so would have the most views from surrounding vantage points. It would nevertheless extend development close to those boundaries.
- 9.33. By keeping the built form on the southern edge of the site it would allow it to be seen within the context of the existing Hanwell Fields development on the southern side of Dukes Meadow Drive as well as the approved Phase 1 development on the adjoining field to the east. It would also allow a significant buffer to the northern and eastern edges of the site to allow for a strengthening of the landscaping at these points, which would help reduce any harmful views from Hanwell Village and more distant views from the east.
- 9.34. The application submission and the submitted Landscape Impact Assessment has been assessed by the Council. This submitted LVIA fairly concludes that there would be significant landscape harm when viewed from some viewpoints, particularly from the north towards the south.
- 9.35. Officers also note and acknowledge the objections put forward by both the Council's Planning Policy Officers and Urban Designer which are both rooted in the significant landscape harm which would be caused by development in this location. Officers agree that there would be potentially severe landscape harm caused by the proposals, whilst the proposed mitigation and conditions would help to reduce the harm, it is still the conclusion that landscape harm would occur as a result of building in this location.
- 9.36. It is noted that neither the site nor the surrounding context is designated in landscape, ecological or historical terms. In landscape terms, the retention and enhancement of existing boundary vegetation; together with new planting would provide a suitable quantum and approach to mitigation of the development. The placement of development away from the northern and eastern edges of the site as shown on the Landscape Strategy Plan contained within the LVIA as well as the Parameters Plan would help to reduce landscape effects on site and associated harm creating a compact development form. Along the western boundary the retention of existing vegetation creates embedded mitigation by restricting development here. Ideally, the inclusion of trees would allow a natural and defined boundary to the west and north of the site where visibility for transport receptors travelling west to east along Dukes Meadow Drive is possible, as well as further to the east in elevated views from the A422. Such vegetation would form a large vertical form over time and would reinforce the character of Hanwell Brook and help define it as a feature in this landscape. The southern boundary has a strong residential character, and the cumulative effects of the approved Hanwell Fields Development Site (Phase I) reinforces this character.
- 9.37. In general terms, due to the landform and vegetation on the site's boundaries and the wider landscape context, visibility of the site is largely limited to the immediate area. The natural ridge to the northern boundary and boundary hedgerow and trees; together with falling levels within the site limit visibility to the north of much of the site. Whilst the site is visible along parts of Dukes Meadow Drive and more distantly from elevated land to the east on parts of the A422 Brackley Road and from parts of Southam Road, any harm could be mitigated by appropriate landscape treatments. Views from the south would be limited by existing and proposed vegetation and would

be seen in the context of a largely residential landscape would not cause significant harm in this respect.

Conclusion

- 9.38. Officers conclude that the scheme would result in severe landscape harm particularly when viewed from several viewpoints to the north and east of the development. Appropriately worded landscape conditions securing the strengthening and depth of planting to the site's boundaries in line with the Landscape Strategy Plan are proposed which should minimise the harm caused to the wider landscape; though even with these conditions it is conceded that there would still be a high degree of harm to the landscape, particularly in the short term until screen landscape planting matures.
- 9.39. In this context it is considered that the proposals would not comply with Policy ESD 13 of the CLP 2015. As such in Landscape and Visual terms it is considered that the level of harm assessed within the LVIA and by Planning Policy and Urban Design Officers is correctly assessed in terms that there would be significant harm, particularly in the short term. This harm caused needs to be taken into account when balancing the pros and cons of the development as a whole.

Heritage Impact

Legislative and policy context

- 9.40. The site is within the wider setting of the Hanwell Conservation Area.
- 9.41. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.42. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.43. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.44. The applicant has submitted a heritage impact assessment, which provides verified views of the proposed development (winter views) from the Conservation Area. The Heritage Statement as submitted appears to corroborate the assessment made by the application submission that the proposed development would not be perceived in views from Hanwell Conservation Area.
- 9.45. The level of heritage harm likely to be experienced would be less than substantial and probably would be towards the lower end of a less than substantial impact.

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, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.51. 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.

- 9.52. 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.
- 9.53. 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.
- 9.54. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.55. 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 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

- 9.58. 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')
- 9.59. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is within 1km of Neithrop Fields Cutting SSSI and Fishponds Wood, Hanwell Local Wildlife Site (LWS) and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.60. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the Local Planning Authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the Authority has to consider itself whether the development would meet the 3 derogation tests listed above.
- 9.61. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.
- 9.62. Following consultation, a number of objections were raised by BBOWT regarding the ecology on the site. Firstly, they cite that the development would have a potential impact on the Hanwell Brook Wetland. Just to the east of the development site lies an area known as the Hanwell Brook Wetland. This site supports a range of wildflowers such as bugle, meadowsweet and greater bird's-foot trefoil and a range of birds, dragonflies, damselflies, frogs and toads. It is one of the areas which has been improved for wildlife and people as part of the Wild Banbury Project which is a partnership between BBOWT, Cherwell District Council and Banbury Town Council, funded by Cherwell District Council.
- 9.63. The proximity of the proposed development site to the wetland combined with the topography of the site which slopes steeply to the east (toward the wetland) means there is potential for a negative hydrological impact on the wetland and the applicant should provide information to illustrate how this impact will be avoided.
- 9.64. The proximity of an additional 150 new homes to the Hanwell Brook Wetland in addition to the houses which make up phase 1 and 2 of the planned development (a total of 342 dwellings) will almost certainly mean an increase in walkers and associated dogs visiting the wetland and we are concerned that this increased recreational pressure will have a negative impact on the site. It was suggested that the applicant should provide information to illustrate how this impact will be avoided or if that is not possible mitigated.
- 9.65. Specific consideration has been set out in the submitted Ecological Appraisal Report and these considerations specifically in relation to hydrological matters and recreational use.
- 9.66. With regard to hydrological impacts, it is noted that the current site boundary is located approximately 600m from Hanwell Brook Wetland and there is no permanent watercourse connecting the site with Hanwell Brook Wetland. Further, the site is separated from any drainage features by the retained grassland areas and further

permitted residential development schemes as such officers consider that the proposals would result in adequate hydrological separation to the Hanwell Brook Wetland.

- 9.67. Further to the information within the Ecological Appraisal Report. The submitted Flood Risk Assessment also confirms that the proposed drainage strategy will provide an acceptable level of water quality treatment (subject to detailed design at the appropriate stage), with measures set out in order to ensure the drainage strategy operates above the accepted water quality treatment thresholds and accordingly, the proposals will not result in any adverse hydrological impacts on offsite receptors including Hanwell Brook Wetland.
- 9.68. With regard to recreational concerns these have also been considered within the ecological appraisal. The application site would provide for a considerable amount of public open space both within this development, the previously approved phases and Hanwell Fields to the south and as such it is not considered that there would be a harmful amount of additional use to this area as a result of the development. Furthermore, this area is noted (including within the BBOWT response) to have been specifically enhanced for wildlife *and people*, including measures to encourage and assist access by local residents, whilst visitor movement is directed along surfaced paths and boardwalks and as such mitigation has already been provided to ensure harm is not caused as a result of recreational use.
- 9.69. Secondly, BBOWT has noted the potential impact on existing grassland with adder's tongue fern. The grassland areas with adder's tongue fern should be carefully managed as Other Neutral Grassland in order to protect it into the future. The proposals have been designed in order to avoid the majority of the areas of grassland recorded to contain Adder's Tongue Fern (which has been recorded outside of the red-line boundary), and accordingly, the proposals represent the opportunity to incorporate specific long-term management measures within the offsite grassland and this can be secured via an appropriately worded condition and within the S106 agreement.
- 9.70. Officers therefore do not consider that the Adder's Tongue Fern would represent a significant constraint to this development, and it has been appropriately considered by the applicants as part of this proposal.
- 9.71. BBOWT have also suggested that the application does not provide adequate evidence of a net gain in biodiversity. The submission documents have given consideration to BNG and Officers are confident that the documents show that at least a 10% Biodiversity Net Gain can be achieved at the site, and a strategy has been submitted as to how this could be achieved.
- 9.72. Given the outline nature of the application and associated levels of detail associated with the proposed parameters plans, the precise BNG figures and any associated offsetting required cannot be confirmed at the outline stage and would necessarily be further confirmed as part of reserved matters/detailed design at the appropriate time. Furthermore, in line with the legislative requirements, the submission of a Biodiversity Gain Plan (in line with the statutory Biodiversity Gain condition) would take place following the granting of planning permission in order to demonstrate how the development will achieve the mandatory 10% BNG.
- 9.73. Officers are confident that the 10% Biodiversity can be achieved at the site and would be secured via the s106. More detailed information on this will be submitted in line with the statutory BNG condition following any approval of the application.

- 9.74. With regard to the importance of a net gain in biodiversity being in perpetuity, this will be secured in the S106 agreement as is standard for housing developments of this kind.
- 9.75. BBOWT have suggested that if the application is approved then retained hedgerows should be protected and enriched by creating buffer zones or buffers of semi-natural vegetation. Officers agree with this statement however given the nature of this application it is premature to request such detailed designs and as such this would follow within any subsequent reserved matters application.

Highways and vehicular access

Policy Context

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

Assessment

- 9.80. OCC Highways have been consulted on the application and have raised no objections to the scheme in principle but have several suggested conditions and contributions to help mitigate any impacts of the development.
- 9.81. OCC as the LHA support well-connected, sustainable development in Oxfordshire. This proposal is in a good location, but it falls short of the necessary standards in some respects. Though their assessment of planning application based on all the submitted information, the following conditions and obligations are requested:
- Provision of a TOUCAN controlled crossing of Dukes Meadow Drive;
 - Financial contributions/commitments towards Banbury LCWIP ROUTE 5 and ROUTE 8 enhancements;

- High-quality internal and external walking and cycling links;
- Contributions towards PRow improvements and upgrades;
- Contributions towards existing bus service (B9);
- A full Residential Travel Plan with monitoring;
- Detailed, safety-audited access design to be delivered via a Section 278 agreement.

9.82. The site is served by the B9 bus service from Highlands/Ferriston stops approximately 450m away, however the furthest parts of the site being around 700m from the closest bus stops. As a point of detail, the southeast area of housing needs a direct pedestrian link through to Dukes Meadow Drive (near the crossing). No resident should have to walk north to go south to access the bus services. These details will be subject to assessment at any subsequent reserved matters application and as such are not a limiting constraint to this application. S106 funds are requested towards the financial support of this bus route.

9.83. Provided these measures and obligations are secured, OCC considers that the proposed development can be made acceptable in highway and transport terms. CDC Planning Officers see no reason to disagree with the assessment made by the professional colleagues at the LHA and as such do not consider that there would be any significant highways issues as a result of the development subject to the conditions and obligations suggested.

Site layout and design principles

Policy Context

9.84. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve.

9.85. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

9.86. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.

9.87. The indicative landscaping, with retention of the existing trees and proposals for a green buffer along the northern and eastern edges allowing for a transition to the rural landscape would be acceptable in principle. The effect of the development on the landscape is considered later in this appraisal.

- 9.88. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition(s) attached to any such permission.

Conclusion

- 9.89. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 150 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

Sustainability

- 9.90. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 address this.
- 9.91. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaption measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.92. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions. Any new development will be expected to consider these and address the energy needs of the development.
- 9.93. Policy ESD3 considers Sustainable Construction and states that 'all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.
- 9.94. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.
- 9.95. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

Assessment

- 9.96. The application is accompanied by an energy and sustainability report. This report confirms that the development proposed would adopt the following:
- Use of passive solar design for heating and cooling;
 - Use of SuDS drainage;
 - Sustainable and active modes of transport;

- Electric vehicle charging;
- Water efficient fittings to reduce water consumption to 110 litres per person per day;
- Tree lined streets to assist in temperature reduction;
- Use of recycled and energy efficient materials and locally sourced materials;
- Maximise natural daylight and ventilation;
- An all-electric heating strategy.

Conclusion

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

Planning Obligations

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

Assessment

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

CDC Obligations:

30% affordable housing to NDSS and CDC requirements and standards;
 contribution to the provision or enhanced facilities at Hanwell Fields Community Centre; - £165,301.20
 contribution towards outdoor sport provision; - £438,908.00
 contribution towards indoor sport, Woodgreen Leisure Centre or a new indoor sport facility in the locality; - £166,333.00
 contribution for community development worker to help integrate residents into the wider community; - £18,724.91
 contribution towards initiatives to support groups for residents; - £6750.00
 contribution towards public art within the vicinity; - £42,000.00
 £5,000 monitoring fee.

OCC Obligations:

£292,350 – public transport;
 £2035 – travel plan monitoring;
 £65,000 – public rights of way;
 £150,000 – Local Cycling & Walking Infrastructure Plan (LCWIP)
 £1,500,372 – secondary education;
 £144,936 – secondary land contribution;
 £129,841 – special education;
 £15,525 – household waste and recycling centres.

Other obligations:

Health Care Provision - £TBC
 Thames Valley Police - £30,521

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The Council cannot currently demonstrate a 5-year housing land supply and as such a tilted balance assessment must be applied. It is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The development would not cause harm to the local highway network or flood risk. Housing developments of this kind should be located close to the most sustainable locations within the district. Banbury is the most sustainable town and as such can accommodate a development of this size thus boosting the district's overall housing supply.
- 10.3. The indicative plans demonstrate the site can accommodate the level of development suggested within the application and through careful design, the proposal would integrate well with the existing residential development. The development proposes 30% affordable housing and an acceptable mix.
- 10.4. It is considered that the proposal would have a significant impact on wider landscape views particularly to the north and east of the application site, and whilst this harm can be partially mitigated through appropriately worded conditions and landscape planting it would still be a significant constraint to this scheme. If considered on a flat rather than tilted balance, the conclusion would likely be that the degree of landscape harm resulting would be sufficient to justify refusal.
- 10.5. However, given the Council's current housing land supply position of 2.3 years, the tilted balance is engaged. Officers consider that even with the tilted balance this is still a very finely balanced assessment. The benefits of the scheme are wide ranging however the harm to the landscape cannot be ignored and would be significant even with the proposed mitigation. Taking all things into account, including most recent appeal decisions at the neighbouring Warwick Road (east) site, it is considered that the benefits of the scheme being a sustainable site, the Council's current need for housing and the expected quick delivery of the site would overall outweigh the severe landscape harm. The degree of landscape harm, when considered against the planning benefits in terms of sustainability of location and lack of 5-year housing land supply would not be sufficient, in Officers opinion, to substantially and demonstrably outweigh those benefits.
- 10.6. Therefore, on balance and subject to appropriate conditions and S106 obligations, it is concluded that planning permission should be granted.

11. RECOMMENDATION

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

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

FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 30% affordable housing on site
- b) contribution to the provision or enhanced facilities at Hanwell Fields Community Centre; - £165,301.20
- c) contribution towards outdoor sport provision; - £438,908.00
- d) contribution towards indoor sport, Woodgreen Leisure Centre or a new indoor sport facility in the locality; - £166,333.00
- e) contribution for community development worker to help integrate residents into the wider community; - £18,724.91
- f) contribution towards initiatives to support groups for residents; - £6750.00
- g) contribution towards public art within the vicinity; - £42,000.00
- h) £5,000 monitoring fee.
- i) £292,350 – public transport;
- j) £2035 – travel plan monitoring;
- k) £65,000 – public rights of way;
- l) £150,000 – Local Cycling & Walking Infrastructure Plan (LCWIP)
- m) £1,500,372 – secondary education;
- n) £144,936 – secondary land contribution;
- o) £129,841 – special education;
- p) £15,525 – household waste and recycling centres.
- q) Health Care Provision - £TBC
- r) Thames Valley Police - £30,521

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON XXXX 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 mitigation required as a result of the development and necessary to make the ecological, landscape and highway impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to development plan policies SLE4, ESD10, ESD13, INF1, C7, C8 and C28 and national guidance contained in the National Planning Policy Framework.

CONDITIONS

Time Limit

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

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

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

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

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

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

Compliance with Plans

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

Forms and Certificates - PP-14068191
Covering Letter – Ref: 00825/L0002
Planning Statement / SCI – Ref - 00825/S0001
Design and Access Statement – Ref: 103-184 06/06/25 Rev A
Site Location Plan – Ref: 103-184 001 C
Parameter Plan – Ref: 103-184 003 K
Access Drawing – Ref: 1340-TA10
Landscape Strategy (illustrative only) – Ref: DL06 Rev A
FRA & Drainage Strategy – Ref: 1340-FRA-01-0
Transport Assessment – Ref: 1340-TA-01-0
Travel Plan- Ref: 1340-TP-01-0
Heritage Statement – Ref: 10365
Archaeology Desk Based Assessment – Ref: DMB25/76 May 2025
Archaeology Geo-Physical – Ref: DMB25/76 June 2025
Landscape and Visual Impact Assessment (3 files) – Ref: I000911_DL101A
PEA / Ecology – Ref: 6007-02 EcoAp dv3
BNG Report and Metric – Ref: 6007-02 BNG dv1 CL
Arboricultural Impact Assessment – Ref: 250522 25038 AIA V1
Sustainability & Energy Statement – Ref: BAN 3 MOH SES

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with

Government guidance contained within the National Planning Policy Framework.

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

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

6. As part of any reserved matters application a specialist acoustic consultants report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Where acoustic glazing and alternative means of ventilation are required to achieve this standard full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

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

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

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

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report

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

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

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

10. If remedial works have been identified in condition 9, 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.

11. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with detailed mitigation measures proposed by the developer, in order to address any adverse impacts on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: To protect the amenities of nearby residents and the character of the area and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

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

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

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

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

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

14. No works shall commence until full engineering details of the proposed TOUCAN crossing on Dukes Meadow Drive have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved TOUCAN crossing has been constructed in its entirety.

Reason: To ensure that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and

pedestrians is provided in accordance with paragraphs 115 and 117 of the National Planning Policy Framework.

15. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic and Highway condition survey pre and post construction;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

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

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

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

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

18. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical

vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

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

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

- Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or
- A housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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

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

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

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

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

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

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

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

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

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

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

25. 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.

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

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

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

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

CASE OFFICER: Lewis Knox

24/03174/F
Glebe House
8 Mill Street
Kidlington
OX5 2EF

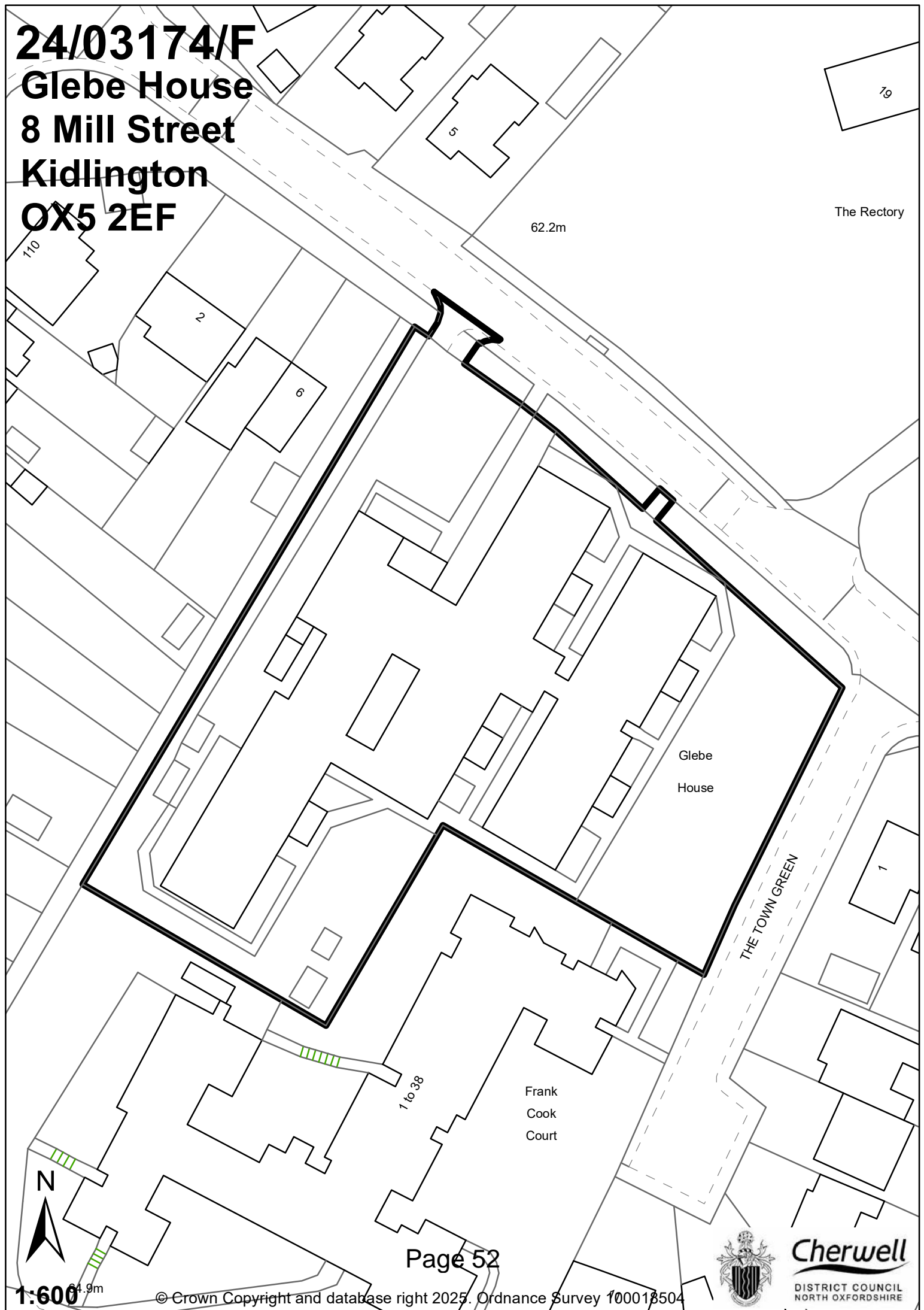
Agenda Item 9



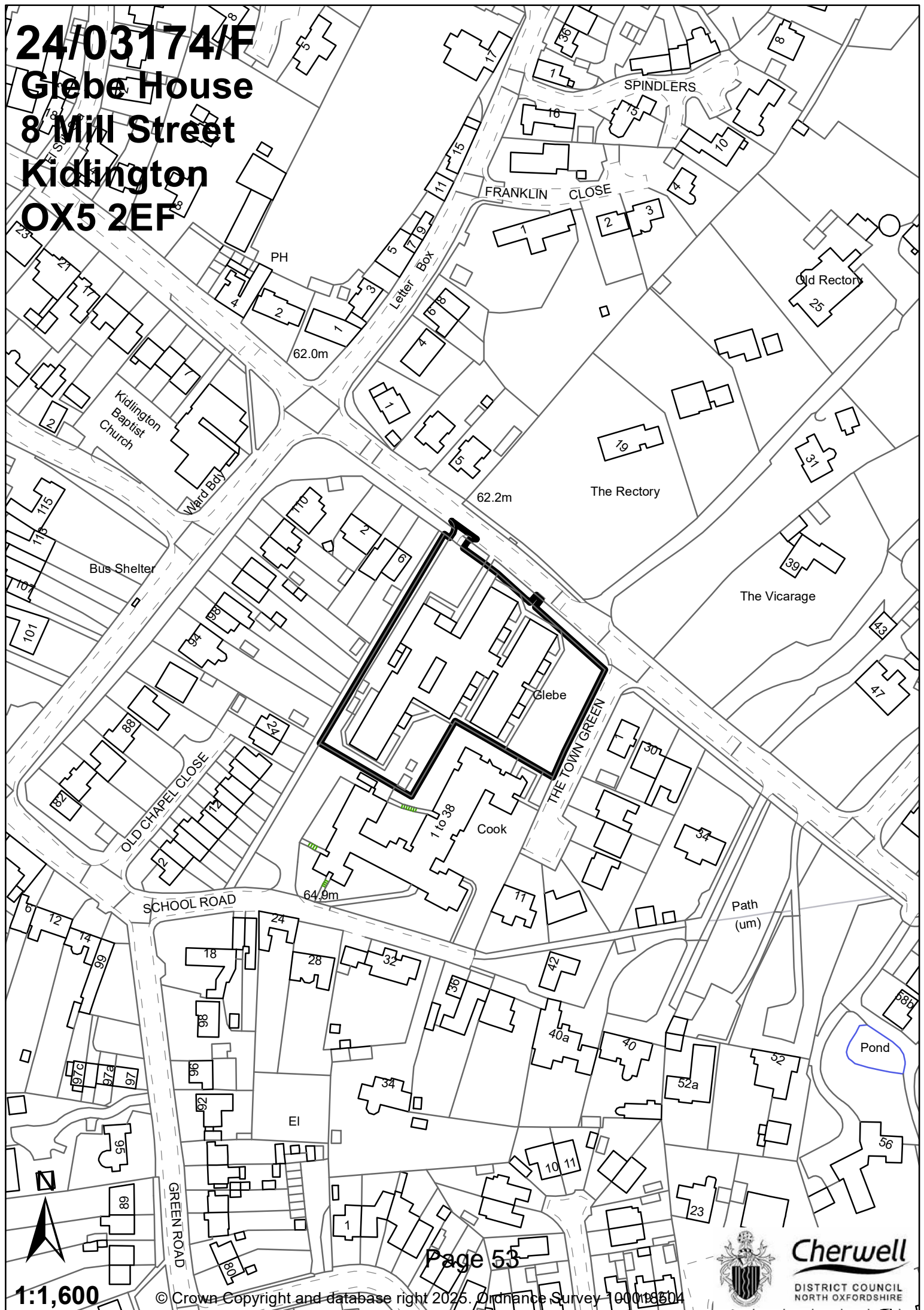
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Case Officer: Sophie Browne

Applicant: McCarthy and Stone Retirement Lifestyles Ltd

Proposal: Demolition of existing buildings on site and erection of retirement living apartments with associated access, car parking, landscaping, ancillary facilities and associated works

Ward: Kidlington East

Councillors: Councillor Mawson, Councillor Middleton and Councillor Ward

Reason for Referral: Major development

Expiry Date: 3 March 2025

Committee Date: 2 October 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises approximately 0.48ha of land in the north east of Kidlington supporting an existing, disused, single storey building that was formerly a care home. It is located in a residential area and is bounded to the north west and south east by dwellinghouses, from which it is separated by a Public Right of Way (PROW) to the north west and short cul-de-sac to the south east. To the rear (south/south west) is Frank Cook Court, a retirement living apartment block operated by Housing 21, with the north eastern site boundary fronting onto Mill Street. Owing to the local topography, the PROW is raised in comparison to the ground level within the site. The grounds of the site are largely given over to grass with paved paths around the building and a parking area in the northern corner adjacent to the existing vehicular and pedestrian accesses. There is mature vegetation to the boundaries, in the form of a combination of trees and hedges.
- 1.2. Mill Street has an open, verdant character that is derived from grass verges and hedges alongside the pavements along with numerous mature trees within the streetscene. Frontage boundary treatments are primarily hedges or low stone walls, with the building line set back behind front gardens and driveways. There is a mixture of architecture in evidence but dwellinghouses are primarily detached, two storey buildings in stone or brick, interspersed with higher or lower building forms and some use of render. The buildings in the immediate site vicinity are two storey constructions of brick or render, with a large detached property set behind boundary woodland trees opposite the site across Mill Street.

2. CONSTRAINTS

- 2.1. The application site is in the setting of two conservation areas: the Kidlington Church Street Conservation Area lies across Mill Street from the site and continues onto the

southern side of the road approximately 40m to the east/south east of the site, whilst the Kidlington High Street Conservation Area runs along the southern side of School Road from which Frank Cook Court is accessed. The site is within an identified area of archaeological interest, an amber impact risk zone for great crested newts as modelled by District Licence mapping, and Flood Zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the demolition of the existing building and construction of a new retirement living apartment block comprising 38 apartments (13x 1 bedroom and 25x 2 bedroom), communal homeowners' lounge, guest suite, internal bin store, internal parking/charging provision for mobility scooters, and a lift and corridors designed to facilitate the width of mobility scooters, all with a shared secure entrance. The development would also include a house manager's office that would be staffed during normal office hours, with an emergency helpline available in flats and communal areas. The proposal includes the associated redevelopment of the grounds, to provide 26 car parking spaces and communal gardens, with the existing vehicular and pedestrian accesses retained and an additional pedestrian access to the public right of way created on the north western boundary. Occupation would be restricted to individuals over the age of 60, or in the case of couples one individual would have to be over 60 and the other over 55 years.
- 3.2. The design of the proposed apartment block has evolved over the life of the application, in response to pre-application advice and Officer comments. The proposal is for an L-shaped building with staggered elevations and rooflines combining two storey, two and a half storey, and three storey elements, the tallest of which would have a ridge line at approximately 12.9m. A number of the apartments would benefit from balconies and the two and a half storey elements would include flat-roofed dormers. The building would be faced in two tones of buff brick with clay roof tiles in 'antique slate', solar panels to the south west and south east facing roofslopes, and external joinery in grey uPVC.
- 3.3. The proposed development would create the equivalent of around five full time jobs, comprising the house manager and support staff to provide domestic assistance as covered by the basic service charge.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing development approximately 6 months post-determination, with the first houses being occupied within two years of commencement.

4. RELEVANT PLANNING HISTORY

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

75/00315/S 'Old people's home for 45 residents, 4 staff houses and garages'. Permitted 1.3.1976.

85/00568/S 'Construction of an old person's home'. Permitted 10.6.1986.

5. PRE-APPLICATION DISCUSSIONS

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

24/01474/PREAPP 'Demolition of vacant care home and erection of 39 retirement living apartments with associated access, car parking, landscaping and ancillary development'. Response sent 19.7.2024.

- 5.2. The pre-application advice was supportive of the principle of the development, which would bring a vacant site in a sustainable location back into a viable long-term use. It was advised that the site is in a sensitive location on a main road and within the setting of the conservation areas and that a sympathetic design response was therefore essential. It was also advised that care must be taken to avoid unacceptable detrimental impacts to adjacent residential amenity, particularly in relation to Frank Cook Court to the south.

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 **3 September 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties, comprising 10 objections (plus one 'follow up' objection from the same commentator) and 2 supportive comments, are summarised as follows:

Objections:

- Adverse impact on ecology (wildlife rich habitats; bat flight paths)
- Adverse impact on residential amenity (noise and dust during construction works; loss of privacy/overlooking to neighbouring gardens)
- Adverse impact on character of the area (site is too small; would make neighbourhood busier; height of building would be out of character and intrusive)
- Highway impacts (insufficient on-site parking could exacerbate problems caused by parking on Mill Street; concerns that active travel to amenities on High Street would be unsafe owing to vehicular speeds, cars parked on pavements, and potential need to cross dangerous junction to shorten journey)
- Lack of bicycle and e-bike storage provision.
- Development would create additional pressure on infrastructure (e.g. doctors' surgeries, pharmacies etc).
- Solar generation likely to be lower than headline figure due to shading from trees and a ground-source heat pump should be considered for a development this size.
- Retained trees in poor health should be removed to minimise risk and cost to future occupants; retained trees are likely to reduce natural daylight to some units resulting in need for artificial light during daylight hours.

- Query whether 150mm finished floor level is sufficient given site history and risk of flooding acknowledged in the flood risk assessment; suggestion that sloped entrances rather than steps would improve access.
- Proposal does not “*maximise the eco potential for the site*” or meet an ideal that all new development should maximise renewable energy generation and future-proof against “*ever increasing risk of flooding*”.
- Need queried as similar scheme in Green Road has unsold units owing to price and there are three other retirement homes in close vicinity; other similar developments in Kidlington struggle to re-sell flats.
- Applicant’s assertions that proposal would boost the local economy and release family homes is queried.
- Retirement living model questioned and assertion made that it is unethical/exploitative due to the cost of flats, high annual charges, difficulties re-selling flats, and terms of re-sale of flats.
- Primary driver is profit to the developer rather than benefit to local residents; County Council-owned site should be offered to a trust or not for profit organisation to build flats for community benefit.

Support:

- Development would greatly improve interested party’s life, allowing downsizing and alleviating loneliness with provision of communal living spaces.
- Good use of a derelict site.
- McCarthy and Stone are a successful operator of this type of development.
- ‘Plan layouts look perfect’.

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

7. RESPONSE TO CONSULTATION

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

7.2. KIDLINGTON PARISH COUNCIL: **Objection** on the grounds of the scale of the proposed building; inadequate on-site parking provision; inadequate ecological surveys; flood risk impacts; insufficient arboricultural information.

7.3. OCC LOCAL HIGHWAY AUTHORITY (LHA): **No objection** subject to conditions and informative.

7.4. OCC ARCHAEOLOGY: **No objection**.

7.5. CDC BUILDING CONTROL: **No objection**.

7.6. CDC ECOLOGY: **No objection** subject to conditions.

- 7.7. NATURESPACE: **No objection** subject to informative.
- 7.8. CDC ENVIRONMENTAL HEALTH: **No objection** subject to a condition to secure a Construction Environment Management Plan.
- 7.9. CDC HOUSING STANDARDS: No response received at the time of writing.
- 7.10. CDC LANDSCAPE OFFICER: **No objection** subject to conditions.
- 7.11. OCC LEAD LOCAL FLOOD AUTHORITY (LLFA): **No objection** subject to conditions to secure appropriate surface water drainage arrangements.
- 7.12. CDC PLANNING POLICY: No response received at the time of writing.
- 7.13. CDC RECREATION AND LEISURE: **No objection** subject to S106 contributions.
- 7.14. SOUTHERN GAS NETWORK: No response received at the time of writing.
- 7.15. CDC STRATEGIC HOUSING: No response received at the time of writing.
- 7.16. THAMES VALLEY POLICE: Concerns expressed regarding security of site; conditions requested to secure appropriate external lighting and postal delivery strategies.
- 7.17. CDC CONSERVATION: **No objection.**
- 7.18. CDC ARBORICULTURE: **No objection** subject to condition.
- 7.19. OCC FIRE AND RESCUE SERVICE: **No objection** subject to compliance with Building Regulations including appropriate fire service vehicle access.
- 7.20. NEWT OFFICER: **No objection.**
- 7.21. THAMES WATER: **No objection.**
- 7.22. OCC WASTE MANAGEMENT: **No objection** subject to S106 contributions.
- 7.23. CDC URBAN DESIGNER: **No objection.**
- 7.24. BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE INTEGRATED CARE BOARD (BOBICB): **No objection** subject to S106 financial obligation.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution

- BSC2 – The Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

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

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

- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- Conservation of Habitats and Species Regulations (2017)
- Oxfordshire Parking Standards for New Developments (2022)
- Developer Contributions Supplementary Planning Document (2018)
- Kidlington Framework Masterplan SPD (2016)
- Kidlington Conservation Area Appraisal (2009)

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
- Affordable housing
- Ecology impact
- Highways impact
- Flood risk and drainage
- Arboricultural impact
- Other matters

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015) and 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. CLP 2015 Policy BSC2 expects housing development to make effective and efficient use of land, encouraging the re-use of previously developed land in sustainable locations at a net density of at least 30 dwellings per hectare.

- 9.5. CLP 2015 Policy BSC4 sets out expectations regarding the housing mix of new development and states that opportunities for the provision of specialist housing for older people will be encouraged in suitable locations close to services and facilities.
- 9.6. 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.
- 9.7. CLP 2015 Policy ESD1 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.
- 9.8. CLP 2015 Policy Villages 1 (PV1) categorises the villages in Cherwell. Kidlington is categorised by PV1 as being a Category A Village. These are the most sustainable villages, as stated by the supporting text at paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Kidlington is categorised as a Category A Village by PV1, it is identified by the Local Plan as being a suitable settlement for minor development, infilling and conversions.
- 9.9. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District.
- 9.10. 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.
- 9.11. The latest published Cherwell District Council Annual Monitoring Report, dated February 2024, confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell Local Plan and paragraph 11 (d) of the NPPF, which set out the presumption in favour of sustainable development, are therefore engaged.
- 9.12. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 9.13. Paragraph 11 (d) of the NPPF states that *“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 or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination. “*

- 9.14. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.15. The 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 groups 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.
- 9.16. 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.
- 9.17. The PPG provides guidance regarding planning for the housing needs of older people, stating that *"the need to provide housing for older people is critical"* and that *"offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems"* (Paragraph: 001 Reference ID: 63-001-20190626). It goes on to identify different types of specialist housing for older people, including *"Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently."* (Paragraph: 010 Reference ID: 63-010-20190626). In addition to this, the MHCLG 'Older People's Housing Taskforce' published a report in November 2024 that identified a national need to build an estimated 30-50,000 new later living homes per annum to meet the needs of an aging and increasingly diverse older population, compared to current delivery (at the time of publication) of around 7,000 per annum.

Assessment

- 9.18. Kidlington is identified as a Category A village by Policy Villages 1 and is the largest settlement in the District other than Banbury and Bicester. It benefits from a wide variety of services and facilities and is regarded as a highly sustainable location for growth.
- 9.19. The application site is located in a residential area and is approximately 350m from the shops and amenities on the High Street. It is well served by public transport links, with a bus stop immediately adjacent on Mill Street providing regular services to the centres of both Kidlington and Oxford.
- 9.20. The existing care home on site is understood to have been vacant for approximately four years, following a period of low occupancy, and the site is currently disused. The proposed re-development of the site would provide 38 apartments with capacity to house up to 63 occupants aged 55 years and over. It would therefore make efficient use of a brownfield site, contributing not only to the housing stock for the District but also to the Council's strategic objective of meeting the future housing needs of older residents and to addressing the critical national need for such housing. Given the proximity of the site to the centre of Kidlington, as well as the convenience of public transport access, it is considered that the site would be eminently suitable to support independent living for the intended residents of the proposed development.

Conclusion

- 9.21. The application site is in a highly sustainable location in close proximity to services and facilities and with excellent public transport links, and the proposed development would make effective and efficient use of a brownfield site. The proposals therefore accord with the relevant considerations of Policies BSC1, BSC2, BSC4, ESD1, Villages 1, and Villages 2, and Strategic Objective 7, of the CLP 2015. The proposals would contribute to addressing the shortfall in the District's 5 year housing land supply. Subject to compliance with other relevant policies and material considerations, therefore, the principle of the development can be supported.

Design and impact on the character of the area

Policy Context

- 9.22. CLP 2015 Policy ESD3 expects new residential development to incorporate sustainable design and construction technologies, whilst Policy ESD5 supports the provision of renewable and low carbon energy solutions wherever adverse impacts can be satisfactorily addressed.
- 9.23. CLP 2015 Policy ESD15 recognises that *"Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context"* and expects development proposals to complement and enhance the character of the area through sensitive siting, layout, and high quality design. It sets out a number of criteria that proposals should meet, of which the following are particularly relevant to the current proposal: *"development of all scales should be designed to improve the quality and appearance of an area and the way it functions"*; contribute positively to the character and identity of the area; respect the traditional pattern of spaces, blocks, and form, scale and massing of buildings, creating clearly defined active public frontages; reflect or reinterpret local distinctiveness, and; promote permeable, accessible and easily understandable places that are easy to move through.
- 9.24. CLP 1996 saved Policies C28 and C30 also relate to design, seeking to ensure that new development is sympathetic to the character of the area (C28) and compatible with the appearance, character and layout of existing dwellings in the vicinity (C30).

Assessment

- 9.25. Mill Street features a variety of architecture in terms of age, style, materials, and building heights. Dwellinghouses visible from the highway are predominantly one to two storeys high, however some higher status, taller, buildings can also be observed, most notably the three storey Homewell House approximately 300m north west of the site. The three storey element of the proposed apartment block is not, therefore, considered excessive in height, rather contributing to the sense of presence of the proposed new building as something of a landmark feature within the streetscene. The overall design of the building has evolved during the course of the application in response to feedback from the Council's Urban Designer, with increased articulation and modulation introduced to the footprint, elevations, and roof forms to break up the massing, increase the prominence of the main entrance for legibility, and create more dual aspect apartments to improve solar gains and ventilation for those on the northern elevation in particular. The rear elevations, facing Frank Cook Court, have been reduced in height to minimise impact to existing residents, with the greater height of the Mill Street elevation contributing to a sense of arrival and the demarcation of the main entrance.
- 9.26. The principal elevation would be set back from the highway to align with the existing building frontages to the south east. The approximately 9.2m set back from the Public

Right of Way (PROW) along the north western site boundary, combined with the lower site ground level in comparison to that of the PROW, would prevent the creation of an unacceptable sense of enclosure or overbearing to users of the PROW. The retention of existing boundary vegetation where possible, combined with additional planting to the front of public-facing elevations and the use of visually permeable treatments to these boundaries, would further soften the visual impact of the proposed development and aid integration into the streetscene. The provision of a second pedestrian gateway would increase the physical permeability of the site by providing direct access to the PROW to the north west.

- 9.27. Third party objections, including those of the Parish Council, in relation to the height and size of the proposed building, and that the site is too small to accommodate it, are noted. As set out above, however, it is considered that the taller elements of the proposal would not be out of character nor overly intrusive within the streetscene and the overall massing is successfully broken up by the articulation of the building. It is also noted that the footprint of the proposed building is substantially smaller than that of the existing building, at approximately 1435sqm compared to around 2010sqm, given which it is considered that the size of the plot is sufficient to accommodate the proposals without appearing cramped or overdeveloped. Third party concerns have also been raised regarding the potential for the proposed development to make the neighbourhood busier and erode its current peaceful character. The proposal is for a type of residential development that, by virtue of being age-restricted and designed for retirement living, is likely to be quiet and peaceful in terms of activity, given which it is considered that the proposed development would not result in unacceptable impacts on the existing tranquil, residential character of the area.
- 9.28. The Landscape Officer notes that the proposals would represent an enhancement to the current site appearance and that the proposed planting scheme is acceptable and appropriate for the proposed site use and conditions. The retention of the existing planting to the site boundary with the public footpath is welcome and a condition is requested to secure its retention in the interests of visual amenity and softening the interface between the development and the PROW. The Landscape Officer notes that there is a discrepancy between the submitted landscape layout and proposed site plan owing to the realignment of the proposed pedestrian footpath layouts in the front car park on the updated site plan, but that the amended layout is preferred as it limits pedestrian movement through the car park. This can be addressed through use of a condition to secure the amended layout.
- 9.29. The Thames Valley Police (TVP) Designing Out Crime Officer raises concerns regarding overall site security in relation to control of access to the grounds, specifically the gardens and private patio areas to the rear of the building. The applicant has provided details of the perimeter boundary treatments and confirmed that all gates will be access controlled, stating that the inclusion of a secondary internal fence line creates a barrier to residents utilising the gardens. Whilst TVP maintains that the inclusion of such a secondary line of protection would still be preferred, no formal objection is raised on this ground and it is considered that, in conjunction with other security measures, the proposed perimeter boundary treatments and controlled access to the site would provide adequate security for future occupants. These features can be secured through use of conditions.
- 9.30. The proposal incorporates solar panels to the roof and is supported by an Energy Statement, which details the 'fabric first' approach that has been adopted in the development of the scheme, resulting in thermal efficiency gains as compared to those required by building regulations. Other sustainability measures set out in the Energy Statement include the use of an air source heat pump hot water cylinder, the use of mechanical ventilation with heat recovery throughout the building, and lighting occupancy sensors in communal areas to limit energy use. The proposal also

includes the installation of electric vehicle charging points and charging points for electric mobility scooters.

Conclusion

- 9.31. The design of the proposed development, including the built form, site layout, and hard and soft landscaping, is considered to respond appropriately to the site context. The overall massing of the building is broken up by the modulation of the footprint and roofs, with additional visual interest provided through the use of materials and architectural detailing, and the site layout and landscaping, including boundary treatments, respect the open, verdant character of the streetscene. The proposal incorporates sustainable design features such as dual aspects for north facing apartments to increase solar gains, photovoltaic panels to the roof, an air source heat pump hot water cylinder, and mechanical ventilation with heat recovery system, and the proposed use would not result in detrimental impacts to the tranquil, residential character of the neighbourhood. Given this, the proposed development is considered to accord with the design requirements of CLP 2015 Policies ESD3, ESD5 and ESD15, CLP 1996 Policies C28 and C30, and guidance within Section 12 of the NPPF.

Heritage Impact

Legislative and policy context

- 9.32. The site is within the setting of Kidlington Church Street and Kidlington High Street Conservation Areas.
- 9.33. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 212 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* This includes impacts arising from development within the setting of the asset. Footnote 75 of the NPPF sets out that non-designated heritage assets of archaeological interest should be considered subject other policies for designated heritage assets. Policy ESD15 of the CLP 2015 echoes this guidance.

Assessment

- 9.34. The County Archaeologist has confirmed that the site is in an identified area of archaeological interest and potential, in light of which the application is supported by an archaeological desk-based assessment. Given the previous development of the site for Glebe House and the similarity in footprint of the proposed new building, the County Archaeologist is satisfied with the findings of the desk-based assessment and that there is limited potential for further disturbance of belowground assets.
- 9.35. The Conservation Officer raises no objection to the proposal, confirming that there is no objection to the demolition of the existing building and that there is an opportunity to enhance the street scene. The Conservation Officer further advises that proposed development is considered not to harm the significance of any heritage assets but care should be taken to ensure that materials and design are appropriate and take their cues from the local area in order to conserve and enhance the setting of the conservation area. Sample bricks have been submitted that are considered acceptable, the use of which can be secured by condition, and the use of other appropriate materials and detailing can also be secured by conditions.

Conclusion

- 9.36. In light of the above, the proposed development is considered not to result in unacceptable adverse impacts on designated or non-designated heritage assets, in accordance with the relevant requirements of CLP 2015 ESD15 and Section 16 of the NPPF.

Residential amenity

Policy Context

- 9.37. Amongst other matters, CLP 2015 Policy ESD15 requires that new development should “*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*” and that it should limit the impact of light pollution on local amenity.
- 9.38. The Cherwell Residential Design Guide and the Cherwell Home Extensions and Alterations Design Guide set out principles for amenity space, including minimum separations of 14m between side and rear elevations, and 22m between back to back properties, in order to preserve privacy and prevent overshadowing.
- 9.39. CLP 1996 Policy C30 seeks to secure acceptable standards of amenity and privacy in relation to new housing development or proposals for extension.
- 9.40. CLP 1996 Policy ENV1 seeks to prevent development that would result in materially detrimental levels of environmental pollution, including noise, vibration, smell, smoke and fumes.

Assessment

- 9.41. The proposed development would be in excess of 26m from the adjacent dwellinghouse to the south east, which is considered sufficient separation to prevent unacceptable impingement of residential amenity having regard to overbearing, loss of outlook, loss of privacy, and loss of natural light. Owing to the relative positioning of the buildings, there would no windows facing towards the side elevation of the adjacent dwellinghouse to the north west (no.6 Mill Street). The separation between the proposed north western elevation and the boundary of the garden of no.6 would be approximately 12m. This is considered sufficient separation to preserve privacy within the rear garden of no.6, given that the published guidance relates to facing building elevations, which are usually set some way within the garden boundary, indicating that a shorted separation from the garden boundary itself is considered acceptable in relation to the prevention of overlooking/loss of privacy in outdoor amenity areas. In addition to this, the retention of the mature trees along the PROW separating the site from no.6 would provide additional visual screening. The remainder of the adjacent properties along the north western boundary front the High Street, with long rear gardens reaching south east to back onto the PROW, resulting in separations of over 40m between the proposed north western elevation and the rear elevations of the these dwellinghouses, which far exceeds the minimum distance stipulated by the design guidance.
- 9.42. The closest facing elevations of adjacent dwellings with facing windows are those of Frank Cook Court, the existing retirement living apartment block adjacent to the south of site. Separations between the proposed south east and south west elevations and the existing facing elevations range from approximately 19.1m to around 22.1m. It is noted that this fall short of the minimum 22m separation between facing back to back elevations set out within the Council’s design guidance. Given the nature of the two developments, however, the proposed retention of existing boundary vegetation and new tree planting, which would provide additional screening, and the existing situation

in terms of intervisibility were the site to be brought back into its existing lawful use, it is considered that in this case the shortfall of no more than 3m as compared to the published guidance is likely to result in limited harm to the residential amenity of the occupants of Frank Cook Court. A recent appeal decision is also noted (PINS reference APP/D830/W/24/3344121), in which the Inspector considered that the separation of 18-19m between the facing elevations of a proposed retirement living apartment block and existing adjacent dwellinghouses would result in “*an increased sense of overlooking*” (Appeal Decision, paragraph 65) but that “*this harm would not be so great as to reach the high bar of significant harm*” (paragraph 66). The harm caused to the residential amenity of the occupants of Frank Cook Court is considered to be limited and should be taken into consideration in weighing the planning balance. Third party concerns regarding the amenity impacts of noise and dust during the construction phase are noted, however these impacts would be temporary and would cease once the development was complete. Furthermore, they can be mitigated against by way of a condition to secure a Construction Environmental Management Plan (CEMP), as requested by the Environmental Health Officer.

Conclusion

- 9.43. The proposed development would result in a degree of harm to the residential amenity of the occupants of Frank Cook Court, resulting in some conflict with the amenity requirements of CLP 2015 Policy ESD15 and CLP 1996 Policy C30. Given the degree of harm, however, this conflict is afforded limited weight in the planning balance. As the potential adverse impacts arising from environmental disturbance during the construction phase can be mitigated by use of condition, it is considered that no conflict would arise with CLP 1996 Policy ENV1 in relation to residential amenity.

Affordable housing

Policy Context

- 9.44. CLP 2015 Policy BSC3 sets out expectations in relation to the provision of affordable housing. In the rural area, proposals that include eleven or more dwellinghouses or which would be on sites suitable for eleven or more dwellinghouses are expected to provide 35% of new housing as affordable homes on site. The policy expectation is that 70% of the affordable housing should be affordable rented dwellings with the remaining 30% other forms of intermediate affordable homes (such as shared ownership). Where the applicant considers the proposal to be unviable with these requirements, this must be demonstrated through economic viability assessments. Policy BSC3 states that financial contributions in lieu of the provision of on-site affordable housing will only be acceptable in exceptional circumstances.
- 9.45. CLP Policy BSC4 requires new residential development to provide an appropriate mix of homes to contribute to meeting current and expected future housing requirements in the area and to creating socially mixed and inclusive communities.
- 9.46. Paragraph 65 of the NPPF addresses Vacant Building Credit (VBC) as follows: “*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.*”
- 9.47. The policy intention and practical application of VBC is set out in the PPG: “*National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a*

financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.” (Paragraph: 026 Reference ID: 23b-026-20190315)

- 9.48. The PPG also explains the process for determining VBC: “Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.” (Paragraph: 027 Reference ID: 23b-027-20190315)

- 9.49. Although the NPPF and PPG do not set ‘criteria’ in relation to the application of VBC, they pose a number of questions from which the following criteria can be extrapolated:

1. There must be a building.
2. It must be vacant.
3. The building must not be abandoned.
4. The floorspace of the vacant building should be calculated.
5. Whether the building has been made vacant for the sole purposes of redevelopment.
6. Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development

Assessment

- 9.50. For the proposed development of 38 apartments, 13.3 affordable housing units would be required under Policy BSC3. In this instance, however, Vacant Building Credit (VBC) applies, which reduces the affordable housing requirement from 13.3 down to 7.93.

- 9.51. It is considered that VBC should be applied to this application because:

1. There is an existing building on site.
2. That building is vacant.
3. It has been vacant for approximately four years, which is not long enough to constitute an abandoned building, and the site and building have been subject to a basic level of maintenance.
4. As the proposal would utilise brownfield land the existing floorspace should be calculated.
5. The building was made vacant when it stopped being used as care home in 2021, by Oxfordshire County Council. It is understood that this followed an extended period of low occupancy rates, which made the home economically unviable. The site has been vacant since 2021. It is therefore considered that the building was not made vacant for the sole purposes of this re-development.
6. There are no extant planning permissions associated with the site.

9.52. For completeness, the worked VBC calculation for this scheme is as follows:

Proposal: Housing development of 38 dwellings

- **Affordable housing requirement:** 35% (for a site in Kidlington)
- **Proposed Gross Internal Floor Area (GIA):** 3,589.83 sqm
- **Existing Gross Internal Floor Area (GIA):** 1,449.41 sqm

Step 1	Calculate the affordable housing contribution based on the total number of eligible dwellings and the affordable housing percentage required by the Council's affordable housing planning policy (e.g. 35% for Kidlington sites)	Affordable housing contribution 38 units x 35% = 13.3 units
Step 2	Calculate the amount of existing floorspace, if any, as a proportion of the proposed floorspace of the development: $E/P \times 100$ (where E = existing floorspace and P = proposed floorspace)	$1,449.41 \text{ sqm} / 3,589.83 \text{ sqm} \times 100 = \mathbf{40.375\%}$
Step 3	Calculate the amount of affordable housing credit: Affordable housing units (Step 1) x Proportion of proposed floorspace that is vacant (Step 2)	$13.3 \text{ units} \times 40.4\% = \mathbf{5.37 \text{ units}}$
Step 4	Deduct the affordable housing credit from the policy compliant affordable housing contribution: Affordable housing units (Step 1) – Affordable housing credit (Step 3)	$13.3 \text{ units} - 5.37 \text{ units} = \mathbf{7.93 \text{ affordable homes}}$

9.53. The proposal does not include the provision of on-site affordable housing due to the specialist nature of the development, the submission package stating that it is well-established that affordable housing provision cannot be provided on-site within a single retirement apartment block with its associated management regime and high service charges, which is accepted. The application is therefore supported by a financial viability appraisal (FVA), which concludes that the scheme cannot viably support the provision of a financial sum towards the provision of off-site affordable housing. This has been reviewed by an independent assessor on behalf of the Council, who found that the scheme is sufficiently viable to make a contribution towards the provision of off-site affordable housing. Following extensive negotiations,

it has been agreed by both parties that an overall viable commuted sum of £226,677 is available to be put towards all requested planning obligations. Commuted sum requests from other consultees total £163,642.58 at the time of writing, leaving a sum of £63,034.42 available to be put towards off-site affordable housing. Whilst the methodology of calculating the required sum remains a matter of dispute between the LPA and the applicant, it is nevertheless agreed that a contribution towards off-site affordable housing can be made and that this can be secured by way of a S106 legal agreement. An update regarding the methodology and whether a commuted sum for affordable housing has been agreed upon will be provided at the Planning Committee meeting..

Conclusion

- 9.54. In light of the agreed financial viability appraisal, the proposed development would not be able to provide a policy-compliant commuted sum towards the provision of off-site affordable housing, in light of which it fails to accord with the relevant provisions of CLP 2015 Policies BSC3 and BSC4. This is policy conflict is mitigated to some extent by the provision of a lesser commuted sum towards off-site provision.

Ecology Impact

Legislative context

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

economic nature and beneficial consequences of primary importance for the environment?

(2) That there is no satisfactory alternative.

(3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

Policy Context

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

9.61. Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.62. 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.

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

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

Assessment

9.65. The proposed development is subject to mandatory biodiversity net gain (BNG) requirements and the Council's Ecologist confirms that the submitted details

demonstrate that 10% BNG can be achieved. The Habitat Management and Monitoring Plan, to secure the BNG for at least thirty years, can be secured by condition in this instance.

- 9.66. The application is supported by a Preliminary Ecological Appraisal (PEA), a Preliminary Bat Roost Assessment and Bat Surveys (PBRABS), and an Ecological Impact Assessment (EclA). The bat roost assessment and surveys found no evidence of roosting bats in the existing building but recorded three species utilising the site for commuting and foraging. It is noted that the survey data in relation to roosting bats in the existing building is valid for 12 months from the survey date only, in light of which an updated survey would be required if works to the building commence more than 12 months after the date of the survey. As the document is dated October 2024, it is likely that the survey will be out of date by the time works commence and so an updated bat roost assessment/survey should be secured by condition. The PBRABS recommends mitigation measures to limit impacts to bats utilising the site for commuting and foraging, including incorporating the mitigation hierarchy into the scheme design and securing a Construction Ecological Management Plan and an appropriate external lighting scheme by condition, which the Ecologist confirms are appropriate and necessary conditions.
- 9.67. Whilst the concerns of the Parish Council on the grounds that the submitted ecological surveys are inadequate are acknowledged, it is noted that the EclA has been prepared in accordance with the relevant British Standard and best practice guidelines as set out by the Chartered Institute of Ecology and Environmental Management. It is informed by survey work carried out at the site between May and September 2024 and identifies notable ecological features, habitats within and adjacent to the site, and the species that these habitats may support. It confirms that the design of the development has been influenced by the findings of the baseline ecological survey work, identifies potential adverse impacts associated with both the construction and operational phases of the proposed development, and provides mitigation recommendations including a Construction Ecological Management Plan, a Habitat Management and Monitoring Plan, and a sensitive external lighting strategy. The Ecologist is satisfied that the submitted surveys adequately characterise the site and that, subject to adherence to the recommended mitigation measures, unacceptable adverse ecological impacts would be avoided.
- 9.68. NatureSpace, which administers the District Licence scheme for great crested newts, advises that the development would present a low risk to great crested newts and their habitats but, as the development is within an identified amber impact risk zone, recommends that an informative is attached to any forthcoming grant of permission and that working practices should be adhered to that minimise risks to great crested newts during construction.
- 9.69. Following the provision of additional information, the Council's Arboricultural Officer confirms that the proposed tree removals are mitigated through replacement tree planting and that, subject to the submission of an Arboricultural Method Statement, which can be secured by condition, the trees proposed for retention can be adequately safeguarded against unacceptable adverse impacts arising from the proposed development.

Conclusion

- 9.70. 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. Similarly, no unacceptable adverse impacts will result to trees proposed for retention that cannot be mitigated for by condition. Given this, the proposed development is considered to accord with the relevant ecological requirements of CLP 2015 Policies ESD10 and ESD15 and guidance within Section 15 of the NPPF.

Highways impact

Policy Context

- 9.71. CLP 2015 Policy ESD15 seeks to secure high quality design that complements and enhances the character of the area, delivering safe and healthy places to live and work in. Amongst other things, it requires new development to integrate with existing streets and patterns of routes and spaces and promotes permeable, accessible places that are well connected and sustainable.
- 9.72. Section 9 of the NPPF promotes sustainable transport. Paragraph 109 requires transport issues including the potential impacts of development on transport networks and the environmental impacts of traffic to be considered from the earliest stages of development proposals. Paragraph 116 states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impacts on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe”.

Assessment

- 9.73. The application site is located on a main thoroughfare through a residential area of Kidlington and is well-served by both vehicular and active travel routes. The proposed development would utilise the existing vehicular and pedestrian accesses onto Mill Street and a new pedestrian access would be created to the north western site boundary to provide direct access to the PROW running along this side of the site. Kidlington Parish Council, along with interested third parties, has expressed concerns that the provision of 26 on-site parking spaces for 38 flats is insufficient. Third party objections raise concerns that this would lead to parking on Mill Street, exacerbating existing congestion and delays to bus services using this route. The LHA has advised that the OCC Parking Standards do not make specific provision for retirement living units but that the proposal includes provision that accords with the OCC parking standard of 0.5 spaces per bedroom and is therefore considered sufficient. In addition to this, the site is in a highly accessible location, close to local amenities and with good public transport links, reducing reliance on private motor vehicles.
- 9.74. Following initial LHA comments, amended details have been provided detailing the provision of EV charging and some on-site cycle storage. This is welcomed, however the LHA encourages the applicant to provide a greater number of cycle stands to encourage staff and visitors to cycle: details of the proposed cycle storage can be secured by condition, which also provides the opportunity for additional cycle stands to be included. Interested third parties have advocated for the inclusion of e-bike storage as a sustainable and age-appropriate mode of transportation for future occupiers, however there are no local or national policy requirements through which such specific provision could be required. Furthermore, the proposed development includes dedicated space for the storage and charging of mobility scooters, providing additional choice in relation to sustainable, age-appropriate transport options for future residents.
- 9.75. The LHA has confirmed that the proposed development would be unlikely to result in material traffic impacts over those that could be generated by the extant development

and that details of the site access junction improvements can be secured by condition and a S278 agreement for the public highway works.

- 9.76. The LHA notes that a Residential Travel Information Pack should be provided for a development of this type, to ensure that residents are aware of the travel choices available to them, and this can be secured by condition. A Construction Traffic Management Plan, to safeguard residential amenity and prevent unacceptable highway impacts during construction, can also be secured by condition.

Conclusion

- 9.77. In light of the above, the proposed development is considered to integrate well with existing streets and routes, and to be well-connected and accessible with a range of sustainable travel options. Safe and suitable access would be provided for all users and the proposed development would not result in unacceptable adverse impacts on highway safety or the wider highway network, given which it is considered to accord with the relevant provisions of CLP 2015 Policy ESD15 and guidance within Section 9 of the NPPF.

Flood risk and drainage

- 9.78. CLP 2015 Policy ESD6 seeks to manage and reduce flood risk within the District, advocating a sequential approach to development and specifying when a site specific flood risk assessment should be required.
- 9.79. CLP 2015 Policy ESD7 requires the incorporation of sustainable urban drainage systems (SuDS) for the management of surface water run-off in all development.
- 9.80. Section 14 of the NPPF relates to climate change, flooding and coastal change. Paragraph 170 seeks to ensure that development is directed away from areas at highest risk of flooding. Paragraph 181 requires that the LPA ensures that flood risk is not increased elsewhere as a result of a planning application and paragraph 82 sets out the requirement for applications that could affect drainage on or around the site to incorporate sustainable drainage systems, proportionate to the nature and scale of the proposal, to control flow rates and reduce volumes of runoff.
- 9.81. Kidlington Parish Council has expressed concerns about the proposed water discharge arrangements in an area that is subject to flooding. The site is in Flood Zone 1, however, which has the lowest risk of flooding, and the LLFA raises no objections subject to the inclusion of a pre-commencement condition to secure an appropriate surface water drainage scheme, which has been agreed with the applicant. Thames Water notes that the site is in a catchment that is subject to high infiltration flows during certain groundwater conditions and notes that the developer should liaise with the LLFA to agree a suitable surface water strategy in order to limit impacts on the public sewer network. This would be secured by the requested LLFA condition and, subject to this, Thames Water similarly raises no objection to the proposals in relation to flood risk or surface water drainage. Furthermore, it is noted that the footprint of the existing building is approximately 2,010sqm and the footprint of the proposed building would be approximately 1,435sqm, representing an overall reduction in the impermeable area within the site, particularly given the proposed use of permeable block paving for parking, which would limit the impermeable areas of hardstanding to roughly equivalent sizes across the existing and the proposed. Given this, it is considered that the proposal would not result in an increase in flood risk within the site or to other nearby properties, in accordance with the requirements of CLP 2015 Policies ESD6 and ESD7 and Section 14 of the NPPF.

Arboricultural impact

- 9.82. CLP 2015 Policy ESD10 seeks to protect and enhance biodiversity and the natural environment. Amongst other things, it encourages the protection of trees and states that *“existing ecological networks should be identified and maintained to avoid habitat fragmentation.”*.
- 9.83. CLP 2015 Policy ESD15 seeks, amongst other things, to ensure that new development proposals contribute positively to an area’s character and identity by reinforcing local distinctiveness and features, and integrating and enhancing green infrastructure, with well-designed landscape schemes supporting biodiversity and providing attractive places that improve people’s health and sense of vitality.
- 9.84. CLP 2015 Policy ESD17 relates to green infrastructure and sets out measures through which this will be maintained and enhanced within the District. These include “protecting and enhancing existing sites and features forming part of the green infrastructure network and improving sustainable connectivity between sites” and requiring development proposals to maintain and extend green infrastructure links.
- 9.85. Section 12 of the NPPF relates to design and recognises 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”, going on to encourage the retention of existing trees where possible and the incorporation of trees within developments.
- 9.86. Section 15 of the NPPF seeks to conserve and enhance the natural environment. Specifically, paragraph 187 (b) requires planning decisions inter alia to contribute to and enhance the natural and local environment by recognising the intrinsic character, beauty, and benefits of trees and woodland.
- 9.87. The application is supported by a tree survey and impact assessment, tree constraints plan, and tree protection plan. The concerns expressed by Kidlington Parish Council that insufficient information has been provided regarding the retention of mature trees are acknowledged, however these comments were made prior to the receipt of the Arboricultural Officer’s comments and subsequent provision of further information by the applicant. The majority of the existing trees on the site are to be retained, with the proposals for the ash trees suffering from ash dieback clarified insofar as these trees are outside the application site and likely within the ownership of the County Council. A mitigation strategy has been provided for areas where there will be some encroachment into the root protection areas of retained trees, which the Arboricultural Officer is content can be satisfactorily secured by condition. New tree planting of a variety of species is incorporated into the landscaping proposals, including the introduction of new specimens to the front parking area, which will help to soften the expanse of hardstanding and contribute to the characteristic greenery of the streetscene. Given this, the proposed development is considered to accord with the relevant requirements of CLP 2015 Policies ESD10, ESD15, and ESD17, and Sections 12 and 15 of the NPPF.

Other matters

- 9.88. Third party concerns and queries regarding the ethics and long-term feasibility of the retirement living model proposed and the requirement for such a development in Kidlington given existing local provision, as well as assertions that the County Council-owned site should be offered to a not-for-profit organisation or trust to develop for community benefit are noted. The ethics of the development model are not a material planning consideration, and the long-term feasibility and requirement for such a scheme are matters for the applicant to consider. If the model is not feasible in the long term and there is insufficient local demand to ensure that all the proposed units are sold, this is a risk that is for the applicant to assess and respond to accordingly.

In relation to potential alternative uses for the site, this assessment is confined to the consideration of the scheme as proposed and cannot consider theoretical alternative uses that may not have any realistic prospect of coming forward. Similarly, third party comments suggesting potential amendments to the scheme, such as sloped entrances rather than steps and maximisation of renewable energy generation and the 'eco potential' of the site fall beyond the scope of this assessment as they are not included in the proposal as presented and there are, at present, no policy requirements that would allow insistence on their inclusion.

- 9.89. Thames Water initially raised concerns regarding the capacity of the Oxford sewage treatment works to cope with the additional foul water flows from the proposal, requesting a condition to ensure that requisite upgrade work had been undertaken prior to first occupation of the development. Subsequently, whilst the application was under consideration, sufficient upgrade works have been undertaken already to address the capacity issue and Thames Water has confirmed in a further consultation response that there is no objection with regard to the foul water network capacity and no conditions are requested.
- 9.90. The BOBICB requests a financial developer contribution towards primary care capacity in the local area to serve the occupants of the proposed development, which can be secured through a S106 legal agreement. The BOBICB notes that the Key Medical Centre, which would serve the proposed development, is already over capacity and the requested financial contribution would support the commissioning of detailed pre-project work and an identified project to either re-configure the internal layout of the Key MC or expand it to provide additional clinical space. It requests that this contribution is made prior to the commencement of development to allow commissioning of the pre-project study and delivery of an identified project prior to the additional operational needs resulting from the development arising.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. As set out in the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development, to which end it has three overarching objectives: social progress, economic well-being, and environmental protection. Planning decisions should guide development towards sustainable solutions, having regard to the contributions that proposals make to each of these overarching objectives.
- 10.2. The proposed development would give rise to a number of social benefits, insofar as it would contribute to the District's housing stock at a time when the Council has only a 2.3 year housing land supply, would contribute to addressing the critical national need for housing for older people, would contribute to the provision of affordable housing within the District through payment of a commuted sum, and would contribute to the viability and vitality of the settlement through population growth to support existing service and amenity provisions. The model of this type of retirement living accommodation is recognised as contributing to the well-being of residents and supporting independent living. The scheme would also make a positive contribution to supporting healthy communities through developer contributions towards improved community hall and sports facilities and primary care provision. Owing to viability constraints, the proposed development would not contribute the full commuted sum required by policy in relation to affordable housing, even accounting for vacant building credit, in light of which there is a degree of conflict with CLP 2015 Policy BSC3. The scheme accords with the relevant provisions of CLP 2015 Policies BSC4, BSC10, BSC11, and BSC12.
- 10.3. In relation to the objective of environmental protection, the application site is in a highly sustainable location in close proximity to services and facilities and with

excellent public transport links, and the proposed development would make effective and efficient use of a brownfield site. The design of the proposed development is considered to respond appropriately to the site context, taking its cues from existing development in the area and respecting the open, verdant character of the streetscene. It would harm the settings of the nearby conservation areas. The scheme adopts a 'fabric first' approach and incorporates a number of technologies to reduce carbon emissions and respond positively to the need to address climate change. The proposed development would result in overall biodiversity net gains and would not result in unacceptable adverse arboricultural impacts. It would integrate well with existing streets and routes, be accessible utilising a range of sustainable travel options, and would be provided with safe and suitable access for all users. The scheme would not result in an increase in flood risk within the site or to nearby properties and any potential environmental disturbances to nearby residential amenity can be controlled by use of condition. Owing to the separation distances between facing elevations with Frank Cook Court, the proposed development would result in a degree of harm to neighbouring residential amenity with regard to loss of privacy or the perception of this. Having regard to the degree of harm, however, and other material considerations, the resultant conflict with the amenity requirements of CLP 2015 Policy ESD15 and CLP 1996 Policy C30 is afforded only limited weight in the planning balance. Overall, therefore, the proposed development accords with the relevant requirements of CLP 2015 Policies ESD3, ESD5, ESD6, ESD7, ESD10, and ESD17, and CLP 1996 Policies C28 and ENV1. There is some conflict with the amenity requirements of CLP 2015 Policy ESD15 and CLP 1996 Policy C30, however the scheme accords with remaining relevant design requirements of these policies.

- 10.4. The proposed development would result in economic benefits through the provision of five full-time equivalent jobs and additional temporary employment opportunities during the construction phase.
- 10.5. As set out above, the proposed development would result in a number of social, environmental, and economic benefits, which are afforded positive weight in the planning balance. Weighing against these are the harms arising from the identified conflicts with CLP 2015 Policies BSC3 and ESD15 and CLP 1996 Policy C30, each of which are afforded limited negative weight in the planning balance. Paragraph 11(d) of the NPPF requires that, when the tilted balance is engaged, planning permission should be granted unless *"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."* In light of the assessment set out above, it is considered that the application of policies protecting areas or assets of particular importance do not provide a strong reason for refusal, nor do the adverse impacts of the development significantly and demonstrably outweigh the benefits, on which basis the application is considered to represent a sustainable form of development that is recommended for approval.

11. RECOMMENDATION

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

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

BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Payment of a financial contribution to be confirmed towards off site affordable housing in lieu of on site provision
- b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £2,017.02 per dwelling (outdoor sport provision) and £335.32 per occupier of each dwelling (indoor sport provision)
- c) Payment of a financial contribution towards the enhancement of community hall facilities of £28,442.72 (index linked)
- d) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling (index linked)
- e) Payment of a financial contribution towards expansion and efficiency of Household Waste Recycling Centres of £,871
- f) Payment of a financial contribution towards public artwork of £8,512.00
- f) Payment of a financial contribution towards primary care provision of £24,552 (index linked).
- g) Payment of the Council's monitoring costs of TBC.

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 form and following approved plans:

MI-2991-03-AC-0001 C
MI-2991-02-AC-0011 A
MI-2991-03-AC-0012 A
MI-2991-03-AC-0013 A
MI-2991-03-AC-0014 A
MI-2991-03-AC-2000 A
MI-2991-03-AC-2001 A
MI-2991-03-AC-0003 B
2305-KC-XX-YTree TPP01 0
MI-2991-03-LA-001 P2
MI-2991-03-LA-002 P1
MI-2991-03-LA-003 P1
MI-2991-03-DE-100 P01
MI-2991-03-DE-101 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.

3. Notwithstanding the approved details within drawing number MI-2991-03-LA-001 P2 ('Landscape Layout'), the pedestrian access and internal footpaths shall be laid out in accordance with the details shown within drawing number MI-2991-03-AC-0001 C ('Proposed Site Plan').

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

4. If the development hereby approved does not commence by 22nd October 2025, a revised bat roost assessment and survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on bats. 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.

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

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

The approved CETMP shall be adhered to throughout the construction period for the development.

Reason: To ensure that residential amenity and the environment are 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.

6. Construction shall not begin prior to the approval of 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 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 and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems
- CCTV survey to confirm the existing drainage and identify the remedial works required as part of the overall drainage strategy.

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

7. 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.

8. No development shall commence (including demolition, ground works,

vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- 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). In relation to great crested newts, these should include: storage of demolition materials off the ground in skips or other containers; storage of building materials (bricks, stone etc) on pallets; provision of covers or ramps to any trenches left overnight to prevent animals becoming trapped, and; maintenance of all vegetation within the works area at a maximum height of 30mm until construction is complete
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

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

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

9. No development shall commence until the existing trees to be retained as shown on approved plan ref. MI-2991-03-LA-001 P2 have been protected in accordance with the approved Tree Protection Plan, ref. 2305-KC-XX-YTREE-TPP01 0 and an Arboricultural Method Statement that shall first be submitted to and approved in writing by the local planning authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development or demolition and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

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

10. No development shall commence above slab level until a schedule of materials and finishes to be used in the roofs and balconies of the building, and the hard surfacing and boundary treatments throughout the site, has been submitted to and approved in writing by the local planning authority. Notwithstanding the

details shown on approved drawing no.MI-2991-03-AC-0003 B, the boundary treatment fronting Mill Street shall be a 1.4m railing over a 0.6m masonry dwarf wall and access-controlled gates shall be installed at the vehicular entrance. 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, and in the interests of preventing crime and creating a safe environment for future occupiers, 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. 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, doors, and dormers, 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 development 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. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site; and
 - 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.

13. Prior to first occupation, full details of the highway works required to implement the alterations to the site access, including construction, drainage and a layout that enables pedestrian priority and tactile paving, shall be submitted to and approved by the Local Planning Authority. The means of access shall be constructed in strict accordance with full 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.

14. Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first

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

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

15. 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 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.

16. Prior to first occupation or use of development, an external lighting scheme shall be installed, the details of which shall first be submitted to and approved in writing by the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within parking courts promotes a secure environment and does not cause a nuisance to local residents. The lighting strategy shall be designed in accordance with best practice to prevent unacceptable impacts to protected species and their habitats.

Reason: In the interests of preventing crime and creating a safe environment for future occupiers, and to ensure that the development does not cause harm to any protected species or their habitats, in accordance with accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. No part of the development shall be occupied until a postal strategy has been submitted to and approved in writing by the Local Planning Authority. The approved strategy will be implemented prior to first occupation and retained in perpetuity.

Reason: In the interests of preventing crime and creating a safe environment for future occupiers, in accordance with accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. The development hereby approved shall be carried out in strict accordance with the approved landscaping scheme (drawing number MI-2991-03-LA-001 P2) 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.

19. The existing trees and hedges along the north western boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

20. The external materials to be used for the walls of the development hereby approved shall be 'Burwell Buff' brick and 'Welford Buff Multi' brick, as shown in the photograph dated 10th April 2025.

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.

21. The development hereby permitted shall be carried out in full accordance with the specifications set out within the 'Energy Statement' by Focus Consultants, dated 23rd September 2024, unless otherwise agreed in writing by the local planning authority.

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

22. 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.

Informatives:

1. A Section 278 Agreement with the Local Highway Authority will be required in order to construct the alterations required at the site access junction.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place.

Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

CASE OFFICER: Sophie Browne

Planning obligation		Regulation 122 Assessment	
Detail	Amounts (all to be Index linked)	Trigger points	
A commuted sum towards the provision of off-site affordable housing, in lieu of the provision of affordable housing on-site	To be confirmed	To be delegated to officers	<p>Necessary – To provide housing for those who are not able to rent or buy on the open market in accordance with Policy BSC3 of the CLP 2015</p> <p>Directly related – A commuted sum for off-site provision of affordable housing</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Community hall facilities: financial contribution towards enhancements of community hall facilities at Exeter Hall, Kidlington.	<p>A sum based on the requirement to provide 0.185sqm community space per occupier of the dwellings at a cost of £2,482 per sqm as follows:</p> <ul style="list-style-type: none"> - 1.28 (average occupancy per 1 bed dwelling) multiplied by the composition of the development - 1.85 (average occupancy per 2 bed dwelling) multiplied by the composition of the development - The result multiplied by 0.185 (0.185sqm community space required per resident) 	To be delegated to officers	<p>Necessary – To meet the additional demand generated from the proposal and to ensure long term maintenance in accordance with Policies BSC12 and INF1 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>

	<ul style="list-style-type: none"> - That result multiplied by £2,482 (cost per sqm of provision of community space) <p>Example at 38 dwellings 15 x 1.28 = 19.20 residents 23 x 1.85 = 42.55 residents Average residents per dwelling = 1.63 1.63 x 38 = 61.94 residents 61.9 x 0.185sqm = 11.46sqm 11.46 x £2,482.00 = £28,442.72</p>		
Outdoor sport provision: contribution towards the enhancement of off site outdoor sports facilities in Kidlington	<p>£2,017.02 per dwelling. Example at 38 dwellings 38 x £2,017.03 = £76,647.14</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policies BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018) Directly related – For the use of future occupiers of the development Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Indoor sport provision: contribution towards enhanced community sporting facilities at Kidlington & Gosford Leisure Centre	<p>A sum based on a contribution of £335.32 per occupier of each dwelling as follows:</p> <ul style="list-style-type: none"> - 1.28 (Average occupancy per 1 bed dwelling) multiplied by the composition of the development - 1.85 (Average occupancy per 2 bed dwelling) multiplied by the 	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC10, BSC12, INF1 of the CLP 2015 and advice in the Developer Contribution SPD Directly related – The future occupiers will place additional demand on existing facilities, which have existing deficiencies that require addressing.</p>

	<p>composition of the development</p> <ul style="list-style-type: none"> - Result multiplied by £335.32 <p>Example at 38 Dwellings</p> <p>15 x 1.28 = 19.20 residents</p> <p>23 x 1.85 = 42.55 residents</p> <p>Average residents per dwelling = 1.63</p> <p>1.63 x 38 = 61.94 residents</p> <p>61.94 x £335.32 = £20,769.72</p>		<p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Contribution towards public artwork in an appropriate location in either the interior space or exterior grounds to provide a focus for visitors, staff, and residents to enjoy, discuss, or walk to.	<p>Public Art contribution @ £200 per dwelling plus 5% management and 7% maintenance.</p> <p>38 x £200 = £7,600.00</p> <p>5% management = £380.00</p> <p>7% maintenance = £532.00</p> <p>Total contribution = £8,512.00</p>		<p>Necessary – Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore people's lives, as well as playing an important role in making interesting and exciting places that people enjoy using, in accordance with the advice in the Developer Contribution SPD and the PPG.</p> <p>Directly related – For the enjoyment and wellbeing of the future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council.</p>
Contributions to bins	£106 per dwelling	To be delegated to officers	<p>Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p>

			<p>Directly related – The need for these comes from the increase in the number of dwellings</p> <p>Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD</p>
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking	To be confirmed	To be delegated to officers	<p>Necessary - In order to ensure the planning obligations are complied with</p> <p>Directly related - As only costs arising in connection with the monitoring of the development and these planning obligations are covered</p> <p>Fairly and reasonably related in scale and kind - Considering the extent of the development and the obligations to be monitored</p>
Contribution to the creation of additional clinical capacity at The Key MC or an identified primary care estates project in the local area.	<p>£24,552 calculated as follows and as detailed in the Developer Contributions SPD:</p> <p>13 x 1 bed units x £504 per unit = £6,552</p> <p>25 x 2 bed units x £720 per unit = £18,000</p> <p>£6,552 + £18,000 = £24, 552 total</p>	<p>To be delegated to officers.</p> <p>Pre-commencement requested to address current lack of capacity for catchment of proposed development site</p>	<p>Necessary - The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC8 of the CLP 2015 and advice in the Developer Contribution SPD</p> <p>Directly related – The proposed development will place increased demand on existing facilities</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Obligation to enter into a S278 agreement to secure improvements to the site access junction.	To be delivered on and off site	To be delegated to officers	<p>Necessary - To provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety</p> <p>Directly related - This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development</p>

			<p>Fairly and reasonably related in scale and kind - The contributions are in scale with the development and would be directly benefiting residents of the future development</p>
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	<p>£3,871 Calculation: Space at HWRC required per dwelling (m²) = 0.18 Infrastructure cost per m² = £319 Land cost per m² = £247 Total land and infrastructure cost per m² = £566 Cost per dwelling = £101.88 38 x £101.88 = £3,871</p>	To be delegated to officers	<p>Necessary - To provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth. OCC is required to arrange for places to be provided at which residents may deposit household waste and for the disposal of that waste, and that these places should be reasonably accessible to residents, available at reasonable times, and available to residents free of charge. These are referred to as Household Waste Recycling Centres (HWRC) and the network of sites within the county is no longer fit for purpose and is over capacity.</p> <p>Directly related - Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 55 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 220 HWRC visits per year.</p> <p>Fairly and reasonably related in scale and kind - In accordance with the County Councils standards for provision based on build costs.</p>