

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee:** Planning Committee

**Date:** Thursday 4 December 2025

**Time:** 4.00 pm

**Venue** 39 Castle Quay, Banbury, OX16 5FD

## Membership

### Councillor Barry Wood (Chair)

Councillor Chris Brant  
Councillor Phil Chapman  
Councillor Jean Conway  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Robert Parkinson  
Councillor David Rogers  
Councillor Dr Kerrie Thornhill

### Councillor Amanda Watkins (Vice-Chair)

Councillor John Broad  
Councillor Becky Clarke MBE  
Councillor Dr Isabel Creed  
Councillor David Hingley  
Councillor Lesley McLean  
Councillor Chris Pruden  
Councillor Les Sibley  
Councillor Douglas Webb

## Substitutes

Councillor Rebecca Biegel  
Councillor Andrew Crichton  
Councillor Dr Chukwudi Okeke  
Councillor Rob Pattenden  
Councillor Nigel Simpson  
Councillor Linda Ward

Councillor Nick Cotter  
Councillor Harry Knight  
Councillor Lynne Parsons  
Councillor Edward Fraser Reeves  
Councillor Dorothy Walker  
Councillor John Willett

## AGENDA

### 1. Apologies for Absence and Notification of Substitute Members

### 2. Declarations of Interest

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

### 3. Requests to Address the Meeting

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

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](mailto:democracy@cherwell-dc.gov.uk)

The deadline for requests to address this meeting is noon on Wednesday 3 December 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 5 - 17)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 6 November 2025.

**5. Chair's Announcements**

To receive communications from the Chair.

**6. Urgent Business**

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

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

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

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

## **Planning Applications**

**8. Land West Of Sibford Road And Quarry House Sibford Road Hook Norton**  
(Pages 20 - 47) **25/00591/OUT**

**9. Shaws Farm, Station Road, Blackthorn, Bicester, OX25 1TP** (Pages 48 - 88)  
**24/01237/F**

**10. Hanwell Fields Community Centre Rotary Way Banbury OX16 1ER** (Pages 89 - 97)  
**25/02594/CDC**

## **Review and Monitoring Reports**

### **11. Appeals Progress Report (Pages 98 - 110)**

Report of Assistant Director Planning.

#### **Purpose of report**

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

#### **Recommendations**

The Planning Committee resolves:

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

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

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto: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**

If you hear the fire alarm, please leave the building via the nearest available exit. The fire assembly point is outside the Premier Inn, adjacent to the canal.

### **Access to Meetings**

If you have any special requirements, such as a large print version of these papers or special access facilities to view a meeting online or attend a meeting in person, please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Webcasting and Broadcasting Notice**

The meeting will be recorded by the council for live and/or subsequent broadcast on the council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

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

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

**Queries Regarding this Agenda**

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

**Shiraz Sheikh**  
**Monitoring Officer**

Published on Wednesday 26 November 2025

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 6 November 2025 at 4.00 pm

#### **Present:**

Councillor Barry Wood (Chair)  
Councillor Amanda Watkins (Vice-Chair)  
Councillor Chris Brant  
Councillor John Broad  
Councillor Phil Chapman  
Councillor Jean Conway  
Councillor Ian Harwood  
Councillor David Hingley  
Councillor Fiona Mawson  
Councillor Lesley McLean  
Councillor Robert Parkinson  
Councillor Chris Pruden  
Councillor David Rogers  
Councillor Les Sibley  
Councillor Dr Kerrie Thornhill  
Councillor Douglas Webb

#### **Substitute Members:**

Councillor Rebecca Biegel (In place of Councillor Becky Clarke MBE)  
Councillor Andrew Crichton (In place of Councillor Dr Isabel Creed)

#### **Apologies for absence:**

Councillor Becky Clarke MBE  
Councillor Dr Isabel Creed

#### **Officers:**

Paul Seckington, Head of Development Management  
Sarah Tucker, Principal Planning Officer  
Katherine Daniels, Principal Planning Officer  
Astrid Burden, Senior Planning Officer  
Nick Wyke, Principal Planning Officer  
Denzil Turbervill, Head of Legal Services  
Matt Swinford, Democratic and Elections Officer  
Aaron Hetherington, Principal Officer - Electoral Services Lead

## **Declarations of Interest**

### **8. Land South of Anniversary Avenue East Between Milne Street and Read Place Graven Hill Ambrosden.**

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

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

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

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

Councillor Lesley McLean, Other Registerable Interest, as a member of 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.

### **10. Woodgreen Leisure Centre Woodgreen Avenue Banbury OX16 0HS.**

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

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 Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

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

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

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

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

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

61 **Requests to Address the Meeting**

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

62 **Minutes**

The Minutes of the meeting held on 2 October 2025 were agreed as a correct record and signed by the Chair.

63 **Chair's Announcements**

The Chair reminded members that they should stay in their seats for the whole discussion of agenda items and should consider refraining from voting on that agenda item if they left the room during an item.

64 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

In response to questions from the Committee, the Head of Development Management confirmed that site visits that had previously been agreed would be arranged around the time that the applications would be heard at a Planning committee meeting.

66 **Land South of Anniversary Avenue East Between Milne Street and Read Place Graven Hill Ambrosden**

The Committee considered application 25/00882/F, for the erection of 66 dwellings with associated highways works and landscaping at Land South of Anniversary Avenue East Between Milne Street and Read Place, Graven Hill, Ambrosden for Graven Hill Village Development Company.

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

**Resolved**

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 25/00882/F subject to:

- i. The receipt of amended plans to the satisfaction of the Assistant Director; and
- ii. The conditions set out below (and any amendments to those conditions as deemed necessary)

### **Conditions**

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

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

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

TBC

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

3. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of first occupation:

Reference:

WIE11386-219-92-0501-P04 - HZ4 Proposed Private Plot Drainage Layout (26 Plots)

WIE11386-219-92-0502-P04 - HZ4 Proposed Private Plot Drainage Layout (38 Plots) Sheet 1 of 2

WIE11386-219-92-0503-P04 - HZ4 Proposed Private Plot Drainage Layout (38 Plots) Sheet 2 of 2

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

4. 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 that the principles of sustainable drainage are incorporated into this proposal

5. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with an approved Biodiversity Gain Plan and including:

a) a non-technical summary;

b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development; and

e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

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

a) HMMP has been implemented; and

b) habitat creation and enhancement works as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP 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.

6. A method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include proposals for installing at least one integrated bird or bat box per dwelling (these may be clustered to reflect species requirements and site layout) along with at least one bee brick per dwelling. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

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

Reason: In the interests of biodiversity of the area and to protect the amenities of nearby residents and to comply with Policy ESD15 and ESD10 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

8. The proposals shall be implemented in accordance with the Construction and Environmental Management Plan submitted by Waterman Infrastructure and Environment Ltd August 2025.

Reason: To ensure that the biodiversity of the area is not unduly affect by the construction of the development and in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 Part 1 and the National Planning Policy Framework

9. The development hereby approved shall not be occupied until a scheme for the provision of electric vehicle charging infrastructure to serve the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the type and location of the infrastructure to be installed and shall have regard to information held by the local distribution network operator regarding the availability of electricity supply. Electric vehicle charging infrastructure shall be provided in accordance with the scheme approved before first occupation of the development and shall remain in place thereafter.

Reason: To maximise the opportunities to promote the use of sustainable transport modes and the use of renewable energy, and to limit the impact of new development on air quality, to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained in the National Planning Policy Framework.

10. Notwithstanding the submitted plans, prior to the relevant element of the development commencing, amended details of bin and cycle storage for the three apartment blocks, showing separate areas for bin/recycling and cycle storage shall be submitted to and approved in writing to the local planning authority. Thereafter the development shall be implemented in accordance with the revised approved plans.

Reason: To ensure appropriate bin/recycling and cycle storage to maximise the opportunities to promote the use of sustainable transport modes, to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained in the National Planning Policy Framework

11. No development shall commence above slab level until a sample brick, render or cladding panel (1 metre x 1 metre minimum) of the external walls of the development hereby approved, which shall be constructed in brickwork, render or cladding, of a type, colour, texture, face bond and pointing which is in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the local planning authority. The sample panel shall be constructed in a position that is readily accessible for viewing in good natural daylight and shall not be removed from the site until completion of the development. The development shall be constructed in full accordance with the approved sample panel 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.

67

### **Poultry House Rickfield Farm Station Road Milcombe OX15 4RS**

The Committee considered application 23/03290/F for the change of use of an existing poultry shed to container storage (Use Class B8) including associated landscaping at Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS for Mr Geoffrey Taylor.

Caroline Mills, local resident, addressed the Committee in objection to the application.

Jenny Taylor, applicant, addressed the Committee in support of the application.

It was proposed by Councillor Rogers and seconded by Councillor Chapman that application 23/03290/F be refused against officer recommendation, as the facility would be in a geographically unsustainable location and was contrary to policies SLE1 and ESD1 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

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

It was proposed by Councillor Conway and seconded by Councillor Webb that application 23/03290/F be approved, in line with the officer recommendation including the amendments to the recommendation provided in the written updates.

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 recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 23/03290/F with amendments to condition 7 (reptiles and amphibians) and an additional S106 clause regarding the use of the barn should the applicant no longer own/run the farming enterprise (and any amendments to those conditions/S106 as deemed necessary) subject to:

- i) The conditions set out below (and any amendment 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 benefits of the proposal as set out by the applicant/their agent and to tie these to the enterprise in particular the regenerative farming practices:

### **Conditions**

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

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

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

- TAY001/003 Rev A – Site Location Plan
- TAY001/004 Rev A – Site Plan
- TAY001/005 Rev A – Container Layout Plan
- TAY001/006 Rev A – Landscaping Plan
- Planning, Design and Access Statement
- Protected Species Survey by Philip Irving, dated August 2023

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

3. The site shall not be used other than for the purpose of a self-storage facility and for no other purpose whatsoever, including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, and there shall be no more than 56 containers on the site at any one time.

Reason - In order to safeguard the character and appearance of the area and the amenities of the occupants of nearby residential dwellings, and in the interests of sustainable development, in accordance with Policies SLE1, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No storage containers hereby approved shall be sited at or within the site other than those inside the Poultry Barn building as identified on the drawings listed in Condition 2 of this planning permission, and no open storage of plant, materials, products, goods for sale or hire or waste shall take place on any part of the application site at any time.

Reason - To safeguard the character and appearance 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.

5. No external lighting shall be installed at the site unless and until full details of that external lighting have first been submitted to and approved in writing by the Local Planning Authority. Those details must include the design, position, orientation of the lighting and must demonstrate the extent of and mitigation for any light spillage. The lighting shall be at a low level, consisting of LED light sources and must be fitted with directional accessories to avoid light spillage. The lighting shall not be installed other than in full accordance with the approved details prior to the first use of the development hereby approved and shall be retained and maintained as such at all times thereafter.

Reason: In order to safeguard the character and appearance of the area and in the interests of highway safety and to ensure that the development does not cause harm to any protected species or their habitats and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. A full method statement for enhancing the biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to the first use of the development and retained in accordance with the approved details.

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

7. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by an ecologist (member of the IEEM or similar related professional body) to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Government guidance contained within the National Planning Policy Framework.

68

### **Woodgreen Leisure Centre Woodgreen Avenue Banbury OX16 0HS**

The Committee considered application 25/01963/ADV, for the installation of steel framed Noticeboard to carry advertisements for Banbury Cross Indoor Bowls Club at Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS.

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

### **Resolved**

That, in line with officer recommendation, advertisement consent be granted, subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

### Conditions

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).

2. Except where otherwise stipulated by conditions attached to this consent, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved plans: Site Location Plan (dated 28 July 2025); Block Plan (dated 14 August 2025); Noticeboard specifications (dated 19 August 2025).

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).

## 69 **Oxfordshire Strategic Rail Freight Interchange Consultation Response**

The Committee considered a report of the Head of Development Management which recommended the Committee note the Council's written response to the Stage 2 Oxfordshire Strategic Rail Freight Interchange, which was a joint response between Cherwell District Council and Oxfordshire County Council.

The Committee was advised that the consultation response

The Committee was advised that the scale of this application meant that it was defined as a Nationally Significant Infrastructure Project (NSIP). Developments of this type were determined by the relevant Secretary of State (SoS) with the Planning Inspectorate (PINS) acting as the examining authority who made a recommendation to the SoS as to whether a Development Consent Order (DCO) should be granted. Local Authorities (LAs) were consultees in this process and were not determining authorities.

### **Resolved**

That the Cherwell District Council's Written Response to the Stage 2 Oxfordshire Strategic Rail Freight Interchange consultation be noted.

## 70 **Appeals Progress Report**

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



**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.38 pm

Chair:

Date:

# Agenda Annex

## CHERWELL DISTRICT COUNCIL

Planning Committee – 4 December 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.

<b>Item No.</b>	<b>Site</b>	<b>Application Number</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
<b>8</b>	Land West Of Sibford Road And Quarry House Sibford Road Hook Norton	25/00591/OUT	Deddington	Approval*	Nicola Wheatcroft
<b>9</b>	Shaws Farm, Station Road, Blackthorn, Bicester, OX25 1TP	24/01237/F	Launton and Otmoor	Approval*	Rob Duckworth
<b>10</b>	Hanwell Fields Community Centre Rotary Way Banbury OX16 1ER	25/02594/CDC	Banbury Hardwick	Approval*	Daisy Kay-Taylor

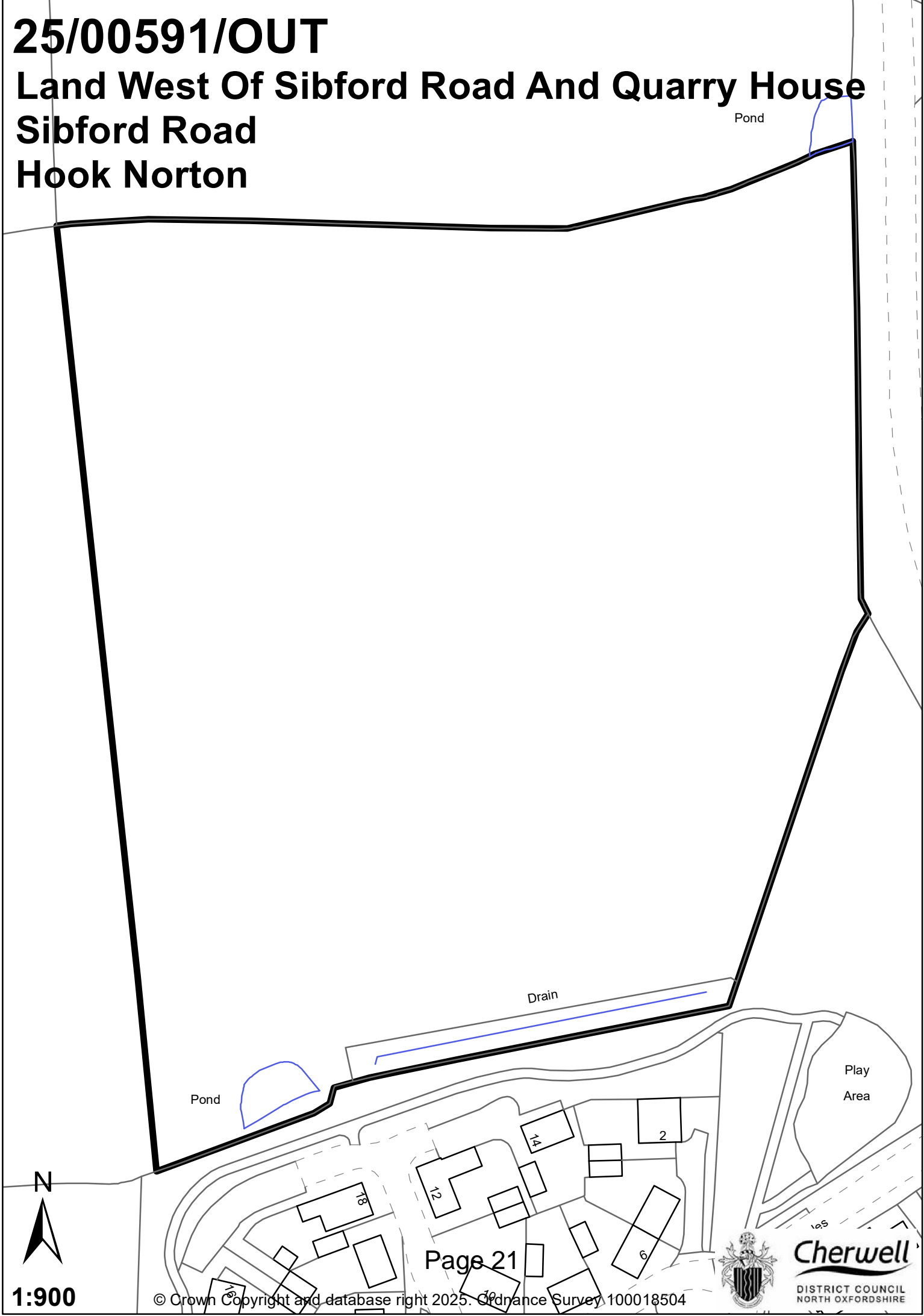
\*Subject to conditions

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

**Land West Of Sibford Road And Quarry House  
Sibford Road  
Hook Norton**



**25/00591/OUT**  
**Land West Of Sibford Road And Quarry House**  
**Sibford Road**  
**Hook Norton**



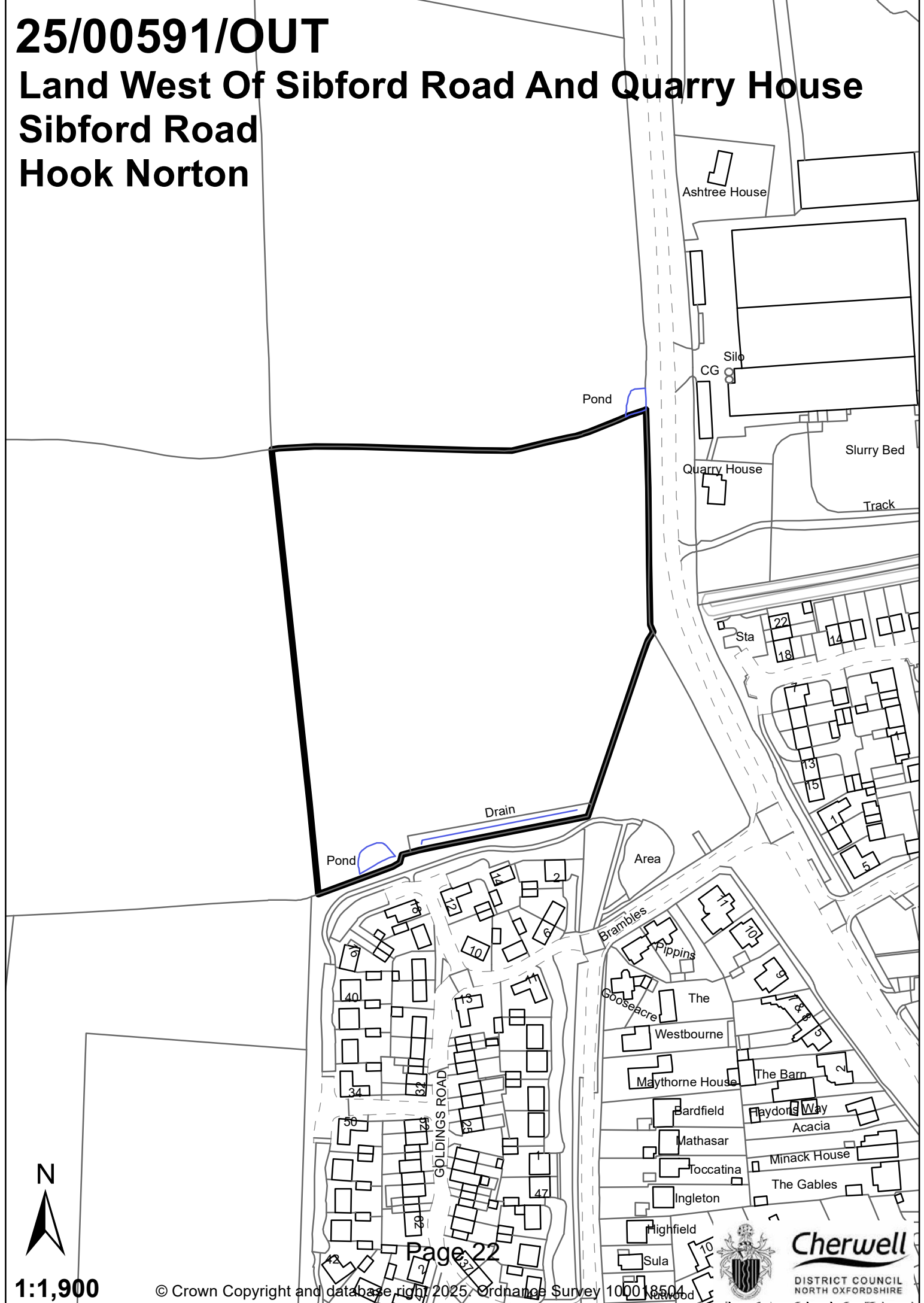


25/00591/OUT

Land West Of Sibford Road And Quarry House

Sibford Road

Hook Norton



**Case Officer:** Nicola Wheatcroft

**Applicant:** Ashberry Strategic Land and Christopher Gasson

**Proposal:** Outline planning application (with all matters reserved apart from access) for a development comprising up to 50 dwellings (Use Class C3) and associated infrastructure including but not limited to sustainable urban drainage system, public open space, landscaping, habitat creation, internal roads/routes and upgrades to the public highway

**Ward:** Deddington

**Councillors:** Councillors Zoe McLernon, Eddie Reeves and David Rogers

**Reason for Referral:** Major development of 10+ dwellings

**Expiry Date:** 11 December 2025

**Committee Date:** 4 December 2025

---

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

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the north of Hook Norton bounded to the east by Sibford Road and Golding Road to the south. The site is broadly flat with a mature hedge running along the eastern boundary with Sibford Road and a post and rail hedge and planting forming the northern boundary. The Bourne Lane playground is located adjacent to the south east corner of the site. The village of Hook Norton lies to the south adjacent to the recently constructed housing in Goldings Road

**2. CONSTRAINTS**

- 2.1. The application site is within open countryside, footpath 253/14/10 diagonally crosses the site. The site lies outside of the Hook Norton Conservation Area and there are no listed buildings in the vicinity.
- 2.2. The applicants have confirmed that if planning permission is granted, they anticipate development commencing by the end of 2026 with the first houses being occupied by the second half of 2027.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposal is for the development of the site for residential development of up to 50 dwellings. All matters are reserved except for access.

#### **4. RELEVANT PLANNING HISTORY**

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

11/01755/OUT Outline planning permission with all matters reserved for the erection of up to 70 dwellings (Class C3), public open space including a play area/amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, a pumping station and other ancillary works, permitted, allowed at appeal 23/09/2013.

14/00379/REM Reserved matters to outline application 11/01755/OUT - Access, internal roads, layout, scale, appearance and landscaping, permitted 17/10/2014.

#### **5. PRE-APPLICATION DISCUSSIONS**

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

24/02221/PREAPP Pre-application enquiry for development of approximately 55 homes and associated infrastructure

Detailed advice was provided that the harm identified in relation to the proposal's policy conflict, its adverse landscape and visual effects, the development of greenfield land, and the loss of best and most versatile agricultural land would significantly and demonstrably outweigh the proposal's benefits.

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

- 6.2. Forty two representations have been received objecting to the application. The comments raised by third parties are summarised as follows:

- Housing not required, sufficient new development in Hook Norton
- Impact on local services such as schools, GP surgery, shops
- Impact on village character
- Highway safety
- Flooding, drainage and sewerage
- Potential conflict between new residents and adjacent farm in terms of noise and odour
- Impact on wildlife and ecology

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



## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. HOOK NORTON PARISH COUNCIL: **Objects** on the grounds of overdevelopment, impact on local transport, above the village site line and additional land.
- 7.3. OCC HIGHWAYS: **No objection** subject to S106 contributions, S278 works, conditions, planning obligations and informatives.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to conditions.
- 7.5. OCC EDUCATION: **No objection** subject to developer contributions towards special school provision.
- 7.6. OCC ARCHAEOLOGY: **No objection** subject to prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.
- 7.7. OCC WASTE MANAGEMENT: **No objection** subject to Household Waste Recycling Centre Contribution and appropriate conditions.
- 7.8. CDC DRAINAGE: **No objection**
- 7.9. CDC URBAN DESIGN: **No objection** subject to resolution of details.
- 7.10. CDC ECOLOGY: **No objection** subject to confirmation that the applicant has entered in the GCN District Licencing Scheme and confirmation on how the Biodiversity Net Gain will be secured.
- 7.11. CDC RECREATION AND LEISURE: **No objection** subject to the developer contributions towards community hall provision, outdoor and indoor sport provision and public art.
- 7.12. CDC ENVIRONMENTAL HEALTH: **No objection**
- 7.13. CDC BUILDING CONTROL: **No objection**
- 7.14. CDC STRATEGIC HOUSING: **Supports** this proposal subject to confirmation of a suitable affordable housing mix.
- 7.15. NATURESPACE: **Objection**: The application is supported by ecological appraisal which confirms the site provides suitability for great crested newts. Therefore the applicant should submit a NatureSpace Report or Certificate or provide presence/likely absence survey results for the ponds within 500m of the site together with mitigation measures.
- 7.16. INTEGRATED CARE BOARD: **Objects unless** a developer contribution of £45,309 towards the creation of additional clinical capacity is made.
- 7.17. THAMES VALLEY POLICE: **No objection** to principle
- 7.18. CPRE: **Objects**
- 7.19. THAMES WATER: **No objection**

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

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

- Policy PSD 1: Presumption in Favour of Sustainable Development
- Policy BSC 1: District-Wide Housing Distribution
- Policy BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- Policy BSC 3: Affordable Housing
- Policy BSC 4: Housing Mix
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision – Outdoor Recreation
- Policy BSC 12: Indoor Sport, Recreation and Community Facilities
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 3: Sustainable Construction
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD 8: Water Resources
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 13: Local Landscape Protection and Enhancement
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 17: Green Infrastructure
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth across the Rural Areas
- Policy Villages 4: Meeting the Need for Open Space, Sport and Recreation

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

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

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

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

#### HOOK NORTON NEIGHBOURHOOD PLAN (HNNP)

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

- 8.5. Other Material Planning Considerations

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

## 9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact

### Principle of Development

#### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and the policies in the Hook Norton Neighbourhood Plan (HNNP).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell’s Communities, particularly the need to house an ageing population.
- 9.5. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan. Policy Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell. Hook Norton is categorised by PV1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be

considered based on their categorisation. As Hook Norton is categorised as a Category A Village by PV1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions. The fact it is a Category A settlement further shows that it is a sustainable location to accommodate development.

- 9.6 The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District. The Hook Norton Neighbourhood Plan does not identify a settlement boundary for Hook Norton either.
- 9.7. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Hook Norton as a Category A Village Settlement. These are classified by the Draft Local Plan as being larger villages that have essential local services and facilities and often serve nearby smaller villages.
- 9.8. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.9. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.10. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the CLP 2015 and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.11. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 9.12. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.13. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

9.14. The Hook Norton Neighbourhood Plan (HNNP) was adopted in October 2015. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

*a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*

*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*

9.15. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The HNNP became part of the development plan in 2015 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the HNNP cannot therefore be considered up-to-date.

9.16. The NPPF (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.

9.17 The refence to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

#### *Assessment*

9.18. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, well over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged.

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

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

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

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

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

9.23. The site is bounded by residential development to the east and south. Open countryside is located to the north. It is therefore considered that the site would be connected to the built form of Hook Norton and would not appear as a standalone development within the open countryside. It is considered that the site could be developed in a way that ensures it has connection to the existing built form of Hook Norton.

9.24. The provision of 50 dwellings would make an important contribution to the overall housing needs of the District along with the government's wider objective for 1.5 million homes. This includes the high need for affordable housing which is recognised across the country.

9.25. The applicant has confirmed that there are no land ownership constraints that would prevent the development coming forward should it be approved.

### *Conclusion*

9.26. 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.

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

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

*Legislative and policy context*

- 9.28. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 9.29. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, new development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.
- 9.30. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Furthermore, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.31. PV2 of CLP 2015 states that in identifying sites, particular regard will be given to:
- Whether land has been previously developed land or is of less environmental value;
  - Whether development would contribute in enhancing the built environment
  - Whether significant adverse landscape and impacts could be avoided
- 9.32. HNNP Policy HN-CC1 seeks to ensure development must be located and designed so it is readily visually accommodated into the landscape. Policy HN – CC2 relates to design. This should reflect local distinctiveness, reflect the historic environment of the parish. Policy HN-CC3 relates to development reflecting local distinctiveness.
- 9.33. The proposed development would extend the built form of Hook Norton to the north into the open countryside. It is surrounded by housing to the east and south and therefore will not appear as an isolated settlement. However, it would change the character and appearance of the site from a field to urban development. The Council's Urban Designer has raised a number of concerns about the proposal and the indicative layout plan. Firstly that there is no contextual analysis to justify the



proposed net density of 37 dwellings per hectare (dph) which would be higher than the neighbouring development. Whilst the concerns are noted and a higher density in this location would not be acceptable, the proposal is an outline scheme with all design and layout issues to be dealt with at reserved matters stage. It is at this stage when density would be considered more fully when all layout issues are resolved including the road layout and positioning, the extent of green space as well as dwelling numbers. Other issues of concern for the Urban Designer relate to more specific layout matters such as the extent of the buffers and green infrastructure which can all be resolved through masterplanning and the submission of the reserved matters application. It should be noted that the site is contained by a strong hedge to east along Sibford Road and planting to the north and south, this all helps the screen and contain the site.

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

#### *Conclusion*

- 9.35. It is noted that there would be some change to the landscape, and some moderate harm through development of a greenfield site. However, this impact would be no greater than that of the adjacent development and some of the impacts to the wider locality can be mitigated by the use of sensitive design, layout and boundary treatment all to be considered at reserved matters stage.

#### Highway Safety

- 9.36 Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.37 Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritise taking into account or the vision for the site, the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.
- 9.38 In addition to this paragraph 116 of the NPPF highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.39. The proposal would be accessed off Sibford Road. Details of the access are for consideration at outline stage and the scheme has been amended to address the Highway Engineers concerns. The forward visibility splays were not considered adequate and this matter has now been addressed through the submission of revised plans. The Local Highway Authority has commented on the revised information, and have now not objected in principle.
- 9.40. The concerns of the local residents are noted, however, the Local Highway Authority do not object to the proposal, provided suitable worded conditions and contributions are entered into. A number of comments have been received about the poor condition of roads in the area, however, this is an existing issue and a matter that cannot be taken into account when determining the current application. Based on the comments from the Local Highway Authority, it is unlikely to result in highway danger. Therefore, the proposal is considered to be acceptable in highway terms.

### Drainage

- 9.41. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.42. Paragraph 182 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 9.43. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.44. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.45. The current situation is that the site is located within a flood zone 1, which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority does not have any objection to the scheme, subject to appropriate conditions. The Councils Drainage Officer has also confirmed that the Flood Risk Assessment is acceptable as is the surface water management strategy. As a result it is considered that drainage matters have been adequately addressed in line with Development Plan policy and the requirements of the NPPF.

#### Residential amenity

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

#### Ecology Impact

##### *Legislative context*

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

9.52. 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.

9.53. 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*

9.54. 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.

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

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

9.57. 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.

- 9.58. 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.
- 9.59. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.59. 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')

- 9.60. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a field with mature trees and hedgerows 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.
- 9.61. 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 meets the 3 derogation tests listed above.
- 9.62. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.63. The Council's Ecologist initially raised concerns about the submitted information, further bat surveys were required and confirmation that the applicant was joining the NatureSpace District Licence Scheme. There were also questions about Biodiversity Net Gain particularly with regard to habitat creation. The applicant has addressed

these issues and submitted revised information. The Ecologist has been reconsulted and comments are awaited.

- 9.64. If the proposal could be mitigated against, and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

#### Sustainable Construction

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

#### *Development Plan*

- 9.66. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.67. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular using sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.67. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate

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

#### *Assessment*

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

#### *Planning Obligations/Infrastructure*

- 9.69. Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 58 continues by stating that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 9.70. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery.
- 9.71. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.72. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and

30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.

- 9.73. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.74. This application is for up to 50 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.75. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 18 units. In line with new Government requirements.
- 9.76. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement. The Integrated Care Board has requested a contribution of £45,309 towards additional clinical capacity within Hook Norton or the immediate vicinity.
- 9.77. Due to the scale of the development the scheme would need to provide a play area in the form of a Local Area of Play (LAP) as required under Policy BSC11 of the CLP 2015. The proposed illustrative layout includes the provision of a LAP and this can be controlled by way of planning conditions/and or a S106 obligation.
- 9.78. It is expected that these matters will be negotiated to a conclusion following a resolution to grant. It is to be noted that the applicant has agreed with the S106 requests and has not asked for any reduction.
- 9.79. It is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 56 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

#### *Other Matters*

- 9.80. Several residents have objected to the proposal, due to the impact on existing services and facilities within Hook Norton and the number of additional housing developments in recent years. Although this is noted, Hook Norton is a Category A village and one of the larger, more sustainable villages within the District. It is acknowledged that housing can be accommodated on the edge of villages. Statutory Consultees do not object to the proposal and for the reasons outlined above the number of houses in this particular case is considered to be acceptable.

#### **PLANNING BALANCE AND CONCLUSION**



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

#### *Positive Benefits Economic*

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

#### *Social*

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

#### *Environmental*

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

#### *Negative Impacts*

- 10.9. The site is positioned beyond the existing built-up limits of the village on the eastern side and is an area of countryside. There would be some urbanisation of the site, and it would result in some harm to the character and appearance of the locality. Significant weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

However, it is considered that the harmful impact could be mitigated. If developed as proposed in the indicative layout submitted with the application moderate harm would be caused; if conditions are imposed to restrict the extent of the development this impact would be significantly reduced.

### *Conclusion*

- 10.10. On the basis that the Council is not able to demonstrate a five-year supply of land of housing, paragraph 11d of the NPPF is engaged and the 'titled balance' applies.
- 10.11. The proposal seeks permission for up to 50 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded 750, the numerical elements of the Council's housing policies are out of date given the Council's housing land supply position, and Hook Norton is a Category A village, is one of the more sustainable villages in the District.
- 10.12. Overall, subject to conditions as set out above and in the recommendation below, it is considered that the benefits of the scheme outweigh the harm it would cause and therefore the application for residential development on the site is recommended for approval.

## **2. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution of £2,017.03 per dwelling towards off outdoor sports and recreation provision in the locality (index linked)
- c) Payment of a financial contribution of £2,017.03 towards off indoor sports and recreation provision in the locality of per dwelling (index linked)
- d) Payment of a public art contribution of £250 per dwelling towards public art in vicinity (index linked)
- e) Payment of a financial contribution towards public transport provision of £1,364 per dwelling (index linked)
- f) Payment of £3,840 towards Traffic Regulation Order (index linked)
- g) Payment of £25,000 public transport contribution (index linked)
- h) Payment of £944.30 per dwelling towards educational infrastructure (special school provision) (index linked)
- i) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £101.88 per dwelling (index linked)
- j) Payment of a financial contribution towards primary health care provision serving of £906.18 per dwelling (index linked)
- k) On-site provision of an equipped Local Area of Play and payment of a financial contribution to be confirmed (index linked) towards maintenance or other management provisions thereof.
- l) Payment of a financial contribution towards the maintenance of on-site Open Space (index linked)
- m) Provision of a Habitat Management and Monitoring Plan (including funding) to

secure long-term biodiversity net gain  
n) Payment of the Council's monitoring costs to be confirmed.

### CONDITIONS

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

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

2. Details of the layout, scale, appearance 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).

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents: 7243 100 - A, 7243 107 - E, 7243 108 - A, DWG-03 Rev B

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. No development shall commence on a phase identified within an approved phasing plan until full details of the [layout, scale, appearance, access and landscaping] (hereafter referred to as the reserved matters') of the development proposed to take place within that approved phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in strict accordance with the approved phasing plan.

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).

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

Reason - In the interests of highway safety and to comply with Policy ESD15 of

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

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

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

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

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

7. Prior to the first occupation of the development hereby approved, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

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

- Full drainage calculations for all events up to and including the 1 in 100 year plus
- 40% climate change;
- A Flood Exceedance Conveyance Plan;
- 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.

Reason: 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.

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

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

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

10. If a potential risk from contamination is identified as a result of the work carried out under condition 1, 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.

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No

development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

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

13. 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)
- 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.

14. Prior to first occupation of the development hereby approved a Biodiversity

Enhancement Plan shall be submitted and approved by the Local Planning Authority, the Plan shall include species specific enhancements, including at least one bat or bird box per dwelling, native planting, bee bricks in all dwellings, log piles and hedgehog passes. The development shall be carried out in accordance with the approved details.

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

#### INFORMATIVES

1. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be informative granted.
2. The reserved matters submission shall include a lighting strategy for bats in line with Bat Conservation Trust (BCT) and Institute of Lighting Professionals (ILP) guidance.

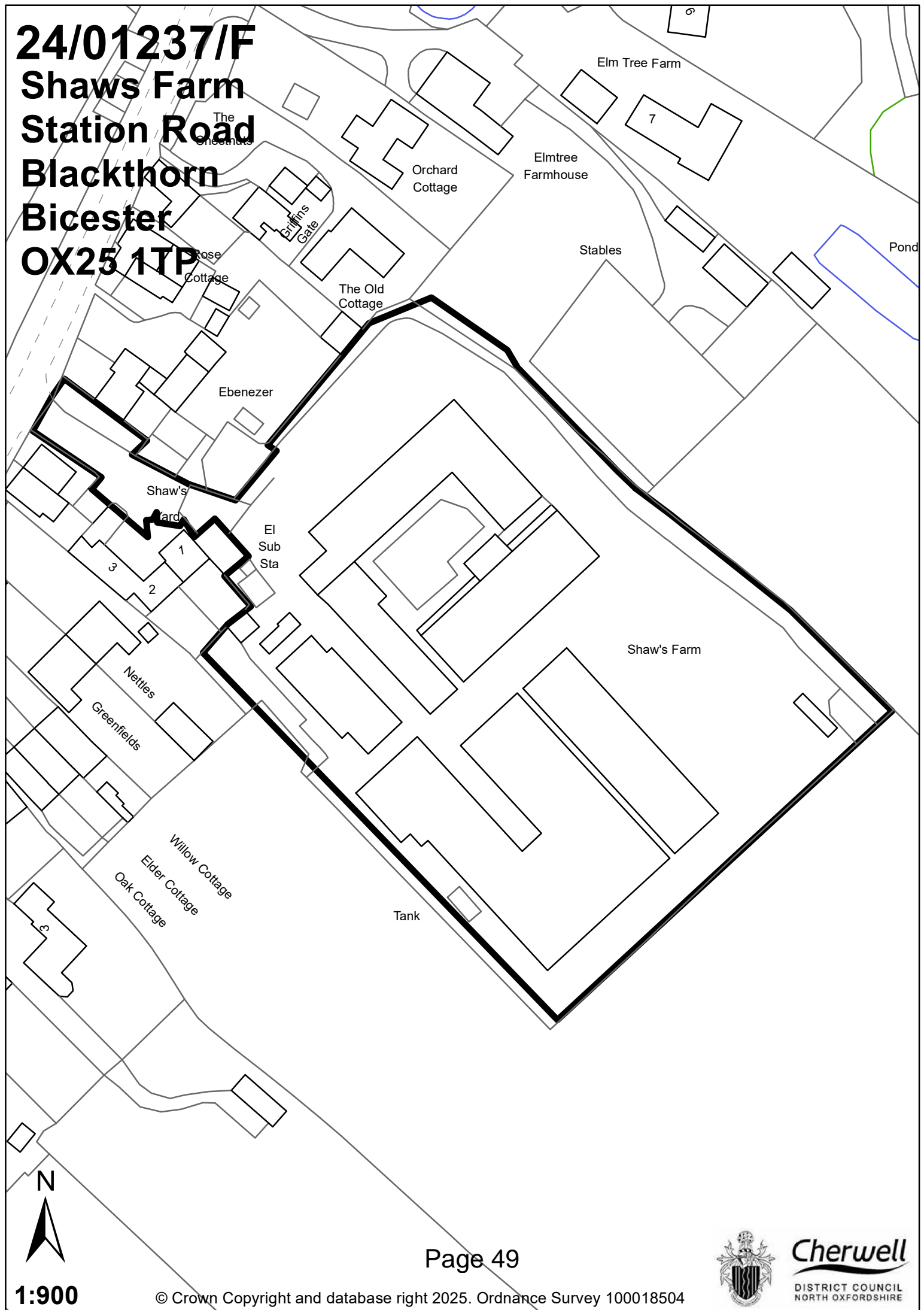


Agenda Item 9  
**24/01/23/F**  
**Shaws Farm**  
**Station Road**  
**Blackthorn**  
**Bicester**  
**OX25 1TP**

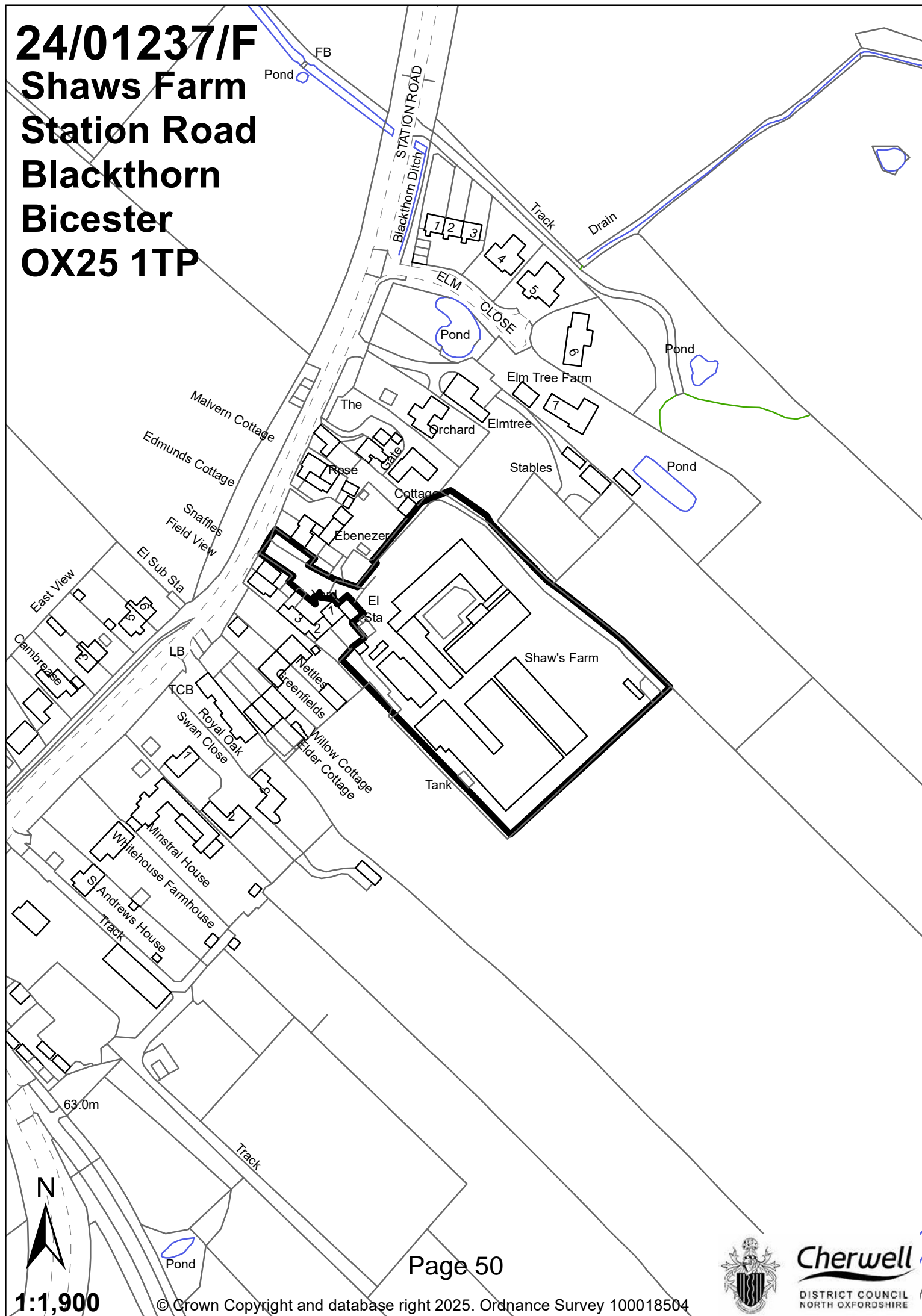




24/01237/F  
Shaws Farm  
Station Road  
Blackthorn  
Bicester  
OX25 1TP



**24/01237/F**  
**Shaws Farm**  
**Station Road**  
**Blackthorn**  
**Bicester**  
**OX25 1TP**



**Case Officer:** Rob Duckworth

**Applicant:** Fieldview (Blackthorn) Limited

**Proposal:** Demolition of existing commercial buildings (brownfield site) and residential re-development of ten dwellings, associated means of access, car parking, public open space and landscaping

**Ward:** Launton and Otmoor

**Councillors:** Cllr. Gemma Coton, Cllr. Julian Nedelcu and Cllr. Alisa Russell

**Reason for Referral:** Major development

**Expiry Date:** 25 February 2025

**Committee Date:** 04 December 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 lies on the south-eastern edge of Blackthorn, a village to the south-east of Bicester. The land extends to about 1 hectare and is located behind existing frontage development on Station Road.
- 1.2. The site is occupied by the former Envigo research facility. It contains a series of large industrial and commercial buildings, areas of open storage, extensive hardstanding and a surfaced car park of around 60 spaces. The buildings and structures are enclosed by security fencing and boundary planting, so the site reads as a self-contained compound in the village edge.
- 1.3. Vehicular access is taken from Station Road via a private drive between existing dwellings and through Shaws Yard before entering the main compound. Public rights of way run alongside the northern, north-eastern and southern boundaries, connecting Station Road with the wider countryside and the River Ray corridor.
- 1.4. To the north and north-west the site adjoins the rear gardens of dwellings fronting Station Road, including Shaws Yard. To the north-east the site lies close to the more recent cul-de-sac development at Elm Tree Close. To the south, south-east and south-west the boundary is formed by mature hedgerows and trees beyond which the land falls away towards open farmland. The immediate surrounding area is predominantly residential in character, with a mix of dwelling types and ages within a semi-rural landscape.

**2. CONSTRAINTS**

- 2.1. The site is previously developed land within the built-up limits of Blackthorn, which is identified as a Category B village in the CLP 2015 (it would retain its category B status under the emerging local plan). The policy context supports the efficient reuse of

brownfield land in sustainable locations, subject to other development plan policies. A related consideration is the loss of the established employment use associated with the former Envigo facility, and whether that loss is justified in planning terms.

- 2.2. The site is closely related to existing housing on Station Road, Shaws Yard and Elm Tree Close. The form of redevelopment must therefore provide suitable separation to neighbouring dwellings, protect privacy and outlook, and avoid creating unacceptable noise or disturbance, including during the construction phase.
- 2.3. Public rights of way run along three sides of the site and are well used as connections between Station Road and the surrounding countryside. The development must be designed to respect these routes, maintain their function and setting, and provide an appropriate relationship between new housing and the adjacent countryside edge. Existing boundary hedgerows and trees contribute to local landscape character and provide screening. Their retention and reinforcement, alongside new planting, is integral to the acceptability of the proposal.
- 2.4. The historic commercial and research use raises the potential for ground contamination. Surface water management and the delivery of a sustainable drainage strategy are also relevant, notwithstanding that the site lies within Flood Zone 1. Ecological considerations arise from the existing buildings, boundary vegetation and the wider River Ray corridor. The redevelopment must avoid harm to habitats and species and secure biodiversity net gain.
- 2.5. The site is not within a Conservation Area and is not subject to national landscape, heritage or ecological designations.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks full planning permission for the demolition of all existing commercial buildings and structures within the former Envigo facility and the residential redevelopment of the site to provide 18 dwellings. The scheme includes a new internal access road, car parking, private gardens, areas of public open space and associated landscaping, drainage and infrastructure works.
- 3.2. The proposals retain the existing access point from Station Road. The internal layout has been developed through negotiation with the Council's Urban Design Officer. The scheme has been amended during the course of the application, increasing the number of units from 10 to 18 and revising the disposition of buildings, parking and open space.
- 3.3. The dwellings would be arranged around a shared-surface internal street network with a central area of public open space. The layout seeks to maintain active frontages to the internal streets and towards the adjoining public rights of way, while providing appropriate separation to neighbouring properties and the countryside edge. The development comprises two-storey houses with associated on-plot and communal parking. The architectural approach uses a limited palette of materials and detailing intended to reflect local village character. Landscaping proposals include new tree planting, hedgerow reinforcement and the creation of wildlife-friendly habitats, alongside formal and informal open space.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing by early 2027 with the first houses being occupied by late 2027 subject to how long S106 negotiations last.

#### **4. RELEVANT PLANNING HISTORY**

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

#### **5. PRE-APPLICATION DISCUSSIONS**

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

16/00298/PREAPP 12.10.2016 – Redevelopment of site for residential use

This is a finely balance case. After due consideration of the comments received from my Policy colleagues (and we apologise for the excessive delay in our deliberations) it is considered that a limited amount of residential development could be supported on this site – but potentially no more than 10-12 units.

14/00232/PREAPP 08.09.2014 – Redevelopment of site to provide circa 10 dwellings  
- Change of Use from laboratory (B1) to residential (C3).

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **27 February 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The application has been publicised in accordance with statutory requirements. Following consultation, 15 representations have been received from members of the public. Of these, one representation supports the development, five object, and the remainder provide general comments.
- 6.3. The supporting representation welcomes the reuse of the brownfield site and considers the existing buildings to be an eyesore. It notes that historic use of the Envigo facility generated higher traffic levels than those forecast for the residential scheme. The representation nonetheless requests that road-safety and traffic-calming measures are secured through section 106 obligations.
- 6.4. The objections and comments raise the following main matters:
- Principle and quantum. A number of residents accept redevelopment of the site in principle but consider 18 dwellings to be excessive compared with the earlier 10-unit concept. The increase is described as overdevelopment that would not reflect the traditional character and scale of Blackthorn.
  - Highways, access and road safety. The dominant concern relates to additional traffic using Station Road. Residents describe the road as narrow with extensive on-street parking and regular speeding above the signed 20mph limit. Several representations state that the Road Safety Audit and Transport Statement under-record accidents in the vicinity of the access, including a serious collision on 10 May 2024 and other recent incidents within the village. Particular concern is raised about visibility and manoeuvring at the access and the Shaws Yard/Station Road junction, and the potential for conflict with pedestrians and cyclists. Requests are made for comprehensive traffic-calming and junction-safety measures, potentially secured through section 106 contributions.

- **Parking.** Representations state that many existing dwellings on Station Road lack off-street parking, leading to a congested on-street environment. It is feared that the development would lead to overspill parking onto Station Road, further reducing visibility and exacerbating bottlenecks. Some representations question the effectiveness of yellow-line controls and their enforceability.
  - **Drainage, sewerage and flood risk.** Several residents report existing drainage and standing groundwater issues within the village, including surface-water flooding during heavy rainfall and reliance on aging pumps. Concerns are raised that the drainage evidence relates to the former 10-dwelling scheme and does not fully address the increased load from 18 dwellings, including potential impacts on the adopted sewerage network.
  - **Residential amenity and construction impacts.** Concerns include construction traffic, disturbance and safety during the build period, and the adequacy of footway connections to nearby public rights of way. Some representations highlight pedestrian safety for children and other users crossing or passing the access, including near a public post box close to the junction.
  - **Biodiversity enhancements.** One representation requests specific built-in ecological features, including swift or universal bird nesting bricks and bat provision within new dwellings, to support biodiversity net gain.
- 6.5. The above matters are addressed within the appraisal section of this report, with particular regard to highways, parking, drainage, design and landscape effects, and the planning balance.
- 6.6. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. **BLACKTHORN PARISH COUNCIL:** The Parish Council **comments** on local infrastructure capacity. It asks that measures are put in place to address the effect of the development on the village sewage system, which residents state already experiences problems.
- 7.3. **OCC HIGHWAYS:** have provided **comments** at several stages. In the earlier responses on the original 10-dwelling scheme (including the response dated 3 September 2024), OCC maintained an objection on design and safety grounds. The objection centred on the internal shared-surface access road being too narrow to achieve safe and suitable access for all users. OCC also considered that the layout and visibility within the site did not accord with the Oxfordshire Street Design Guide and requested revisions to the shared-surface arrangement, a reduction in parking to align with OCC standards, and further detail on how pedestrian movement would be accommodated.

In those earlier responses OCC advised that, if the Local Planning Authority (LPA) were minded to approve despite the objection, a section 106 agreement and planning conditions would be required to mitigate transport impacts. The mitigation sought included:

- a public transport service contribution calculated on a per-dwelling basis;

- a public transport infrastructure contribution for bus stop poles/flags/timetable cases (identified in OCC schedules as £1,752, indexed);
- a public rights of way (PROW) contribution of £7,000 (indexed) towards improvements to Footpaths 131/1 and 131/11; and
- OCC administration and monitoring fees, with all sums index linked in line with OCC practice.

Following submission of amended drawings and an updated Transport Statement for the 18-dwelling scheme, OCC issued a further highways response dated 20 February 2025. This response withdraws the previous objection and records no objection, subject to conditions and a section 106 agreement. OCC notes that the access arrangements for the amended scheme are identical to the final agreed access for the earlier 10-unit layout and should be read alongside the previous consultations. The updated response continues to require transport-related conditions (covering matters such as detailed access provision, internal layout, and construction and operational highway safety) and seeks section 106 contributions for public transport and PROW improvements, with the per-dwelling public transport service contribution recalculated to reflect 18 dwellings. The bus stop infrastructure contribution (£1,752, indexed) and PROW contribution (£7,000, indexed for Footpaths 131/1 and 131/11) remain identified in the OCC schedule.

7.4. LEAD LOCAL FLOOD AUTHORITY (LLFA): The LLFA raises **no objection**, subject to conditions. The LLFA confirms that updated drainage information has addressed earlier requests and requires the following by condition:

- submission and approval of a detailed surface water drainage and SuDS scheme prior to commencement. The scheme is to include design drawings, hydraulic calculations, attenuation details, infiltration or controlled discharge arrangements, exceedance routing, and confirmation of outfall locations;
- a detailed maintenance and management plan in line with CIRIA C753, including maintenance schedules for each SuDS element and explanations of how performance will be secured for the lifetime of the development;
- evidence of consent for any connections into third party drainage systems and confirmation of responsibilities for outfalls; and
- prior to first occupation, submission of a SuDS “as built” record for deposit on the LLFA asset register. This is to include as built plans in pdf format, and photographic verification of installation stages and completed drainage structures.

7.5. ARCHAEOLOGY (OXFORDSHIRE COUNTY ARCHAEOLOGICAL SERVICE): raise **no objection**, subject to conditions. The Planning Archaeologist notes that the site lies within an area of archaeological potential associated with the historic settlement of Blackthorn, and that a Desk-Based Assessment has been submitted. The response requires two standard conditions:

- before any demolition (other than to ground level) or development begins, the applicant must submit for approval an Archaeological Written Scheme of Investigation (WSI) prepared by a suitably qualified archaeological organisation; and
- following approval of the WSI and before demolition/commencement (except as agreed), the applicant must undertake a staged programme of

archaeological evaluation and mitigation in accordance with the WSI, including any required fieldwork, analysis, reporting, publication, and archiving.

The conditions are required to secure proper investigation and recording in accordance with national policy.

7.6. THAMES VALLEY POLICE – DESIGNING OUT CRIME OFFICER: Thames Valley Police provided crime prevention advice for both the original and amended schemes (latest note February 2025). The Designing Out Crime Officer does not object in principle but identifies a number of measures required to reduce opportunities for crime and antisocial behaviour. The key points are:

- rear access routes should be secured by robust, lockable gates brought forward to the building line to avoid recessed or hidden spaces between dwellings;
- the public footpath along the northern boundary is considered to expose side boundaries of nearby plots (particularly plots 3 and 4) where natural surveillance is weak. The layout and elevations should therefore be adjusted to improve overlooking, including consideration of side windows or bay windows where appropriate;
- defensible space and planting should be provided to vulnerable boundaries, including a planting strip of at least 1 metre along the side boundary of plot 10;
- parking areas that lack surveillance (noted behind plot 6) should be re-designed so that boundary treatments enhance visibility. A higher fence with a visually permeable trellis topper is suggested to increase surveillance from the adjacent dwelling;
- external lighting should be redesigned. Bollard lighting is considered inadequate for facial recognition and deterrence. A planning condition is requested requiring prior approval of an external lighting scheme for streets, paths and parking courts, designed to promote security and avoid nuisance; and
- doors, windows and garage connections should meet current Secured by Design / PAS 24 security standards. Where garages connect directly to dwellings, doors should be certified to recognised security ratings.

7.7. CDC STRATEGIC HOUSING: The Strategic Housing officer provides **comments** dated 12 February 2025 on the 18-dwelling proposal. The response notes that no affordable housing is indicated within the current submission. Policy BSC3 requires affordable housing on rural schemes exceeding 11 dwellings, with at least 35% affordable provision. Applied to 18 dwellings this equates to 6 affordable units. A policy-compliant tenure split is identified as 70% rented and 30% shared ownership. The officer notes that the December 2024 NPPF removes the national First Homes requirement and that shared ownership is likely to be the default intermediate tenure locally.

The response draws on the December 2022 Housing and Economic Needs Assessment and CDC allocation experience to specify that rented housing should prioritise family-sized homes with adequate bedroom standards. It discourages undersized rented units (for example two-bed units configured for more than four persons). Intermediate homes are expected to meet the same or better space and garden standards as market housing. The response states that Strategic Housing could support the scheme in principle if affordable housing is provided, but further information is required to reach a firm view. It also asks for early confirmation of the Registered Provider and delivery timetable for monitoring purposes.

7.8. CDC URBAN DESIGN:



The Urban Design Officer provided staged comments:

The initial comments of 3 July 2024 on the 10-dwelling scheme raised significant design concerns. The officer advised that the proposals did not reflect national and local design policy or the site's context. Key issues included the suburban grain of the layout compared with the historic farmstead and village character, building depths and roof forms that were not consistent with local typologies, and detailing that did not respond to the Blackthorn vernacular. Specific matters identified for revision were porch and gable forms, non-functional chimneys, the form of detached car barns, the need to set parking behind building lines, clearer definition of public and private space, and avoidance of high timber fencing visible from the public realm. The officer also requested a more positive relationship to the surrounding PROWs and countryside edge, and suggested open space location and boundary treatment changes to provide a better transition.

Following amendments and the revised 18-dwelling layout, the Urban Design Officer issued further comments dated 12 February 2025. The officer supports the general layout subject to targeted amendments and additional information. These include submission of street-scene elevations, front elevation adjustments to plot 16, clearer public/private boundary definition around several plots, a more direct pedestrian link through the central open space to the adjacent PROW, nominal kerb/delineation within shared-surface streets to assist pedestrian movement, potential pedestrian links to the north-east boundary footpath, and ensuring the landscape drawings match the layout.

A final follow-up note dated 20 May 2025 confirms that the applicant has addressed the February 2025 design comments and the officer is satisfied with the amended scheme.

- 7.9. **ECOLOGY:** The Council's Ecologist (email dated 17 December 2024) requests further biodiversity information prior to final comment. The officer notes that scheme amendments may affect retained trees and landscaping and therefore require an updated biodiversity net gain assessment with an up-to-date metric. The officer also notes that parts of private curtilage appear to have been mis-categorised within the metric (front gardens recorded as shrub rather than vegetated garden) and should be corrected. The Ecologist indicates that a full ecology response will follow once the revised metric and net gain assessment have been submitted.
- 7.10. **WELLBEING / LEISURE / SPORT:** CDC Wellbeing officers request section 106 planning obligations to mitigate recreation and community facility impacts.

In the original June 2024 response, contributions were sought for community hall facilities and outdoor sport provision based on the SPD formula.

The re-consultation update for the 18-dwelling scheme confirms the current requirements. For community hall facilities, the contribution is calculated using occupancy-based space standards, resulting in a requested off-site sum of £19,831.18 (indexed) to support local community hall provision. For outdoor sport, the officer seeks an off-site contribution of £2,017.03 per dwelling, totalling £36,306.54 for 18 dwellings (indexed), towards formal outdoor sports provision at Graven Hill and/or within the locality. The response cites Policy BSC10 and confirms that the request meets the CIL Regulation 122 tests.

- 7.11. **BUILDING CONTROL:** Building Control advises that the development will require a Full Plans Building Regulations application, to be secured by informative rather than condition.

*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.*

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

### **CHERWELL LOCAL PLAN 2011–2031 PART 1 (CLP 2015)**

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation and Growth Management
- 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 of New Residential Development
- ENV1 - Development likely to cause detrimental levels of 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
- CSD8: Sustainable Drainage Systems
- CSD9: Water Resources and Wastewater Infrastructure
- CSD11: Protection and Enhancement of Biodiversity
- CSD12: Biodiversity Net Gain.
- CSD16: Air Quality
- CSD18: Light Pollution
- CSD23: Assessing Transport Impact/ Decide and Provide.
- 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 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.

### NEIGHBOURHOOD PLAN

8.3 Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site lies within the parish of Blackthorn. There is currently no made Neighbourhood Development Plan covering Blackthorn, and there is no draft Neighbourhood Plan for the village at pre-submission or examination stage. Accordingly, no Neighbourhood Plan policies form part of the development plan for the purposes of determining this application.

8.4 Other material planning considerations include:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (PPG)
- Emerging Cherwell Local Plan Review 2042 (Proposed Submission)
- Cherwell Residential Design Guide (SPD) (July 2018)
- Developer Contributions (SPD) (February 2018)
- Cherwell Landscape Character Assessment 2024
- Cherwell Green and Blue Infrastructure Strategy (November 2022)
- Local planning and design guidance documents, including:
  - Countryside Design Summary
  - Home Extensions and Alterations Design Guide
  - Planning and Waste Management Design Advice
- Recreation and Amenity Open Space Provision Guidance Note (February 2006)

- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004
- Environment Act 2021 (including provisions relating to biodiversity net gain)
- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities Act 2006
- Circular 06/2005 – Biodiversity and Geological Conservation
- Human Rights Act 1998 (HRA)
- Equality Act 2010 (EA)

## 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
- Archaeology
- Highways, Access and Parking
- Residential Amenity
- Environmental Matters - Flood Risk, Drainage, Ground Conditions and Pollution
- Sustainable construction

### Principle of Development

9.2. The main issues in respect of the principle of development are whether the proposed residential redevelopment is acceptable in land use terms, given the site's status as previously developed land within the built-up limits of Blackthorn, and whether the loss of the existing employment use accords with the development plan and other material considerations.

### *Policy Context*

- 9.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.4. For this proposal the development plan comprises the CLP 2015 and the saved policies of the Cherwell Local Plan 1996.
- 9.5. Policy PSD1 of the CLP 2015 reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It expects proposals to accord with the policies in the Local Plan, to support the delivery of sustainable development and to make efficient use of land in appropriate locations.
- 9.6. Policy BSC1 sets the overall strategy for housing distribution, focusing most growth at Bicester and Banbury while allowing some development at Category A and Category B villages. Policy Villages 1 identifies Blackthorn as a Category B settlement where minor development, infilling and conversions may be suitable within the built-up limits. Policy BSC2 encourages the effective and efficient use of land, with a preference for the reuse of previously developed land and existing housing sites in sustainable locations.
- 9.7. Policy SLE1 seeks to protect existing employment sites. It supports the continued operation of employment uses on such land and sets criteria against which proposals for the loss of employment are assessed. These criteria include whether there is reasonable prospect of the site being used for employment purposes, whether the development supports small and medium enterprises, whether the location is suitable

for continued employment use and the contribution that alternative uses might make to the overall strategy.

- 9.8. Policies ESD1, ESD2 and ESD3 promote sustainable patterns of growth and sustainable construction. Policies ESD10 and ESD13 seek to protect and enhance biodiversity and local landscape character. Policy ESD15 requires all new development to complement and enhance the character of its context through high quality design. Saved Policies C28 and C30 of the CLP 1996 also remain relevant and seek compatible layout and design, although they are considered in more detail in the design section of this appraisal.
- 9.9. The NPPF encourages the efficient use of land, gives weight to the reuse of suitable brownfield land, and supports housing development that makes effective use of underused previously developed sites, especially where it helps to meet identified needs and reduces pressure on greenfield land.

#### *Assessment*

- 9.10. The 2024 Annual Monitoring Report confirms that the Council can only demonstrate a 2.3 year housing land supply at present, as such paragraph 11(d) of the NPPF is engaged.
- 9.11. The application site lies within the built-up limits of Blackthorn and is occupied by a substantial complex of commercial and industrial buildings associated with the former Envigo research facility. The site comprises previously developed land in planning terms. The existing structures, hardstanding and car park present a large and visually prominent block of built form behind Station Road. The lawful use has potential to generate heavy vehicle movements, noise and general activity at a level that is out of scale with surrounding residential uses.
- 9.12. The redevelopment proposal seeks to remove the existing commercial buildings and associated infrastructure and to introduce a residential layout of 18 dwellings with streets, gardens and public open space. In broad terms this represents a transition from an intensive, *sui generis* research and industrial use to a residential use that is more in keeping with the surrounding pattern of development.
- 9.13. Having regard to Policy Villages 1, the site falls within the established envelope of the village. The scheme does not extend into the open countryside and would instead consolidate the edge of the settlement on a contained brownfield parcel. The number of dwellings proposed is modest in the context of the wider village and would not, in principle, amount to a scale of development that would undermine the spatial strategy or place undue pressure on local services, subject to the infrastructure contributions considered later in this report. Although Policy Villages 1 seeks to manage small scale development of normally less than ten dwelling there is latitude to consider slightly larger proposals providing that they are within the built up limits of the settlement. It is worth noting that Blackthorn retains its category B status under Policy SP1 of the DCLP.
- 9.14. Policies PSD1, BSC1 and BSC2 and the NPPF give strong support to the reuse of previously developed land in sustainable locations. In this case the site lies within walking and cycling distance of the village facilities and bus stops on the local network, and within reasonable distance of Bicester where a wider range of services and employment opportunities is available. The proposal would make more efficient use of an under-utilised brownfield site within the settlement and would contribute to the provision of new homes in line with the distribution strategy.

- 9.15. On this basis, the principle of residential redevelopment of this previously developed site within the built-up limits of Blackthorn is acceptable in land-use terms, subject to consideration of the loss of employment use and the detailed impacts assessed below.

*Loss of employment land*

- 9.16. The application site forms part of an established employment site, and Policy SLE1 seeks to retain such sites in employment use unless specified criteria are met. The policy expects applicants to demonstrate that the site is not viable or attractive for continued employment use, that there is no reasonable prospect of it being used for that purpose, or that the proposed alternative use would have clear planning benefits that outweigh the loss.
- 9.17. The applicant has submitted an Employment Land and Marketing Report prepared by a commercial agent, together with a Viability Report. These documents set out the history of the Envigo operations, confirm that the former occupier has vacated the site, and describe the characteristics of the buildings and access arrangements. The evidence explains that the buildings were purpose-built and are now dated, that the internal layout and specification are not suited to modern research or industrial requirements, and that the only feasible way to continue an employment use would involve substantial refurbishment or redevelopment. The access to the site is taken through an existing residential street with a constrained junction to Station Road, which limits the suitability of the site for heavier employment traffic.
- 9.18. The marketing information states that the site has been actively marketed for a sustained period to a range of potential employment occupiers. The agent reports that interest from B-class and similar operators has been limited and that no realistic proposals for continued employment use have come forward. Expressions of interest have related mainly to alternative residential or mixed-use schemes. The report concludes that, in the current market, the site is unlikely to be taken up for viable employment use in its present form, and that a new employment-led scheme would face significant viability and access constraints.
- 9.19. In terms of the wider employment land supply, the site is not identified as a strategic employment allocation in the Local Plan. The loss of this individual site would not, on the evidence before the Council, undermine the overall employment land strategy, which concentrates new employment development at Banbury, Bicester and key strategic sites elsewhere in the district.
- 9.20. The proposed residential redevelopment would also remove the potential for continued intensive commercial activity in close proximity to existing and proposed homes. This includes heavy vehicle movements, out-of-hours operations and associated noise and disturbance. A residential layout has the potential to provide a quieter and more compatible land use at the village edge, subject to satisfactory design and layout.
- 9.21. Taking these factors together, the evidence indicates that there is no reasonable prospect of continued employment use of the site, and that the loss of the existing employment land is justified when weighed against the benefits of bringing forward new housing on previously developed land in a sustainable village location.

*The Tilted Balance*

- 9.22. Cherwell cannot demonstrate a five-year supply of deliverable housing sites, so paragraph 11(d) of the NPPF is engaged and the “tilted balance” applies. In this context, full weight cannot be given to housing-restrictive policies, and planning

permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

- 9.23. For this proposal, the key benefits are: the efficient reuse of a previously developed site within the built-up limits of a Category B village; the delivery of 18 dwellings, including 3 affordable homes, at a time of acknowledged housing land supply deficit; visual and environmental improvement over the existing Envigo complex; remediation of contamination; biodiversity net gain; sustainable drainage; and a package of S106 contributions towards local infrastructure. Set against these are the loss of an employment site, a shortfall below the 35% affordable housing target and reduced financial contributions compared with a fully policy-compliant scheme, and localised amenity impacts for neighbours arising from a change in outlook and activity.
- 9.24. Given the marketing and viability evidence on employment reuse, the viability constraints on affordable housing and contributions, and the fact that all technical matters (highways, drainage, ecology, archaeology, amenity) can be satisfactorily addressed through conditions and obligations, those harms attract limited to moderate weight. They do not significantly and demonstrably outweigh the identified benefits. On this basis, the proposal is judged to constitute sustainable development in NPPF terms and the tilted balance falls in favour of granting planning permission.

#### *Conclusion on the principle of development*

- 9.25. In summary, the proposal would redevelop a previously developed site within the built-up limits of a Category B village for a modest number of dwellings, in a way that aligns with the spatial strategy set out in Policies PSD1, SLE1, BSC1, BSC2 and Villages 1. The loss of the existing employment use is supported by marketing and viability evidence and is unlikely to prejudice the overall employment land strategy in the district. The change to residential use would remove an intensive commercial use from a sensitive location and make more efficient use of an under-used brownfield site.
- 9.26. The principle of the proposed development is therefore considered acceptable, subject to the detailed matters of design, residential amenity, highways and parking, landscape impact, ecology and biodiversity, drainage, contamination, heritage and infrastructure, which are addressed in the following sections of this appraisal.

#### Design, density and scheme evolution

- 9.27. The scheme has evolved through the application process. The original proposal for 10 dwellings was the subject of detailed comments from the Council's Urban Design Officer. Those comments raised concern that the pattern of development, building forms and relationship to public rights of way did not respond well to the local context or to the former farmstead character of the site. The officer considered that the layout appeared suburban, with a loose grain of development, prominent parking, and a weak definition between public and private spaces. The detached garage structures, roof forms and some detailing were also regarded as inconsistent with the local vernacular.
- 9.28. In response the applicant submitted a revised scheme for 18 dwellings. The increase in unit numbers is accompanied by a re-planned layout that seeks to provide a tighter and more coherent village-edge pattern of development. The internal street is now a shared-surface arrangement with stronger built frontage, reduced prominence of detached garages and a clearer hierarchy of public and private spaces. Dwellings front onto the internal street and towards the adjoining public rights of way, which improves natural surveillance and provides a more positive interface with the surrounding countryside.

- 9.29. The amended layout retains the access from Station Road but adjusts the disposition of plots, parking and open space to resolve the design concerns. The central open space has been given a clearer form and function, with dwellings enclosing it on several sides. Boundary treatments are designed to limit the visibility of high fencing from the public realm and to reinforce hedgerows at the rural edge. The Urban Design Officer's later comments confirm that, subject to a series of detailed amendments which have since been incorporated, the revised scheme addresses the earlier objections and is now considered acceptable.
- 9.30. In density terms, 18 dwellings on a site of about 1 hectare represents a moderate development intensity that is consistent with Policy BSC2, which seeks the efficient and effective use of land and encourages appropriate densities on previously developed sites. The increase from 10 to 18 dwellings allows the scheme to make better use of this brownfield land, while the revised layout and design approach ensure that the development reads as a logical extension of the village rather than as an over-intensive or out-of-scale form of backland development. The detailed design and landscape impacts are considered further in the character and appearance section of this report.

#### Developer contributions, affordable housing and viability

- 9.31. Policy BSC3 of the CLP 2015 expects new housing developments at villages to provide 35% affordable housing on sites of 11 or more dwellings. Applied to an 18-unit scheme at Blackthorn this would equate to 6 affordable homes. Policies BSC10, BSC11 and BSC12 seek contributions to open space, outdoor sport, indoor sport and community facilities in order to mitigate the impact of new development on local services. Policy INF1 requires development to demonstrate that infrastructure requirements can be met, and the Developer Contributions Supplementary Planning Document sets out the framework for securing planning obligations that meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations.
- 9.32. The application is supported by a viability appraisal prepared on a residual land value basis that draws on RICS Red Book valuation principles. The appraisal compares the value of the completed development with scheme costs and a reasonable developer return. It concludes that a fully policy-compliant scheme with 35% affordable housing and all requested financial contributions would not be viable on this site, taking into account abnormal costs associated with demolition, ground conditions, drainage and the redevelopment of previously developed land with a constrained access.
- 9.33. On the basis of that evidence the applicant proposes a package of on-site affordable housing and financial contributions. The submitted draft Heads of Terms, for a Section 106 agreement, identifies the following:
- provision of 3 affordable dwellings on site, all as 2-bedroom 4-person houses, of which 2 would be for social rent and 1 for shared ownership;
  - financial contributions towards community hall facilities, outdoor sport and indoor sport provision within the local area;
  - contributions to secondary education, public transport services, public transport infrastructure, public rights of way improvements and household waste recycling facilities; and
  - payment of the Council's and County Council's monitoring fees and the County Council's legal costs, together with indexation and occupation-based trigger points for each obligation.
- 9.34. The Heads of Terms and viability appraisal indicate that the development can viably support 3 on-site affordable units and a total of about £319,295 in commuted sums



towards the above infrastructure. This falls below the 35% affordable housing sought under Policy BSC3 and below the full level of financial contributions that would ordinarily be expected for an 18-unit scheme. However, the viability evidence shows that this is the maximum reasonable level of planning obligations that the scheme can sustain without rendering the redevelopment of this brownfield site unviable.

- 9.35. The package of obligations would secure on-site affordable housing in a tenure mix that reflects local needs, together with targeted contributions to community facilities, sport, education, public transport, rights of way and waste infrastructure. These obligations would mitigate the impact of the development on local services and infrastructure in line with Policies BSC3, BSC10, BSC11, BSC12 and INF1, and would meet the statutory tests of necessity, direct relationship to the development and fairness and reasonableness in scale and kind.
- 9.36. In light of the viability evidence, the proposed suite of obligations and affordable housing is considered to represent an acceptable compromise between securing mitigation and enabling the redevelopment of this previously developed site. The detailed heads of terms are reflected in the recommendation section of this report and would need to be secured through a completed section 106 agreement before planning permission is issued.

### Design, and Impact on the Character of the Area

#### *Policy context*

- 9.37. Policy ESD13 of the CLP 2015 seeks to respect and enhance local landscape character, resisting development that causes undue visual intrusion into the open countryside or is inconsistent with local character. Policy ESD15 requires all new development to complement and enhance the character of its context through high quality design, layout and materials, reinforcing local distinctiveness and creating legible, durable places. Policies BSC10 and BSC11 require adequate and appropriately located open space and outdoor recreation, to be integrated into the design of new development. Saved Policies C28 and C30 of the CLP 1996 seek compatible layout, scale and appearance in new residential development and expect proposals to relate well to their surroundings.
- 9.38. The NPPF emphasises the importance of good design as a key aspect of sustainable development. It states that planning decisions should ensure that developments are visually attractive, sympathetic to local character and history, and maintain a strong sense of place. The Cherwell Residential Design Guide Supplementary Planning Document provides more detailed guidance on settlement pattern, street hierarchy, building form, parking and landscape treatment.

#### *Baseline character and visual context*

- 9.39. The application site sits on the south-eastern edge of Blackthorn, behind the existing frontage development on Station Road. The surrounding area comprises mainly two-storey dwellings in a mix of ages and styles, reflecting the incremental growth of the village. To the south and east the land falls away towards open farmland and the River Ray corridor, with hedgerows and trees forming a soft village edge.
- 9.40. At present the site is occupied by the former Envigo research complex. Large, functional commercial buildings, extensive areas of hardstanding and a sizeable car park are enclosed within security fencing. Although some of the built form is screened by vegetation and rear boundaries, the complex is visible from sections of the public rights of way that run along the northern, north-eastern and southern boundaries.

From these vantage points the existing buildings appear as an incongruous block of commercial development set behind the village, at odds with the finer grain and domestic scale of surrounding housing and the adjacent countryside.

- 9.41. The site therefore reads as a visually and physically separate compound rather than an integrated part of the village. Its character is strongly influenced by hard surfacing, utilitarian structures and parked vehicles, and it does not make a positive contribution to the appearance of the settlement edge.

*Layout, grain and relationship to the village and countryside*

- 9.42. The proposed development would remove the existing commercial buildings and introduce a residential layout of 18 dwellings arranged around a shared-surface internal street and a central open space. The revised layout has been informed by the comments of the Urban Design Officer and seeks to establish a more traditional village-edge grain.
- 9.43. Dwellings are positioned to front the internal street and the adjacent public rights of way, with short runs of buildings defining the principal spaces. This approach provides a clearer structure and rhythm than the existing complex and reflects the pattern of incremental growth found elsewhere in Blackthorn. The central open space is framed by buildings on several sides, giving it a defined shape and a sense of enclosure that distinguishes it from residual or leftover land. The arrangement of plots and boundaries has been adjusted so that private rear gardens back onto one another or onto the countryside edge, reducing the extent of exposed rear boundaries to the public realm.
- 9.44. Towards the southern and eastern boundaries, the layout steps development back from the site edge, allowing for the retention and reinforcement of hedgerows and trees and for new planting. This creates a softer transition to the open countryside and helps to maintain the perception of a green edge to the village when viewed from the surrounding fields and public rights of way. The shared-surface street, modest carriageway widths and limited forward visibility are designed to keep vehicle speeds low and contribute to a more intimate, village-scale character.

*Scale, massing and design treatment*

- 9.45. The proposed dwellings are two storeys in height, consistent with the prevailing scale of housing in the village. Building depths and roof forms have been revised from the original scheme to better reflect local typologies identified in the Cherwell Design Guide. The use of simple gabled roofs, chimneys in credible locations and a restrained palette of materials and detailing draws on local precedents without resorting to pastiche.
- 9.46. Architectural detailing is intended to be robust and simple, with appropriate window proportions, porches and eaves treatments. Conditions can be imposed to secure material samples, joinery details and boundary treatments. Detached garage structures have been reduced or integrated into the built form so that parking does not dominate the street scene. Where small parking courts are used, they are overlooked by active frontages and contained within the block structure.

*Public rights of way and visual amenity*

- 9.47. The public rights of way around the site provide close-range views into the development and towards the village. Under the existing situation, users experience views of large commercial buildings, service yards and security fencing. The proposed scheme would replace these elements with residential frontages, gardens and

landscaped open space. While the development would introduce additional built form into these views, the scale and design of the dwellings, combined with new planting, hedgerow reinforcement and the central green space, would create a softer and more appropriate edge to the settlement.

- 9.48. The interface with the rights of way has been designed to provide active frontages and a clear distinction between public and private space. Boundary treatments along these routes are a mix of hedgerows, trees and lower walls or fences, avoiding long runs of tall close-boarded fencing facing the public realm. This maintains visual interest and provides a degree of informal surveillance for path users. Conditions can secure the detailed landscape scheme, including species mix, planting densities and maintenance.

#### *Open space and landscaping*

- 9.49. The scheme incorporates a central area of open space that functions as a small village green, together with incidental green spaces and structural planting around the edges of the site. This provision aligns with Policies BSC10 and BSC11 and will contribute to the visual quality of the development as well as providing informal recreation for residents.
- 9.50. Existing boundary trees and hedgerows are largely retained, particularly on the southern and eastern edges, and are supplemented with new planting. The Arboricultural Impact Assessment demonstrates that important trees can be protected during construction, subject to standard tree protection conditions. The landscape proposals, when secured and implemented, will assist in assimilating the development into its surroundings and mitigating views from the wider countryside.

#### *Conclusion on character and appearance*

- 9.51. The existing commercial complex at Shaws Farm is a visually intrusive and utilitarian form of development that does not make a positive contribution to the character or appearance of the village edge. The proposed scheme would replace this with a residential layout of appropriate scale and grain, with a clearer street structure, central open space and strengthened landscape framework.
- 9.52. Subject to conditions securing materials, boundary treatments and landscaping, the development is considered to respect and reinforce local character, provide a more sympathetic interface with the surrounding countryside and enhance views from the adjacent public rights of way. The proposals therefore accord with Policies ESD13 and ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996, the Cherwell Residential Design Guide SPD and the relevant design provisions of the NPPF. Character and appearance considerations do not weigh against the proposal in the overall planning balance.

#### Heritage And Archaeology Impact

- 9.53. There are no heritage assets within or adjacent to the site that would be impacted by the development.
- 9.54. The County Archaeologist has reviewed the application and accompanying Desk-Based Assessment. The site lies within an area of archaeological potential associated with the historic settlement of Blackthorn. There is a reasonable prospect that below-ground archaeological deposits may survive despite previous development.

- 9.55. OCC's Archaeological Service raises no objection to the proposal, subject to conditions securing further investigation. The recommended conditions require the submission and approval of an Archaeological Written Scheme of Investigation prior to any demolition (other than to ground level) or development, followed by a staged programme of archaeological evaluation and, where necessary, mitigation, analysis, reporting and archiving.
- 9.56. These requirements are proportionate to the scale of development and will ensure that any archaeological remains of significance are appropriately recorded, in accordance with Policy ESD15, saved Policy C25 where relevant, and the NPPF.

#### *Conclusion on heritage and archaeology*

- 9.57. The site does not contain designated heritage assets and is not within a conservation area. The existing buildings do not make a positive contribution to the character or appearance of the area. The proposed redevelopment would remove an extensive modern commercial complex and replace it with a residential layout that is more consistent with the historic village pattern. There would be no harm to the significance or setting of any designated heritage asset.
- 9.58. Any archaeological interest can be safeguarded and recorded through the imposition of standard investigation and mitigation conditions. Subject to these conditions, the development is considered to accord with Policy ESD15 of the CLP 2015 and the heritage provisions of the NPPF. Heritage and archaeology considerations therefore do not weigh against the proposal in the overall planning balance.

#### Highways, Access and Parking

##### *Policy context*

- 9.59. Policy SLE4 of the CLP 2015 seeks to improve sustainable transport and connections. It requires development to provide safe and suitable access for all people, to mitigate its transport impacts and, where appropriate, to contribute to improvements to the local and strategic transport network. Policies PSD1 and ESD1 promote a pattern of growth that reduces the need to travel and encourages the use of sustainable modes. The NPPF requires that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

##### *Access arrangements and traffic impacts*

- 9.60. Vehicular access to the site is taken from Station Road, using the existing private drive between dwellings and through Shaws Yard. The proposal retains this access point but upgrades the junction and internal arrangements to current standards. A Transport Statement and Road Safety Audit have been submitted in support of the application.
- 9.61. The evidence acknowledges that Station Road is a relatively narrow village street with on-street parking and localised pinch points. The Transport Statement compares trip generation from the existing lawful commercial use with the forecast trips from 18 dwellings. On the basis of standard trip-rate data, the residential scheme is expected to generate fewer vehicle movements in peak hours and across the day than the authorised Envigo use. The supporting information concludes that the development would not lead to a material increase in traffic on the local network compared with the former use.

- 9.62. Residents have raised concerns about existing speeding, recorded accidents and the adequacy of the submitted traffic data, with particular reference to a serious collision that occurred in May 2024. These representations are summarised earlier in this report. The County Council as Local Highway Authority has considered these matters, alongside its own accident records and the Road Safety Audit. In its latest consultation response, the Highway Authority raises no objection to the amended 18-dwelling scheme, subject to conditions and planning obligations. It is satisfied that, with the proposed access improvements and the package of traffic-calming and public transport measures secured through the section 106 agreement, the development would not result in an unacceptable impact on highway safety or a severe cumulative impact on the local highway network.

*Internal layout and pedestrian safety*

- 9.63. Within the site, the development is laid out around a shared-surface street with direct frontage development. The layout has been amended in response to earlier concerns from the Highway Authority and the Urban Design Officer about carriageway width, turning provision, pedestrian movement and the relationship between parking and dwellings.
- 9.64. The revised drawings show a clear hierarchy of routes with sufficient width for vehicles, pedestrians and servicing, together with turning space for refuse and emergency vehicles. The shared-surface arrangement is designed to keep vehicle speeds low. Dwellings now front onto the internal street and towards the adjoining public rights of way, providing natural surveillance of pedestrian routes. The Highway Authority is satisfied that, subject to detailed design conditions and a construction traffic management plan, the internal layout can operate safely and effectively.
- 9.65. Public rights of way run along the northern, north-eastern and southern boundaries of the site. The development maintains these routes and provides an improved interface with them through frontage development, boundary treatments and new planting. A financial contribution towards improvements to the surfacing and accessibility of Footpaths 131/1 and 131/11 is to be secured through the section 106 agreement. This will help to mitigate additional use and enhance local walking opportunities in line with Policy SLE4 and the NPPF.

*Parking provision*

- 9.66. The scheme provides on-plot and small-court parking spaces to serve each dwelling, together with visitor parking, in accordance with the Council's parking standards and the guidance of the Local Highway Authority. Parking has been re-arranged during the course of the application to reduce the dominance of frontage parking and to ensure that spaces are convenient to the dwellings they serve. The majority of spaces are clearly overlooked from active rooms, which improves security and reduces the risk of uncontrolled on-street parking within the site.
- 9.67. Objectors have raised concern that overspill parking from the development could exacerbate existing congestion and on-street parking stress on Station Road. In view of the level of on-site provision and having regard to the Highway Authority's conclusion that the parking strategy is acceptable, it is not considered that the development is likely to result in harmful levels of overspill parking. Conditions can be imposed to ensure that parking and turning areas are laid out and retained for their intended purpose.

*Conclusion on highways and parking*

- 9.68. The proposal would reuse an existing access and, subject to the detailed improvements and mitigation secured by condition and section 106 agreement, would provide safe and suitable access for all users. The forecast traffic generation compares favourably with the authorised commercial use, and the Local Highway Authority raises no objection to the development. The internal layout and parking provision have been revised to address earlier concerns and are considered acceptable. Public rights of way are retained and enhanced, with contributions towards their improvement.
- 9.69. Having regard to Policy SLE4 and the relevant provisions of the NPPF, it is therefore concluded that the development would not result in an unacceptable impact on highway safety, nor would the residual cumulative impacts on the local road network be severe. Highways, access and parking considerations do not weigh against the proposal in the overall planning balance.

### Residential Amenity

#### *Policy context*

- 9.70. Policy ESD15 of the CLP 2015 requires new development to consider the amenity of both existing and future residents, including matters such as privacy, outlook, natural light and noise. Saved Policy C30 of the CLP 1996 seek to ensure that new residential development provides acceptable standards of amenity and is compatible with existing residential areas. The National Planning Policy Framework states that planning decisions should create places with a high standard of amenity for existing and future users.

#### *Impact on neighbouring residents*

- 9.71. The nearest existing dwellings lie to the north and north-west along Station Road and Shaws Yard, with further residential properties at Elm Tree Close to the north-east. These properties currently back onto or overlook the Envigo complex, which comprises large commercial buildings, service areas and car parking. The lawful use has the potential to generate noise, disturbance and activity at levels that are not typical of a residential environment.
- 9.72. The proposed development would remove the commercial buildings and introduce a residential layout of 18 dwellings with gardens and public open space. While the character of activity would change, the type and intensity of use would be more compatible with the surrounding housing. Traffic associated with the development is expected to be less than that associated with the authorised commercial use, and domestic noise from 18 dwellings is likely to be less intrusive than noise from a working research facility and associated servicing.
- 9.73. The layout has been designed to respect the privacy and outlook of neighbouring properties. New dwellings are positioned so that back-to-back and back-to-side relationships with existing houses meet or exceed typical separation expectations within the district. The majority of first-floor windows serving habitable rooms face into the site or across private gardens rather than directly towards existing dwellings. Where plots are closer to the boundaries, the orientation of windows and the use of side-facing openings has been managed to avoid unacceptable overlooking. Boundary treatments along the northern edge and to the interface with Elm Tree Close will further help to protect privacy, subject to details controlled by condition.
- 9.74. In terms of daylight and sunlight, the two-storey scale of the proposed houses and the separation distances involved are such that there would be no material loss of light to

neighbouring properties. The removal of large commercial sheds is likely to improve natural light and outlook for some existing residents whose rear aspects currently look towards the Envigo buildings. The proposal would therefore not give rise to an overbearing or enclosing relationship when assessed against the established village context.

- 9.75. Concerns have been raised by local residents about disturbance during the construction phase, including noise, dust and construction traffic. Such effects are temporary and can be mitigated through a Construction Management Plan secured by condition. This can control working hours, deliveries, contractor parking and wheel washing. Subject to such controls, construction impacts would not justify withholding permission.

*Amenity of future occupiers*

- 9.76. The scheme must also ensure that an acceptable standard of amenity is provided for the future occupiers of the proposed dwellings. The layout provides each dwelling with a private garden of appropriate size and shape for its likely occupancy. Gardens are generally located to the rear of properties, enclosed by fences and hedges to provide privacy and usable external space for sitting out, play and drying clothes.
- 9.77. Within the development, the arrangement of dwellings and the separation between them has been planned to avoid significant overlooking between facing elevations. Back-to-back distances are such that residents will benefit from reasonable levels of privacy, and where side elevations face across short distances, window positions and room uses are arranged to limit direct overlooking. The two-storey scale and roof forms are such that the development would not create unacceptable overshadowing of private gardens within the scheme.
- 9.78. Internal outlook from the proposed dwellings is generally good, with principal rooms looking onto streets, the central open space or private gardens. The shared-surface street and the modest carriageway width help to keep traffic speeds and noise within a residential range. The proximity of the site to Station Road and the public rights of way will result in some movement and activity around the edges of the development, but this is characteristic of a village location and is not considered harmful. Appropriate acoustic fencing can be secured at detailed design stage, if necessary, although the removal of commercial activity is expected to reduce baseline noise levels overall.
- 9.79. Future occupiers will benefit from easy access to the central green space and surrounding public rights of way, which provide opportunities for informal recreation and walking. The layout integrates these assets while maintaining clear distinctions between public and private space, reducing the potential for disturbance to residents from passers-by.

*Conclusion on residential amenity*

- 9.80. The proposed development would replace a commercial complex capable of generating significant noise and disturbance with a residential scheme of modest scale that is more compatible with the surrounding housing. The layout and two-storey built form have been arranged to respect the privacy, outlook and light of neighbouring dwellings, and to provide satisfactory levels of amenity for future occupiers.
- 9.81. Subject to conditions securing boundary treatments, landscaping and a Construction Management Plan, the proposal is considered to accord with Policy ESD15 of the CLP 2015, saved Policies C30 and ENV1 of the CLP 1996 and the relevant provisions

of the NPPF. Residential amenity considerations therefore do not weigh against the proposal in the overall planning balance.

### Ecology Impact

#### *Legislative context*

- 9.82. 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.
- 9.83. 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.
- 9.84. 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.
- 9.85. 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.
- 9.86. 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*



- 9.87. 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.
- 9.88. 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.
- 9.89. 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.
- 9.90. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.91. 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.
- 9.92. 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*

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

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all

- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.94. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction, is close to a stream 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.
- 9.95. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.96. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.97. The application is accompanied by ecological survey work, including a Preliminary Ecological Appraisal and associated habitat and species assessments. These identify that the site is dominated by buildings, hardstanding and managed amenity areas associated with the former Envigo facility. Habitats of higher ecological value are largely confined to boundary hedgerows and trees, small areas of grassland and scrub, and the wider River Ray corridor beyond the site.
- 9.98. The surveys did not identify any statutory or non-statutory designated nature conservation sites within or immediately adjacent to the site. The nearest designated sites lie at some distance and are separated by existing development and farmland. The proposed development would not give rise to significant effects on designated sites, subject to appropriate surface water and pollution controls. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue to be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.99. The submitted reports recommend a series of avoidance, mitigation and enhancement measures, including timing of vegetation clearance outside the main bird-nesting season where practicable, pre-commencement checks where required, sensitive lighting design to avoid unnecessary illumination of boundary features, and the incorporation of bat and bird boxes and other ecological enhancements within the new development.

#### *Ecological impacts and mitigation*

- 9.100. The proposed redevelopment would result in the loss of the existing buildings and some areas of hardstanding, together with localised removal or realignment of lower-value vegetation. The higher-value boundary trees and hedgerows are largely retained and will be reinforced with new native planting. As a consequence, the

development is unlikely to result in significant harm to habitats of greater ecological value. With the recommended timing and method controls in place, impacts on nesting birds, bats and other commonly occurring protected species can be avoided or reduced to an acceptable level.

9.101. During construction there is potential for disturbance of wildlife through noise, lighting and groundworks. These effects can be managed through a Construction Environmental Management Plan for biodiversity secured by condition. This can set out measures for protecting retained vegetation, controlling lighting and noise, and implementing any necessary pre-commencement checks and exclusion or relocation procedures.

9.102. The completed scheme would introduce new gardens, street trees, hedgerows and areas of public open space, including the central green. These features, when planted and managed with suitable native and wildlife-friendly species, will provide additional foraging and nesting opportunities for a range of species. Conditions can secure a detailed landscaping scheme and an associated Landscape and Ecological Management Plan to ensure long-term delivery and management of these habitats.

#### *Biodiversity net gain*

9.103. A biodiversity net gain metric has been prepared to compare the baseline habitats with those proposed as part of the development. As is typical for previously developed land, the baseline position reflects the dominance of buildings and hard surfaces with relatively limited areas of semi-natural habitat. The proposed scheme, by replacing much of the hardstanding with gardens, planting and structured landscaping, is capable of delivering an increase in habitat diversity and value.

9.104. The Council's Ecologist has sought clarification and updates to the metric to reflect the amended layout and to ensure that habitat types within private curtilages are accurately categorised. Subject to these updates and to the submission of a finalised metric and biodiversity net gain plan secured by condition, officers are satisfied that the development can achieve a measurable net gain in biodiversity compared with the baseline position.

9.105. To ensure that biodiversity net gain is delivered and maintained, conditions are recommended requiring:

- submission and approval of an updated biodiversity metric and biodiversity net gain plan prior to commencement;
- a Landscape and Ecological Management Plan setting out habitat creation, enhancement and long-term management over at least a 30-year period;
- details of integrated bat and bird boxes (including swift or multi-purpose bricks) and other ecological enhancement features within the built fabric and open spaces; and
- a sensitive lighting strategy to avoid unnecessary illumination of boundary vegetation and wildlife corridors.

9.106. With these measures in place, the development would secure a positive contribution to local biodiversity in accordance with Policy ESD10, the Environment Act 2021 and the relevant provisions of the NPPF.

#### *Conclusion on ecology and biodiversity*

9.107. The site comprises predominantly low-value previously developed land with ecological interest concentrated in its boundaries and immediate surroundings. The

proposed development would retain and reinforce key boundary features and introduce new habitats through gardens, trees and open space. Subject to the recommended conditions securing mitigation, biodiversity net gain and long-term management, the proposal is not expected to result in unacceptable harm to habitats or protected species and is capable of delivering a measurable net gain in biodiversity.

- 9.108. The development is therefore considered to accord with Policies ESD10, ESD13 and ESD17 of the CLP 2015, the relevant provisions of the NPPF, the Environment Act 2021 and other applicable wildlife legislation. Ecology and biodiversity considerations do not weigh against the proposal in the overall planning balance.

#### Environmental Matters – Flood Risk, Drainage, Ground Conditions and Pollution

##### *Policy context*

- 9.109. Policies ESD1, ESD6 and ESD7 of the CLP 2015 seek to mitigate and adapt to climate change, manage flood risk and promote the use of sustainable drainage systems. Policy ESD10 aims to protect and enhance biodiversity and the natural environment, and Policy ESD13 seeks to respect local landscape character, including watercourses and associated habitats. The NPPF requires that development be steered to areas at lowest risk of flooding, that it should not increase flood risk elsewhere, and that a site-specific flood risk assessment and sustainable drainage should underpin decisions where appropriate.

##### *Ground conditions and land contamination*

- 9.110. The application site has been occupied for many years by the Envigo research facility and is therefore at risk of land contamination associated with historic commercial and industrial activity. The application is supported by land contamination assessments and ground investigation, which identify potential pollutant linkages typical of previously developed land of this nature.
- 9.111. The submitted reports conclude that, while areas of made ground and localised contaminants are present, the risks to human health and the environment can be managed through a programme of remediation and verification. Recommended measures include targeted removal or treatment of affected soils, provision of clean cover in garden and soft-landscaped areas where necessary, and appropriate protection for new services and foundations.
- 9.112. In view of this evidence, it is appropriate to impose conditions requiring:
- submission and approval of a detailed remediation strategy prior to commencement;
  - implementation of the approved remediation measures during the construction phase; and
  - submission of a verification report demonstrating that the site is suitable for its intended residential use, with any unexpected contamination identified and dealt with.

- 9.113. Subject to these conditions, the development would not give rise to unacceptable risks from land contamination and would comply with the relevant requirements of the NPPF in respect of land stability and pollution.

##### *Flood risk and surface water drainage*

- 9.114. The site lies within Flood Zone 1, which is the zone of lowest probability of fluvial flooding. Notwithstanding this, the scale and nature of the development require careful

consideration of surface water management to avoid increasing run-off to the surrounding area. Local residents have reported existing drainage and standing water issues within parts of the village.

- 9.115. A site-specific Flood Risk Assessment and surface water drainage strategy have been submitted and reviewed by OCC as Lead Local Flood Authority (LLFA). The LLFA raises no objection to the development, subject to conditions. The strategy proposes a sustainable drainage system that will attenuate surface water run-off on site and discharge it at a controlled rate. The detailed design will include permeable surfacing, below-ground attenuation and appropriately sized pipework, with exceedance flows routed away from buildings.
- 9.116. The conditions recommended by the LLFA require the submission and approval of a detailed surface water drainage scheme before development commences, including design drawings, hydraulic calculations, details of all SuDS components and maintenance responsibilities. A drainage maintenance and management plan is to be secured, setting out how each element will be managed for the lifetime of the development. A condition also requires submission of an “as built” record of the SuDS scheme for inclusion in the LLFA’s asset register.
- 9.117. With these safeguards in place, the proposal would manage surface water on site, would not increase flood risk on or off the site, and would accord with Policies ESD1, ESD6 and ESD7 and the flood risk guidance in the NPPF.

#### *Foul drainage and utilities*

- 9.118. Foul drainage from the development is to connect to the existing public sewerage network. Residents have expressed concern about current capacity and performance of the village sewer network. The developer will be required to enter into the usual agreements with the statutory undertaker to secure any necessary off-site reinforcement and to ensure that the network can accommodate the additional flows. This is a matter for detailed design and agreement under separate legislation. There is no technical evidence before the Council to demonstrate that the proposed 18 dwellings could not be served by the existing network, subject to those processes.

#### *Noise, dust and air quality*

- 9.119. The removal of the existing industrial buildings and the cessation of the historic commercial use will reduce the potential for noise and disturbance associated with the Envigo facility. The main noise and air quality effects arise during the construction phase, when demolition and building works have the potential to generate noise, vibration and dust.
- 9.120. These temporary effects can be managed through a Construction Management Plan condition, which will control working hours, delivery times, contractor parking, construction traffic routes, and measures to suppress dust and mud on the highway. Given the modest scale of the scheme and the residential nature of the proposed use, it is not expected that the development will give rise to unacceptable noise or air quality impacts once occupied.

#### *Trees, landscaping and green infrastructure*

- 9.121. Existing trees and hedgerows around the site boundaries contribute to local landscape character and provide ecological and visual benefits. An Arboricultural Impact Assessment and tree protection proposals accompany the application. The assessment confirms that the majority of higher-value trees can be retained, with only limited removals required to facilitate the development.

- 9.122. Conditions can secure tree protection measures during construction and implementation of the proposed landscaping scheme. These measures, alongside the creation of new gardens, street trees and open space, will support green infrastructure objectives and, in combination with the biodiversity measures outlined in the ecology section, will contribute to the delivery of a more connected and resilient local habitat network.

*Conclusion on environmental matters*

- 9.123. The redevelopment of this previously developed site raises issues in respect of ground conditions, drainage, construction impacts and the protection of existing landscape features. The application is supported by appropriate technical assessments, and the relevant statutory bodies raise no objection subject to conditions.
- 9.124. With conditions securing remediation of land contamination, a detailed surface water drainage and SuDS strategy, a construction management plan and tree protection and landscaping measures, the development is not expected to give rise to unacceptable environmental effects. The proposal is therefore considered to accord with Policies ESD1, ESD6, ESD7, ESD10, ESD13 and ESD17 of the CLP 2015, the relevant provisions of the NPPF and other applicable environmental legislation. Environmental considerations in respect of ground conditions, drainage, pollution and green infrastructure do not weigh against the proposal in the overall planning balance.

Sustainable Construction

- 9.125. Government guidance contained within the NPPF requires the planning system to support the transition to a low carbon future in a changing climate, helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.
- 9.126. Policy ESD3 of CLP 2015 states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to minimising energy demands and loss, maximising passive solar lighting and natural ventilation, maximising resource efficiency, incorporating the use of recycled and energy efficient materials, using locally sourced material, reducing waste and pollution, using sustainable drainage methods, maximising opportunities for cooling and shading and re-using materials where proposals involve demolition or redevelopment.
- 9.127. In addition, 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. Further, since Cherwell District is in an area of water stress, the Council seek a higher level of water efficiency that required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.
- 9.128. The planning system is generally supportive of measures that assist with the transition to a low carbon future in a changing climate. Planning Policies are required to assist with the increase of the use and supply of renewable and low carbon energy and heat, and Government guidance contained within the NPPF states that when determining applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for the renewable or low carbon energy, and recognise that even small scale projects provide a valuable

contribution to cutting greenhouse gas emissions. Further, applications should be approved if its impacts are, or can be made, acceptable.

- 9.129. Policies ESD1, ESD4 and ESD5 of the CLP 2015 all echo Government support for renewable energy schemes in the District, with Policy ESD5 of the CLP 2015 stating that planning applications involving renewable energy development will be encouraged, provided that there is no unacceptable adverse impact.
- 9.130. Whilst solar panels have not been specified on the drawings it does not preclude them from the development, but at present these cannot be conditioned. As of 2027 though, it will be mandatory for nearly all new-build dwellings in England to have solar panels installed as part of the Future Homes Standard. There will be exemptions for cases where it's not practical, such as if the property is shaded. The government is due to publish the detailed rules imminently which are being introduced to improve energy efficiency and reduce carbon emissions. It is likely that these will be required via Building Regulations and as such would not need to be conditioned. The development is likely to take a while to progress to build out state so by that time it is reasonable to assume that these new standards will be in place and automatically applied. All habitable rooms would benefit from an opening, providing light, outlook and ventilation, together with sunlight and shade. The required water efficiency can be sought via condition. The development would demonstrate sustainable construction measures in compliance with Building Regulation Standards and in accordance with the above policies.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal has been assessed against the development plan as a whole, the NPPF and other material considerations. The main benefits and harms are summarised below.

### *Economic role*

- 10.2. The development would bring an under-used previously developed site back into active use. Construction activity would support jobs in the short term and generate local expenditure in the supply chain. Once occupied, the 18 dwellings would support the vitality of local services and facilities in Blackthorn and the wider area.
- 10.3. The site is not allocated as a strategic employment location in the Local Plan. The evidence shows that there is no reasonable prospect of the former Envigo complex being brought back into viable employment use in its current form and that redevelopment for modern employment purposes would face significant viability and access constraints. In this context, the loss of the existing employment use carries limited negative weight.
- 10.4. The scheme would deliver 3 on-site affordable homes and around £319,295 of financial contributions towards community facilities, sport, education, public transport, public rights of way and waste infrastructure. This falls below the 35% affordable housing provision sought under Policy BSC3 and below the full level of contributions that might ordinarily be expected. However, the submitted viability appraisal, which has been independently scrutinised, demonstrates that a fully policy-compliant package would render the scheme unviable and that the proposed obligations represent the maximum reasonable level of planning gain while still enabling the redevelopment of this brownfield site. Moderate positive weight is given to the affordable housing and infrastructure package in the overall balance.

### *Social role*

- 10.5. The proposal would provide 18 new homes in a sustainable village location, including a mix of dwelling sizes and 3 affordable units, contributing to the district's housing supply. The Council's current housing land supply position indicates that it is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the NPPF is engaged and the most important policies for determining the application are considered out of date. Significant positive weight is therefore attached to the contribution that the development would make to boosting the supply of housing on a suitable previously developed site within the built-up limits of Blackthorn.
- 10.6. The layout provides a central area of open space, accessible footpath links and good access to the surrounding public rights of way, supporting healthy lifestyles and social interaction. The scheme has been designed to achieve acceptable standards of residential amenity for existing neighbours and future occupiers, as set out in the amenity section of this report. Subject to conditions, the development would not result in unacceptable overlooking, loss of light or overbearing effects.

#### *Environmental role*

- 10.7. Environmentally, the scheme would remove a large, visually intrusive commercial complex and replace it with a residential layout of appropriate scale and grain, with a stronger street structure, central green space and enhanced boundary planting. This would improve the character and appearance of the village edge and views from adjacent public rights of way, in accordance with Policies ESD13 and ESD15.
- 10.8. The development would reuse previously developed land within the built-up limits, reducing pressure for greenfield releases. The site is in Flood Zone 1 and, subject to the recommended conditions, the proposed sustainable drainage strategy would manage surface water on site and avoid increasing flood risk elsewhere. Land contamination associated with the historic use can be remediated to make the site suitable for residential occupation. The scheme retains and reinforces key trees and hedgerows and, with the biodiversity measures and management secured by condition, is capable of delivering a measurable biodiversity net gain in line with Policy ESD10 and the Environment Act 2021.
- 10.9. The transport impacts of the development have been carefully considered. The Local Highway Authority raises no objection to the amended scheme, subject to conditions and planning obligations. Forecast traffic generation compares favourably with the lawful commercial use, and with the proposed access improvements and contributions towards public transport and public rights of way, the development would not result in an unacceptable impact on highway safety or a severe cumulative impact on the local network.
- 10.10. Any adverse effects are limited to the inevitable change in outlook and activity associated with redevelopment of the site and the residual shortfall in affordable housing and financial contributions when measured against a fully policy-compliant position. For the reasons set out above, these harms attract limited weight and are mitigated as far as is reasonably possible by the design of the scheme and the viability-tested package of planning obligations.

#### *Overall conclusion*

- 10.11. The proposal would redevelop a previously developed site within the built-up limits of a Category B village for a relatively modest number of dwellings. It would make an efficient use of land, contribute to addressing the district's housing needs at a time when the Council cannot demonstrate a five-year housing land supply, provide on-site



affordable housing and secure financial contributions towards local infrastructure. It would improve the character and appearance of the village edge and deliver environmental enhancements including biodiversity net gain, sustainable drainage and remediation of contaminated land.

- 10.12. Against these benefits must be weighed the loss of an existing employment site, the reduced level of affordable housing and financial contributions compared with the aims of Policy BSC3 and associated policies, and the localised impacts on the amenity of neighbouring residents arising from a change in the pattern of development and activity. Having regard to the evidence on employment potential, viability and design, these adverse impacts attract limited weight in the overall planning balance.
- 10.13. Taking all matters into account and having regard to the presumption in favour of sustainable development and the consequent application of the tilted balance at paragraph 11(d) of the NPPF, the benefits of the proposal are considered to significantly and demonstrably outweigh the identified harms. The development therefore constitutes sustainable development in NPPF terms and is acceptable in principle and detail, subject to the completion of a section 106 agreement to secure the identified planning obligations and to the conditions set out below.

## **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):**

1. Affordable Housing  
Total: 3 units (all 2-bed 4-person houses):  
2 × Social Rent  
1 × Shared Ownership
2. Community Hall Contribution (CDC)
3. Outdoor Sport Contribution (CDC)
4. Indoor Sport Contribution (CDC)
5. Secondary Education (OCC) – UPDATED
6. Public Transport Service (OCC)
7. Public Transport Infrastructure (OCC)
8. Public Rights of Way (OCC)
9. Household Waste Recycling (OCC)
10. Monitoring Fees & Legal Costs
11. CDC and OCC monitoring fees plus OCC legal fees payable by Developer.
12. Indexation All contributions indexed as specified in consultee responses.
13. Triggers Contributions payable on occupation thresholds as set out by CDC/OCC.

### **CONDITIONS**

#### **1. Time Limit**

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

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

## **2. Approved Plans**

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

### **Site context / layout**

- 24 - P0256 - CP100 (Site Context Plan)
- 24 - P0256 - 100j (Proposed Site Plan Drawing)
- 24 - P0256 - C100c (Colour Site Plan Drawing)

### **House type plans and elevations**

- 24 - P0256 - 110 (Plots 1 & 2 – Plans & Elevations)
- 24 - P0256 - 111 (Plots 3 & 4 – Plans & Elevations)
- 24 - P0256 - 112 (Plot 5 – Plans & Elevations)
- 24 - P0256 - 113 (Plots 6 & 7 – Plans & Elevations)
- 24 - P0256 - 114 (Plot 8 – Plans & Elevations)
- 24 - P0256 - 115 (Plot 9 – Plans & Elevations)
- 24 - P0256 - 116 (Plots 10 & 11 – Plans & Elevations)
- 24 - P0256 - 117 (Plots 12, 13 & 14 – Plans & Elevations)
- 24 - P0256 - 118 (Plot 15 – Plans & Elevations)
- 24 - P0256 - 119a (Plot 16 – Plans & Elevations)
- 24 - P0256 - 120 (Plot 17 – Plans & Elevations)
- 24 - P0256 - 121 (Plot 18 – Plans & Elevations)
- 24 - P0256 - 123a (Proposed Railings)

### **Highways / access**

- ITB19042-GA-001 H (Site Access Arrangement)

### **Landscape**

- LAS 747 11A Landscape Proposals
- LAS 747 B Arboricultural Impact Assessment Jan 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. Materials**

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 dwellings and garages 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.

## **4. Boundary Enclosures**

No development shall commence above slab level until full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the local planning authority and such means of enclosure shall be erected prior to the first occupation of any dwelling and shall be retained as such thereafter.

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

#### **5. Landscaping Scheme**

The development shall be carried out in strict accordance with the approved landscaping scheme LAS 747 11A Landscape Proposals and LAS 747 B Arboricultural Impact Assessment Jan 25 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.

#### **6. Tree Protection**

No development shall commence until the existing trees on the periphery of the site have been protected in accordance with the contained within the LAS 747 B Arboricultural Impact Assessment Jan 25. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

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

#### **7. External Lighting**

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

Reason: In the interests of visual amenity and highway safety, to protect the amenities of nearby residents, To ensure that the development does not cause harm to any protected species or their habitats, and to comply with Policies

ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

#### **8. Construction Environmental Management Plan**

No development (including any demolition or site clearance) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- details of construction traffic routes, access arrangements, parking and turning for site operatives and visitors;
- measures to control the emission of dust, dirt, noise and vibration during construction;
- measures to prevent mud and debris being deposited on the public highway;
- details of the location of site compounds and storage of materials;
- hours of construction and delivery; and
- measures to protect retained trees, hedgerows and habitats during construction.

The development shall be carried out in accordance with the approved CEMP.

Reason: In the interests of the amenities of neighbouring residents, highway safety and the protection of the environment during construction, in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

#### **9. Land Contamination – Remediation**

No development (other than demolition to ground level) shall take place until a detailed remediation strategy, informed by the submitted land contamination investigations, has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include details of all remedial works and long-term monitoring and maintenance measures. The approved remediation strategy shall be implemented in full prior to the first occupation of any dwelling on the site.

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

#### **10. Land Contamination – Verification and Unexpected Contamination**

Following completion of the remediation works approved under condition 9, and prior to the first occupation of any dwelling, a verification report that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, contamination not previously identified is found to be present at the site, no further development shall be carried out until a remediation strategy for dealing with this contamination has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved remediation strategy.

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.

#### **11. Surface Water, Drainage and SUDS**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- detailed design drawings and calculations for all SuDS components;
- details of attenuation storage and discharge rates;
- exceedance flow routing;
- evidence of agreement for any outfalls to third-party systems; and
- a timetable for implementation.

The approved drainage scheme shall be implemented in full prior to first occupation of the development and shall be retained and maintained thereafter in accordance with condition 12.

Reason: To ensure that the development 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.

#### **12. SUDS Maintenance and Management**

No development shall take place until a SuDS Maintenance and Management Plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify the responsible organisation(s) for the SuDS components and set out arrangements for their adoption, maintenance and monitoring. The SuDS shall thereafter be managed and maintained in accordance with the approved plan.

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. SUDS As-built Record**

Prior to the first occupation of the development, an "as built" record of the SuDS, including plans and photographs, shall be submitted to and approved in writing by the Local Planning Authority for deposit on the Lead Local Flood Authority's asset register.

Reason: To assist in maintaining a record of drainage assets and to ensure the system has been implemented as approved, in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

#### **14. Foul Drainage**

No development shall commence until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and

approved in writing by the Local planning authority. The foul drainage works relating to that Phase must be completed prior to the first occupation of any Phase and shall be maintained as such thereafter.

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

#### **15. Water Usage**

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.

#### **16. Archaeology – Written Scheme of Investigation**

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

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

#### **17. Archaeology - Implementation**

Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition other than to ground level on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

#### **18. Habitat Management and Monitoring Plan (HMMP) for Biodiversity**

No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat

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

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

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

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

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

#### **19. Landscape and Ecological Management Plan (LEMP)**

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

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

#### **20. Ecological Enhancement Features**

Prior to the first occupation of the development, the scheme for the provision of ecological enhancement features within the site, including (but not limited to) integrated bat and bird boxes (such as swift or universal bird bricks), hedgehog connectivity measures and wildlife-friendly planting, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the occupation of the dwelling(s) they serve and shall thereafter be retained.

Reason: To enhance biodiversity and deliver ecological enhancements as part of the development, 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. Site Access and Visibility**

No dwelling shall be occupied until the vehicular access from Station Road and associated visibility splays have been constructed, surfaced and laid out in accordance with details that have first been submitted to and approved in writing by the local planning authority. The visibility splays shall thereafter be kept free of obstruction above a height of 0.6 metres.

Reason: In the interests of highway safety and to ensure safe and suitable access to the site, in accordance with Policy SLE4 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

**22. Estate Roads, Footways, Parking and Turning**

No dwelling shall be occupied until the streets, footways, parking and turning areas serving that dwelling have been constructed, surfaced and drained in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter, the streets, footways, parking and turning areas shall be retained for the purposes specified.

Reason: To ensure a safe and suitable layout for all users, to ensure that adequate off-street parking and turning is provided and retained, and in the interests of highway safety, in accordance with Policy SLE4 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

**23. Public Rights of Way**

No development shall take place until a scheme for the protection and, where necessary, improvement of the public rights of way adjacent to the site, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any temporary diversions during construction and permanent surfacing and boundary treatments. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard and enhance the public rights of way network and to promote sustainable modes of travel, in accordance with Policies SLE4 and ESD17 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Rob Duckworth



**25/02594/CDC**

Agenda Item 10

**Hanwell Fields Community Centre**

**Rotary Way**

**Banbury**

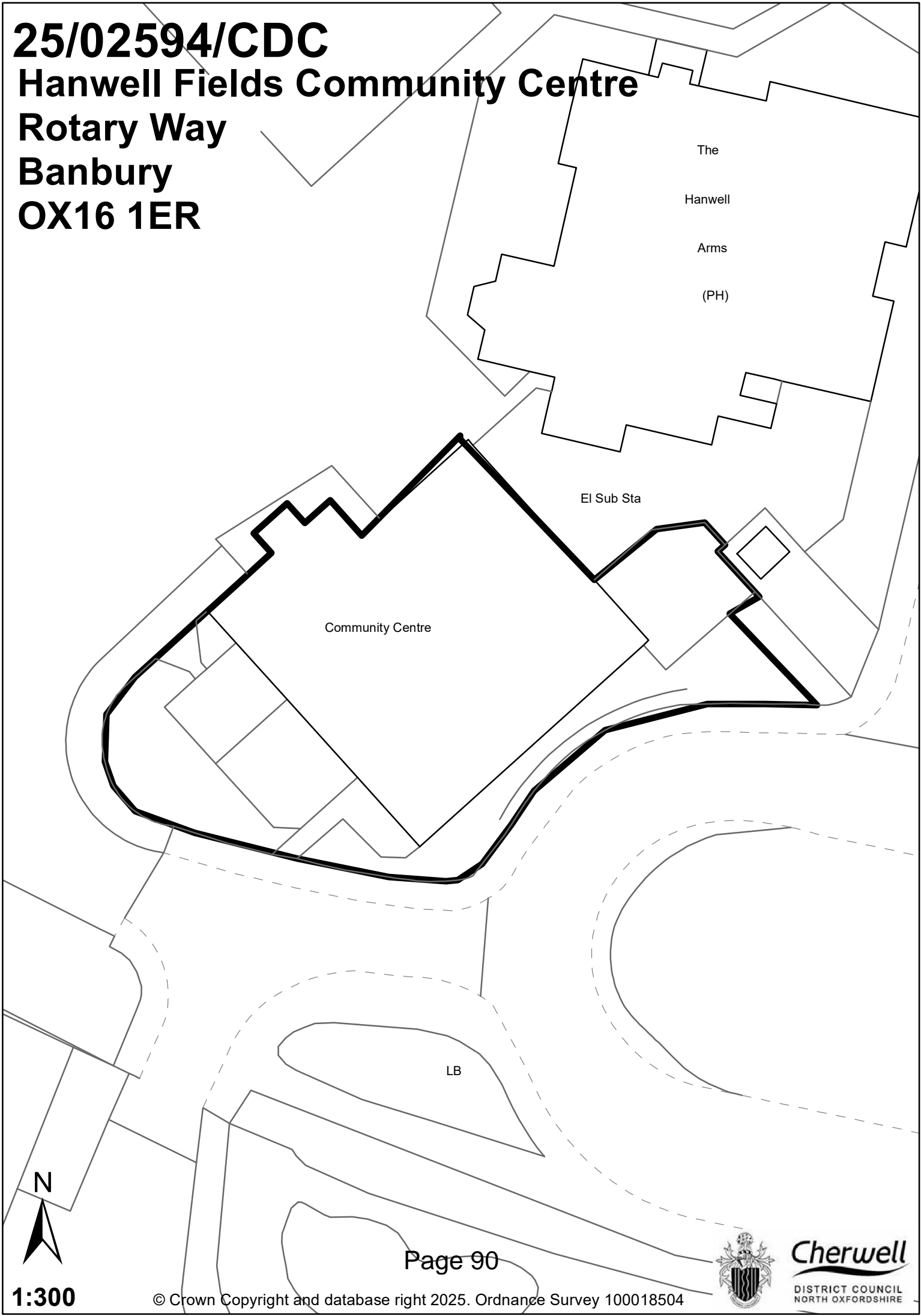
**OX16 1ER**



**1:500**



**25/02594/CDC**  
**Hanwell Fields Community Centre**  
**Rotary Way**  
**Banbury**  
**OX16 1ER**



**1:300**



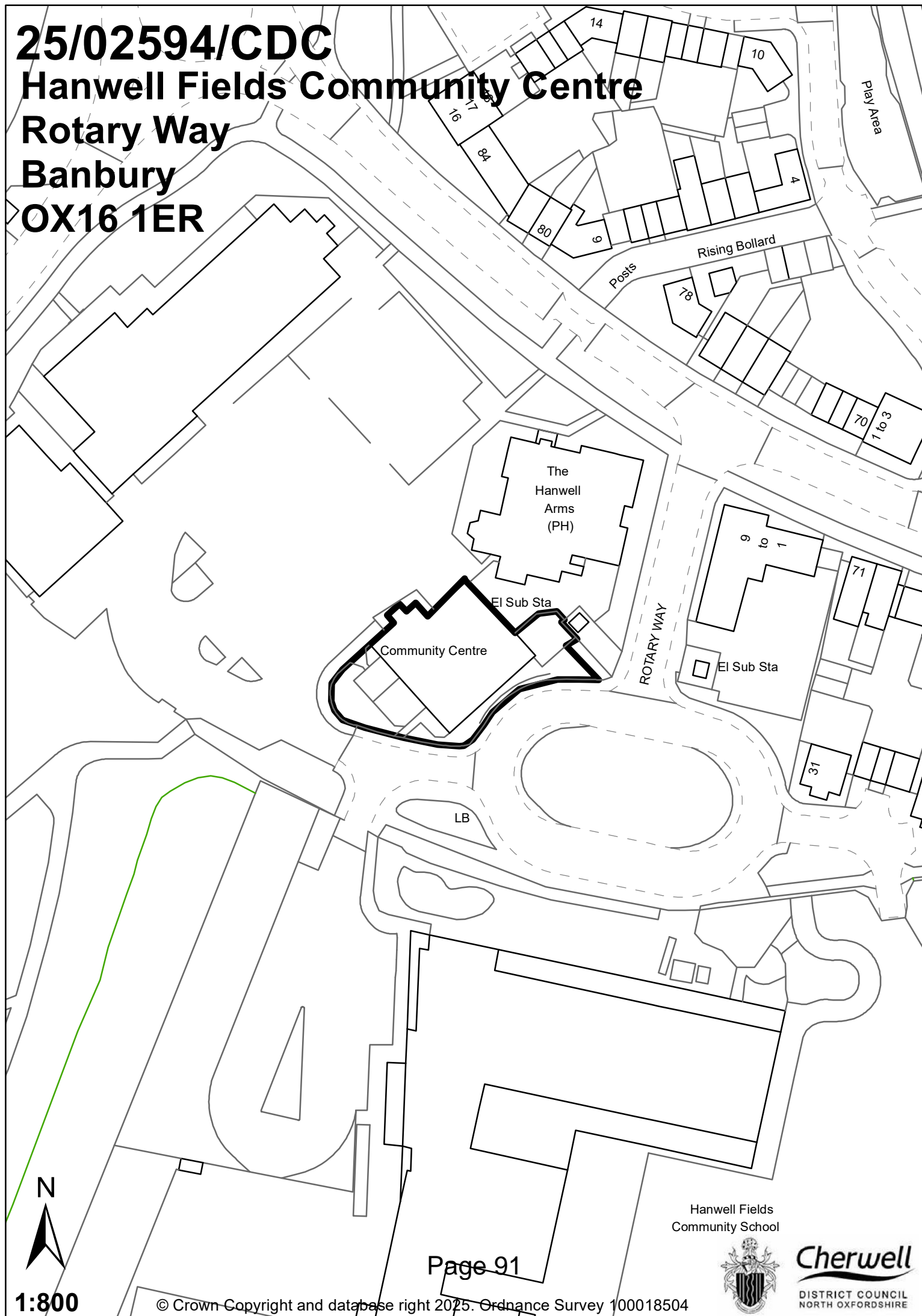
**25/02594/CDC**

**Hanwell Fields Community Centre**

**Rotary Way**

**Banbury**

**OX16 1ER**



N

**1:800**

**Page 91**

Hanwell Fields  
Community School



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

© Crown Copyright and database right 2025. Ordnance Survey 100018504

**Case Officer:** Daisy Kay-Taylor

**Applicant:** Cherwell District Council

**Proposal:** Installation of two external heat pump condensers in rear yard and ventilation grilles to front and side elevations

**Ward:** Banbury Hardwick

**Councillors:** Councillor Brasha, Councillor Crichton, and Councillor Dr Thornhill

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

**Expiry Date:** 10 December 2025

**Committee Date:** 04 December 2025

---

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located in the Hanwell Fields expansion, approximately 2km north of Banbury town centre. The Hanwell Fields Community Centre lies north-west of the Rotary Way roundabout, adjacent to The Hanwell Arms public house and the car parking serving a number of local shops immediately northwest of the site. Hanwell Fields Community School lies to the south across the road/roundabout. There is a courtyard with an outbuilding to the southwest, and a smaller rear courtyard to the northeast backing on to the rear service yard of the public house and an electrical substation. The land rises to the north and there are views of all elevations from the public realm.
- 1.2. The application follows application 25/01191/F at the same site for increased capacity of the community centre.

**2. CONSTRAINTS**

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

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The applicant seeks planning permission for the installation of two external heat pump condenser units in the rear courtyard, and the insertion of two high level ventilation grilles to the front (northwest) elevation and six high level and three ground floor level ventilation grilles/mechanical plant and air intake louvres to the side (northeast) elevation.
- 3.2. Hours of operation would be the same as those of the community centre: 09:00 – 22:00, seven (7) days per week.



#### 4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. **95/01117/OUT** Residential development, new link road, landscaping, ancillary development and new primary school site, (as amended by additional masterplan received 15/05/96 and link road plans received 27/03/97). **Permitted** 31 May 2000
- 4.3. **05/00809/REM** Reserved Matters to Outline 95/01117/OUT: Mixed Use Local Centre comprising of up to 7 No. A1, A2 and A5 units, public house, community centre, 39 No. 1 and 2 bed flats, land identified for possible future doctors' surgery, landscaping and parking. Including temporary construction access (as amended by plans received 30/06/05, 01.08.05, 24.10.05 and 11.11.05). **Permitted** 05 August 2005
- 4.4. **08/02146/F** Replacement of first floor level windows to include opening panels. **Permitted** 26 November 2008
- 4.5. **08/02408/F** Alteration to existing entrance canopy. **Permitted** 23 January 2009
- 4.6. **15/00015/CLUE** Certificate of Lawful Use Existing for a photovoltaic array installation on south-west facing roof. **Certificate granted** 26 November 2024
- 4.7. **25/01191/CDC** Insertion of 3 new windows, enlargement of fire escape door opening and insertion of glazed door with sidelights, addition of rear escape gate in courtyard and rear escape steps with handrails and associated internal changes to increase capacity. **Permitted** 02 August 2025

#### 5. PRE-APPLICATION DISCUSSIONS

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

#### 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is 09 December 2025.
- 6.2. To date, no comments have been raised by third parties

#### 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. BANBURY TOWN COUNCIL: **no objections**
- 7.3. CDC BUILDING CONTROL: **no objections**, commenting that the proposal is subject to the Building Regulations
- 7.4. CDC ENVIRONMENTAL HEALTH: **no objections**

#### 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)

- ESD1 – Mitigating and Adapting to Climate Change
- ESD5 – Renewable Energy
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

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

**9. APPRAISAL**

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

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

9.2. Given the nature and siting of the proposed scheme, the proposed scheme would have no impact on ecology.

*Design, and impact on the character of the area*

9.3. The proposed heat pump condenser units would be located at ground level in the rear side courtyard of the building they would serve. The courtyard is enclosed by brick walls to the north, against which the units would be located, backing on to the rear service yard of the public house, and east, facing the electric substation, and by tall railings above a brick base to the south facing the roundabout. The proposed units would be largely screened from public views due to their siting, the walls, and the level difference to the highway. The proposed units are of a modest scale and of a type and nature that is to be expected at a community centre. The design of the proposed ventilation grilles is in keeping with existing building. The grilles would be most noticeable on the northeast elevation, where they would help break up the largely blank elevation.

9.4. Overall, the proposed scheme is not considered to result in detriment to the visual amenities in the locality or have a harmful impact on the character or appearance of the area and therefore accords with the policies set out above.

*Residential amenity*

- 9.5. The nearest residential properties lie approximately 25m to the east along and across the highway and 50m+ to the north across the carpark. There would necessarily be some noise associated with the proposed condenser and ventilation units; however, given the distances and the mitigation offered by the partial screening by the electrical substation, the proposal is unlikely to result in harmful levels of noise. Further, the applicant has submitted a noise impact assessment report which concluded a 'low impact' of the proposed units, and the Council's Environmental Health Officer has also raised no concerns or objections. The proposed condenser units are small in scale and would be positioned at ground level. As such they would not have any adverse effects on neighbouring properties in terms of light, outlook, or privacy.
- 9.6. For these reasons the proposed scheme is not considered to result in harm to the residential amenities of the locality.

#### *Conclusion*

- 9.7. The proposed scheme would improve the sustainability of the building, reducing its environmental impact. The proposed development would be an acceptable addition to the existing building, would not be to the detriment of the established character and appearance of the area, and would not adversely affect residential amenities in the locality.

### **10. PLANNING BALANCE AND CONCLUSION**

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

### **11. RECOMMENDATION**

**TO GRANT PERMISSION, UPON EXPIRY OF THE PUBLICITY PERIOD AS STATED ON THE SITE NOTICE, SUBJECT TO THE CONDITIONS SET OUT BELOW:**

#### **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 and documents: the drawings numbered 06425-111 (Site Location Plan at a scale of 1:1250), 06425-112 (Block Plan), 06425-115, and 06425-116, and the submitted planning statement.

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

--





# Agenda Item 11

This report is Public	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	4 December 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway
Date Portfolio Holder agreed report	24 November 2025
Report of	Assistant Director Planning, David Peckford

## Purpose of report

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

## 1. Recommendations

The Planning Committee resolves:

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

## 2. Executive Summary

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

## Implications & Impact Assessments

Implications	Commentary
Finance	The current cost of appeals has exceeded core budget as at the end of July. Therefore, a request for use of reserves will be necessary. This position will be closely monitored throughout the year, but further reserve requests may be necessary.
Legal	As this report is purely for information there are no legal implications arising. Denzil Turbervill, Head of Legal Services, 25 November 2025

<b>Risk Management</b>	<p>This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader: 26 November 2025</p>			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
<b>Climate &amp; Environmental Impact</b>				Not applicable
<b>ICT &amp; Digital Impact</b>				Not applicable
<b>Data Impact</b>				Not applicable
<b>Procurement &amp; subsidy</b>				Not applicable
<b>Council Priorities</b>	Not applicable			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			
<b>Consultation &amp; Engagement</b>	Not applicable in respect of this report			

## Supporting Information

### 3. Background

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

### 4. Details

#### Written Representations

#### 4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/02077/AGN	Tuther Corner Brill Buck HP18 9UZ	Prior approval application for 2 No agricultural general-purpose barns	Refused Delegated	28.10.2025.
24/02234/F	Field Farm, Stratton Audley Road, Stoke Lyne, Bicester, Oxon, OX27 8FT	Self-Build - Alterations and conversion of 3 no. existing barns to form 3 no. residential dwellinghouses (re-submission of 23/02255/F)	Refused Delegated	28.10.2025.
25/02149/PIP	Bishops End, Burdrop, Banbury	Permission in principle - 3-4 new dwellings	Appeal Against Non-Determination	31.10.2025

	Oxon, OX15 5RQ			
--	-------------------	--	--	--

#### 4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Refused Delegated	06.07.2024.
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Refused Delegated	10.12.2024.
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm Station Road Bletchington Kidlington OX5 3BQ	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Refused Delegated	27.03.2025
22/03163/F	Cropredy Lawn, Cropredy Lawn Road	RETROSPECTIVE: - siting of 4 glamping pods	Refusal Delegated	25.07.2025.
25/00007/LB	Little Brook, The Colony,	RETROSPECTIVE - Revision of roof	Refused Delegated	18.08.2025.

	7 Colony Road, Sibford Gower, OX15 5RY.	slope from consented drawings application 21/00438/LB		
24/03296/F	Little Brook, The Colony, 7 Colony Road, Sibford Gower, OX15 5RY.	RETROSPECTIVE - Revision of roof slope from consented drawings application 21/00438/LB	Refused Delegated	18.08.2025.
25/01186/F	Garage At 2 The Limes Oxford Road Banbury OX16 9AN	Demolition of existing garage and erection of a flat-roofed two-storey dwelling	Delegated Refused	19.08.2025.
25/01052/F	37 Fernhill Road, Begbrook, Kidlington, OXON, OX5 1RR	Proposed first floor extension to existing dwelling and cladding of existing external walls with render	Refused Delegated	05.09.2025
25/00449/REM	Reynards Lodge North Lane Weston On The Green Bicester OX25 3RG	Reserved Matters application to 24/00804/OUT - Access (with Construction Traffic Management Plan), Layout (with part drainage), Scale, Appearance, Landscaping and Biodiversity (with Construction Environment Management Plan)	Refused Delegated	05.09.2025
24/03218/F	Church View, Manor Road, Great Bourton, OX17 1QP	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works	Refusal (Against Officers Recommendation)	10.09.2025
25/00762/F	113 Danesmoor Banbury OX16 1QE	RETROSPECTIVE - raising of front garden to level off	Refusal Delegated	22.09.2025

25/01773/F	2 Somerville Drive Bicester OX26 4TU	RETROSPECTIVE - Erection of 0.83m close board fencing, on top of existing original front garden 1m brick wall and installation of 2m wooden gates/posts.	Refusal Delegated	24.09.2025
25/016931/F	Fir Cottage, Fir Lane, Steeple Aston, OX25 4SF	Demolition of existing single-storey extensions and part demolition of an existing first-floor extension. Erection of a part single-storey/part two-storey rear extension and associated internal alterations.	Refusal Delegated	07.10.2025
25/01694/LB	Fir Cottage, Fir Lane, Steeple Aston, OX25 4SF	Demolition of existing single-storey extensions and part demolition of an existing first-floor extension. Erection of a part single-storey/part two-storey rear extension and associated internal alterations	Refusal Delegated	07.10.2025
25/01615/PIP	Land East of OS Parcel 3386, Adj to Burycroft Road, Hook Norton	Permission in Principle for a residential development of 3-5 dwellings.	Refused Delegated	15.10.2025

### **Informal Hearings**

#### **4.3. New Appeals**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
24/03218/F	The Bell Inn, Church View, Great Bourton	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class	Refused  Committee	10.11.2025

		C3 Use) and associated minor external alterations to the building and works		
--	--	---	--	--

#### 4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/01461/PIP	Land North of Rattlecombe Road, Shennington, OX15 6LZ.	Permission in Principle - housing development for up to 9 self-build plots	Refused  Delegated	21.10.2025

### Public Inquiries

#### 4.5. New Appeals

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

#### 4.6. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refused Committee	28.11.2024.

### Enforcement Appeals

#### 4.7. New Appeals

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

#### 4.8. In Progress/Awaiting Decision



<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023  Written Reps
25-10-ENF (25/00012/ENF)	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08.09.2025
25-11-ENF 22/00527/ENF)	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	<p>Without the benefit of planning permission, the erection of a building outlined in green on the attached plan titled 'Location Plan' including the erection of a dwelling house wholly inside that building in the area outlined in blue on the attached plan titled 'Location Plan'.</p> <p>Without the benefit of planning permission, the material change of use of land on which the building outlined in green has been is erected to a mixed use comprising use as a dwellinghouse (which, inside the building is taking place in the area identified in blue on the attached plan titled 'Location Plan') and agriculture and domestic storage use (which, inside the building, is</p>	Enforcement Notice	08.09.2025

		taking place in the area identified in yellow on the attached plan titled 'Location Plan') associated with the both unauthorised dwelling and the adjacent farm dwelling.		
--	--	---	--	--

**Forthcoming Public Inquiries and Hearings between 4 December and 15 January 2026.**

4.9

24/03218/F	The Bell Inn, Church View, Great Bourton	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works	Refused Committees	1 Day Hearing
------------	---	---	-----------------------	------------------

4.10 **Award of costs**

24/03162/CLUE – The Barn at Point to Point Far, Mollington, Banbury, OX17 1QE.

Certificate of Lawfulness of Existing Use to regularise the existing use of a dwelling house.

Cost Application Allowed.

Inspector Mark Harbottle awarded partial costs claim to Cherwell District Council against Mr David Jeffries due to unreasonable behaviour during the appeal process. Mr Jeffries failed to submit required documents, adhere to deadlines, or communicate effectively, including denying access for a site visit and not confirming representation or witnesses. These actions led to unnecessary and wasted expense for the Council, particularly in preparing for an inquiry that was later changed to written representations. The award covers costs incurred specifically in preparation for the inquiry.

4.11 **Appeals Results**

**23/03078/CLUP – Manor Cottage, Middleton Park, Middleton Stoney, Bicester, OX25 4AQ.**

Certificate of Lawfulness of Proposed Development:  
Repositioning of existing "tarmac" driveway with a gravel driveway.

Appeal Dismissed.

The appeal by Mr. Richard Gibbs against Cherwell District Council's refusal to grant a Lawful Development Certificate (LDC) for repositioning a tarmac driveway with gravel at Manor Cottage was dismissed. The Inspector, Mark Harbottle, concluded that the proposed hardstanding and access were not permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015. Although part of the land near the dwellinghouse functioned as a kitchen garden and showed signs of domestic use, the area further from the house lacked sufficient association to be considered within its curtilage. As a result, the development required express planning permission and could not be deemed lawful under the relevant provisions of the Order.

**24/03162/CLUE – The Barn at Point to Point Far, Mollington, Banbury, OX17 1QE.**

Certificate of Lawfulness of Existing Use to regularise the existing use of a dwelling house.

Appeal Dismissed.

The appeal by Mr. David Jeffries for a lawful development certificate (LDC) for the use of a barn at Point to Point Farm as a dwellinghouse was dismissed by Inspector Mark Harbottle. Although evidence suggested the residential use began before November 2020, it failed to demonstrate continuous occupation without significant interruption. More critically, the Inspector found that the appellant had deliberately concealed the residential use through actions such as avoiding building regulations, Council Tax registration, and electoral registration, drawing strong parallels with the Supreme Court's *Welwyn Hatfield* case. This deception undermined the planning process, and as a result, the appellant could not benefit from immunity provisions under planning law.

**20/00295/ENF – 16 Almond Avenue, Kidlington.**

Garage/Garden building converted to residential premises.

Appeal Dismissed. Enforcement Notice upheld in full.

Background

- Alleged Breach: Change of use from a single dwellinghouse to two dwellinghouses (creation of separate unit No.16A).
- Notice Requirements:
  1. Cease use as more than one dwellinghouse.
  2. Remove washing, cooking, and toilet facilities from the new unit.
  3. Remove post box.
  4. Restore land to its previous condition.
- Compliance Period: 6 months.

Inspector's Findings

- Ground (b): (That the matters alleged to have occurred in the Enforcement Notice have not occurred.)
- Dismissed – Evidence showed No.16A operates as an independent dwelling (own facilities, tenancy agreements, separate Council Tax).

- Ground (d): (That, at the time the Enforcement Notice was issued, it was too late to take Enforcement action against the matters stated in the Enforcement Notice).
- Dismissed – Change of use not immune; most likely occurred May 2020, after the relevant date (25 Jan 2020).

#### Formal Decision

- Enforcement notice upheld in full.
- No variation: compliance period remains 6 months.

#### **21/00333/ENF – Fairview Cottage, Main Road, Swalcliffe,**

Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled ‘Location Plan’.

Appeals succeed in part; enforcement notice upheld with corrections and variations.

#### Inspector’s Findings

- Ground (c): (That those matters (if they occurred) do not constitute a breach of planning control)
- Dismissed – Raising land levels was operational development requiring planning permission.
- Ground (d): (That, at the time the Enforcement Notice was issued, it was too late to take Enforcement action against the matters stated in the Enforcement Notice).
- Allowed in Part – Engineering works (raising land levels and retaining wall) are immune from enforcement action. Operational development (Wooden Outbuilding) was not immune from Enforcement action.
- Ground (a): (That planning permission ought to be granted for what is alleged in the Enforcement Notice)
- Dismissed – Timber outbuilding causes unacceptable harm to outlook from Gulliver’s Cottage.
- Ground (f): (The steps required to comply with the requirement of the Enforcement Notice are excessive and lesser steps would overcome objections.
- Allowed in Part – Requirements to remove engineering works removed.
- Ground (g): (The time given to comply with the Enforcement Notice is too short.
- Dismissed – Compliance period remains at 6 months.

#### Formal Decision

- Enforcement notice corrected and varied:
  - Removed: Requirements to dismantle gabions, brickwork, and lower ground levels.
  - Retained: Requirement to remove timber outbuilding within 6 months.
- Planning permission for timber building refused.

**25/01773/F – 2 Somerville Drive, Bicester, Oxon, OX26**

RETROSPECTIVE - Erection of 0.83m close board fencing, on top of existing original front garden 1m brick wall and installation of 2m wooden gates/posts.

Appeal Dismissed

The Inspector dismissed the appeal for the proposed erection of close-boarded fencing and gates at 2 Somerville Drive, Bicester, finding that the development would cause significant harm to the character and appearance of the street scene. The area is defined by open frontages and verdant character, and the solid fencing and gates would appear alien and incongruous, conflicting with local and national planning policies that require proposals to respect local character. While the appellant cited privacy and security needs, these were outweighed by the legitimate aim of protecting the visual amenity of the locality. Highway safety concerns were not considered sufficient to justify refusal, but overall, the harm to visual amenity warranted dismissal of the appeal.

**24/02692/F – 63 Sandford Green, Banbury, Oxon, OX16 0SB.**

Part single/double storey rear extension and first floor side extensions to facilitate additional 1 studio flat and reduction of 2 existing 2 bed flats to 1 bed flats.

Appeal Dismissed.

The Inspector dismissed the appeal, concluding that while the proposal would not harm the character and appearance of the area, it would significantly compromise living conditions. Key concerns included the external staircase causing overlooking and an oppressive impact on No. 62 Sandford Green, inadequate outlook and light for Flat 1, and insufficient internal space for Studio 2 and Flat 2, all contrary to Policies ESD15 and C30. Despite a modest housing benefit and sustainable location, these adverse impacts were found to significantly and demonstrably outweigh the benefits, so the appeal was refused.

**24/02463/F – Newlands, Shutford Road, Epwell, Oxon, OX15 6ER.**

Agricultural workers dwelling.

Appeal Allowed.

The Inspector concluded that the appeal should be allowed because there is an essential need for an additional rural worker's dwelling at Newlands due to the extended and overlapping lambing and calving seasons, which require two workers on-site for animal welfare and safety. The static caravan currently used is unsuitable for long-term accommodation, and off-site housing would risk delays in emergencies. The proposed dwelling would not harm the character or appearance of the rural area, as its design and scale are sympathetic to the setting and comply with relevant local plan policies. Conditions were imposed to secure biodiversity enhancements, control materials, and restrict occupancy to agricultural workers.

## 5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

## 6 Conclusion and Reasons for Recommendations

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

### Decision Information

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

### Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	None
<b>Background Papers</b>	None
<b>Reference Papers</b>	All documents in respect of the planning appeal
<b>Report Author</b>	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
<b>Report Author contact details</b>	<a href="mailto:Sarah.gevaux@cherwell-dc.gov.uk">Sarah.gevaux@cherwell-dc.gov.uk</a> <a href="mailto:Paul.seckington@cherwell-dc.gov.uk">Paul.seckington@cherwell-dc.gov.uk</a>
<b>Executive Director sign off (unless report of Executive Director or Statutory Officer)</b>	Ian Boll, Executive Director Place and Regeneration, 24 November 2025