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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 10 April 2025

Time: 4.00 pm

Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Barry Wood (Chairman)

Councillor Rebecca Biegel
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Grace Conway-Murray
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Robert Parkinson
Councillor Les Sibley

Councillor Amanda Watkins (Vice-Chairman)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Substitutes

Councillor Nick Cotter
Councillor Harry Knight
Councillor Lynne Parsons
Councillor Edward Fraser Reeves
Councillor Linda Ward
Councillor John Willett

Councillor Andrew Crichton
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor Dorothy Walker
Councillor Douglas Webb

AGENDA

1. **Apologies for Absence and Notification of Substitute Members**
2. **Declarations of Interest**

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

3. Requests to Address the Meeting

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

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

4. Minutes (Pages 5 - 17)

To confirm as a correct record the Minutes of the meeting of the Committee held on 20 March 2025.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

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

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

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

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

Planning Applications

8. **Land North Of Grundon, Merton Street, Banbury** (Pages 20 - 42) **24/02661/F**

9. **Land Parcels For Central Energy Centre, Somerton Road, Upper Heyford, OX25 5LB** (Pages 43 - 58) **24/02937/OUT**

10. **30 Orchard Way, Banbury, OX16 0HA** (Pages 59 - 63) **25/00577/HPA**

Review and Monitoring Reports

11. **Appeals Progress Report** (Pages 64 - 78)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

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.

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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 2 April 2025

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, Oxon OX15 4AA, on 20 March 2025 at 4.00 pm

Present:

Councillor Barry Wood (Chairman)
Councillor Amanda Watkins (Vice-Chairman)
Councillor Rebecca Biegel
Councillor Chris Brant
Councillor John Broad
Councillor Phil Chapman
Councillor Jean Conway
Councillor Grace Conway-Murray
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Fiona Mawson
Councillor Robert Parkinson
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill

Substitute Members:

Councillor Dorothy Walker (In place of Councillor Lesley McLean)
Councillor Douglas Webb (In place of Councillor Ian Harwood)

Apologies for absence:

Councillor Becky Clarke MBE
Councillor Ian Harwood
Councillor Lesley McLean

Officers:

Ian Boll, Corporate Director Communities
Paul Seckington, Head of Development Management
Katherine Daniels, Principal Planning Officer
Rebekah Morgan, Principal Planning Officer
Sophie Browne, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

117 **Declarations of Interest**

8. Land Adjoining And North Of Playing Field The Bourne Hook Norton

Councillor Amanda Watkins Other Registerable Interest, as a local resident.

10. Oxford South Depot, 1 Woodstock Road, Yarnton, OX5 1NY

Councillor Fiona Mawson, Other Registerable Interest, as a member of Yarnton Parish Council.

118 **Requests to Address the Meeting**

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

119 **Minutes**

The Minutes of the meeting held on 20 February 2025 were agreed as a correct record and signed by the Chairman.

120 **Chairman's Announcements**

The Chairman advised that, following discussion with the Head of Planning and Development and Democratic and Elections, due to a number of applications requiring determination by Planning Committee in April and May, to ensure the applications were dealt with in the required timeframe, it had been agreed to hold additional Planning Committee meetings: 4pm on Thursday 10 April and 4pm on Thursday 15 May. Meetings requests would be sent to Committee members and named substitutes.

With regards the 15 May meeting. Members were advised that the membership of the Committee would remain without change until the Annual Council meeting on 21 May 2025. At this meeting Committee memberships for the 2025/2026 municipal year would be confirmed. At the conclusion of the Annual Council meeting, Committees would hold short meetings to appoint their Chairman and Vice-Chairman for the 2025/2026 municipal year.

121 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

123 **Land Adjoining And North Of Playing Field The Bourne Hook Norton**

The Committee considered application 24/01948/OUT, a full application for an outline application for up to 71 dwellings (Use Class C3) with associated open space and vehicular access at The Bourne, Hook Norton for L&Q Estates, Helena Paula Clarke, James William Cl.

Councillor Eddie Reeves addressed the committee as Local Ward Member.

Liz Sparrow, on behalf of Hook Norton Parish Council addressed the Committee in objection to the application.

Richard Crosthwaite addressed the Committee as the Applicant in support of the application.

It was proposed by Councillor Rogers and seconded by Councillor Brant that application 24/01948/OUT be refused, contrary to the officer recommendation, for the reasons that there was a lack of a S106 agreement, that the proposed development would be unsustainable as well as cause harm to the surrounding village and contrary to policy reasons Village 1, Village 2, ESD13 and ESD15.

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

It was subsequently proposed by Councillor Conway and seconded by councillor Thornhill that application 24/01948/OUT be approved, in line with the officer recommendation.

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 24/01948/OUT subject to:

- (a) No objections from nature space and lead local flood Authority
- (b) The entering into a s106 to include the contributions and Infrastructure as set out in the annex to the minutes (as set out in the minute book) (and to the Conditions set out below (and any amendments to those Obligations as deemed necessary); and
- (c) The conditions set out below (and any amendments to

Those conditions as deemed necessary)

CONDITIONS

Time Limit

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

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

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

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

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans Site Location Plan (Titled: edp3030 D013 Rev A), Proposed Access (Titled: 081424 Cur Xx 00 D Tp 75001 Rev P09)

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

CONDITIONS TO BE DISCHARGED PRIOR TO THE SUBMISSION OF THE RESERVED MATTERS

Design Code

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

reserved matters application shall be submitted in accordance with the approved Design Code.

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

CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCING DEVELOPMENT

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

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

6. Following the approval of the Written Scheme of Investigation referred to in condition 5, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2023).

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

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative
- displays and facilities for public viewing, where appropriate;
- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;

- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition, and construction working hours;
- The mitigation measures recommended at [Add References] of the
- Submitted Environmental Statement [Date]

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

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

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

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

CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION

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

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

COMPLIANCE CONDITIONS

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

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

INFORMATIVES

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

124 **Fourways, North Street, Islip, OX5 2SQ**

The Committee considered application 24/00572/F for the demolition of existing bungalow and construction of two houses – resubmission of 23/02203/F at Fourways, North Street, Islip, OX5 2SQ for Mr Paul Bell.

Councillor Gemma Coton addressed the committee as Local Ward Member.

Sami Cohen addressed the committee as a local resident and on behalf of Islip Parish Council in objection to the application.

Paul Southouse addressed the committee as the applicant in support of the application.

It was proposed by Councillor Parkinson and seconded by Councillor Conway that application 24/00572/F be refused, against the officer recommendation, as it was contrary to policies ESD15, saved policies C28 and C30 (exact wording for reasons for refusal to be delegated to officers).

In reaching its decision the Committee considered the officers report and presentation, addresses from the public speakers and the written updates.

Resolved

That, contrary to the officer's recommendation, application 24/00572/F be refused for the following reason:

1. By virtue of the topography of the surrounding area and its exposed isolated location, the proposed solar farm, which would be visible from several public vantage points, would have a significant adverse landscape impact. The benefits of the scheme do not

outweigh the harm identified. The proposal is therefore contrary to Policies ESD5, ESD10, ESD13, and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

125

Oxford South Depot, 1 Woodstock Road, Yarnton, OX5 1NY

The Committee considered application 24/02872/F for the construction, operation, and decommissioning of a Battery Energy Storage System (BESS) facility and associated infrastructure at Oxford South Depot, 1 Woodstock Road, Yarnton, OX5 1NY for Renewable Connections Developments Limited.

Jack Halstead, the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers report and presentation, addresses from the public speakers and the written updates.

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 24/02872/F subject to:

- (a) No objections from the council's ecologist following Receipt of final ecology report and
- (b) The conditions set out below (and any amendments to those conditions as deemed necessary)

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: RCN 1016 SP 01 rev 4, RCN 1016 DZ 01 rev 5, RCN 1016 220 rev 1, RCN 1016 221 rev 1, RCN 1016 226 rev 1, RCN 1016 230 rev 0, RCN 1016 222 rev 1, RCN 1016 232 rev 0, RCN 1016 250 rev 1, RCN 1016 255 rev 1, RCN 1016 231 rev 0, RCN 1016 PLE 02 rev 10, 8127 ASP4 LSP rev E, 1676 TCP 001 rev A, 1676 TPP 003 rev B, 1676 AIP 002 rev B, and unnumbered drawing 'Hydrant tank 228m3 effective capacity'.

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.

Temporary Permission

3. The permission shall expire no later than 40 years from its first operational use. Written confirmation of the date of the first operational use shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason - In order to safeguard the amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

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

5. 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.

6. No development shall commence until the existing tree(s) to be retained as shown on approved drawing number 1676 TPP 003 rev B have been protected in accordance with the Arboricultural Impact Assessment by Seed (reference 1676-AIA-V1-C, dated 7th October 2024). The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

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

7. No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be fully informed by the hydrological and hydroecological context of the site and the design of any infiltration devices shall be informed by the results of winter groundwater monitoring. The works shall be undertaken in accordance with the approved strategy and no hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved.

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

8. Prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed and submitted Written Scheme of Investigation [Land East of Woodstock Road, Yarnton, AOC Project No: 80204]), 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).

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

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

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

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

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

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

10. No development shall commence above slab level, nor any excavations or belowground work be undertaken, until a detailed Arboricultural Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall accord with the provisions of BS5837:2012 and shall include details of Arboricultural supervision for key stages of development, including installation of utilities within the root protection areas of retained trees.

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

11. Prior to their installation, full details of the site security arrangements, including proposed security fencing, gates, CCTV and alarm systems, and monitoring arrangements, shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as such for the lifetime of the development.

Reason – In the interests of security and the reduction of crime and the fear of crime, in accordance with Government guidance contained within the National Planning Policy Framework.

12. The development hereby permitted shall be carried out strictly in accordance

with the Construction Traffic Management Plan by Motion, dated August 2024, unless otherwise first agreed in writing by the Local Planning Authority.

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

13. The development hereby permitted shall be carried out strictly in accordance with the Noise Assessment (reference 784-B048909) by Tetra Tech, dated October 2024, including installation of the mitigation measures contained within Section 6 prior to the first use of the development, unless otherwise first agreed in writing by the Local Planning Authority.

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

14. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 3 of the Ecological Impact Assessment by Clarkson & Woods Ecological Consultants, dated February 2025, unless otherwise agreed in writing by the local planning authority.

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

15. 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.

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

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

17. No part of the development shall be brought into use unless and until full details of the means of access between the land and the highway, including 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.

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.

INFORMATIVES

1. An obligation to enter into a S278 Agreement will be required to secure mitigation/ improvement works. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

126 **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 Time Not Specified

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 10 April 2025

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land North Of Grundon, Merton Street, Banbury	24/02661/F	Banbury Grimsbury And Hightown	Approval*	Lewis Knox
9	Land Parcels For Central Energy Centre, Somerton Road, Upper Heyford, OX25 5LB	24/02937/OUT	Fringford and Heyfords	Approval*	Nick Wyke
10	30 Orchard Way, Banbury, OX16 0HA	25/00577/HPA	Banbury Ruscote	Approval*	Nina Guy

*Subject to conditions

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

Land North Of Grundon
Merton Street
Banbury



24/02661/F

**Land North Of Grundon
Merton Street
Banbury**

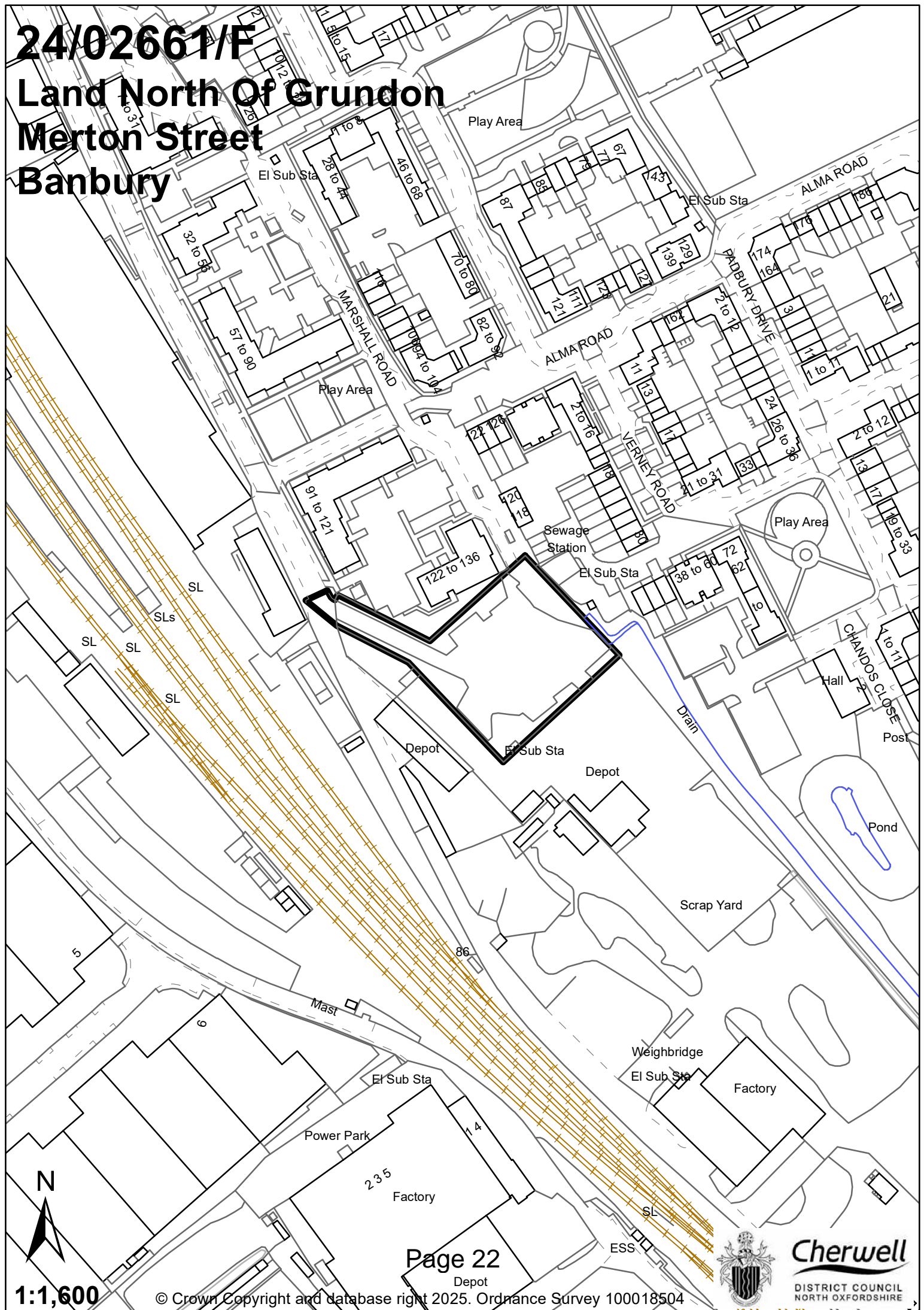


24/02661/F

Land North Of Grundon

Merton Street

Banbury



Case Officer: Lewis Knox

Applicant: E5 Commercial (Higham Way) Ltd

Proposal: Development of 10 speculative commercial units and associated car parking/yard areas planning use classes B2, B8, Eg(i), Eg(ii), Eg(iii)

Ward: Banbury Grimsbury And Hightown

Councillors: Councillor Rebecca Biegel, Councillor Dom Vaitkus

Reason for Referral: Major development/Significant departure from adopted development plan

Expiry Date: 21 March 2025

Committee Date: 10 April 2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located off the southern end of Higham Way within Banbury.

The site is a vacant plot of land which has been cleared of its previous use and is now largely flat land and rubble. The site was allocated for housing in the Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) but no such development has come forward. The site is currently surrounded by other commercial uses and adjacent residential apartments and other dwellings.

2. CONSTRAINTS

2.1. The application site is within on an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for 10 commercial units with associated car parking and yard areas. The units will be formed from 3 separate blocks, two located in the northern part of the site, with a third; larger, block sited along the southern boundary.

3.2. The units will be for B2, B8, Eg(i), Eg(ii) and Eg(iii) uses.

4. RELEVANT PLANNING HISTORY

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

Application: 16/00472/OUT

Application
Withdrawn

21 November 2024

Proposed residential redevelopment for approximately 200 units.

5. PRE-APPLICATION DISCUSSIONS

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

24/01011/PREAPP –

- 5.2. “In principle the LPA is aware that the Draft 2040 Local Plan acknowledges this site to be better utilised for employment uses. This suggests the principle of development for employment use is acceptable in the future; however, it would be contrary to the current Cherwell Local Plan. Given the planning history and site constraints a good scheme could be positively supported. However, the scheme presented as part of this pre-application submission is not and needs to be re-considered.
- 5.3. The number of units should be reduced to remove the impact of new development on the neighbouring occupiers to the north whilst still considering those to the east. The design and scale of the units will also be an important factor. We discussed single storey mono pitched units, which is not dissimilar in design to the neighbouring buildings. However, as a priority the scale, proximity and design need to consider neighbour amenity.
- 5.4. The loss of the mature tree and the potential to mitigate against lost biodiversity is also a concern. Whilst there is not much on site, the proposed block plan offers very little in return. This too needs further consideration.
- 5.5. The site is in Flood Zone 2 and in an area of potentially contaminated land. Early discussion with the Environment Agency is advised prior to formal submission of an application.
- 5.6. There are some reservations around the intensification the development would bring to an already congested junction and the ability to park and manoeuvre the larger vehicles on this site is questioned.
- 5.7. For the reasons set out above this scheme would not achieve the support of officers and it is strongly advised further work is carried out prior to formal submission.”

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **11 January 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:
- Concerns raised regarding noise
 - Loss of light
 - Loss of view
 - Property value

- Traffic/Parking issues
- Concerns over operational hours
- Pollution
- Loss of privacy
- Impact on landscape

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

7. RESPONSE TO CONSULTATION

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

7.2. BANBURY TOWN COUNCIL: **object** on the grounds of impact on residential amenity of neighbouring flats in terms of proximity, scale and possible nuisance from associated uses. Premature and should wait for the outcome of the emerging local plan

7.3. OCC HIGHWAYS: **no objections** subject to conditions and S106 contributions. Original objections regarding the link road connecting Higham Way to Banbury Policy 6 not being achievable in conjunction with the site and lack of transport statement were removed following the submission of further details.

7.4. LEAD LOCAL FLOOD AUTHORITY: **no objections**, subject to conditions

7.5. ENVIRONMENT AGENCY: Raised no comments on this application

7.6. CDC ECOLOGY: **No objections** in principle, further details required justifying the on-site habitat choices and outlining how the obligations will be met.

7.7. CDC PLANNING POLICY: **No objections**, this proposal is generally consistent with the overall objectives of the adopted Cherwell Local Plan and a previously developed site. Proposed for employment development within the emerging plan.

7.8. OCC ARCHAEOLOGY: **No Objections**, there are no archaeological constraints to this scheme.

7.9. CDC BUILDING CONTROL: The proposed development will require a Full Plans Building Regulations application

7.10. CDC ENVIRONMENTAL PROTECTION: **no objections**, subject to conditions

7.11. THAMES WATER: **no objections**, subject to conditions

7.12. BANBURY CIVIC SOCIETY: welcome developments such as this but regard should be had to the future extension of Higham Way and link road.

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
- BSC9 – Public Services and Utilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- Policy ESD 5 - Renewable Energy
- Policy ESD 6 - Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- Policy ESD 8 - Water Resources
- ESD10 - 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 Banbury 19 - Land at Higham Way

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy TR10 - Heavy Goods Vehicles
- Policy C7 - Landscape conservation
- Policy C28 - Layout, design and external appearance of new development
- Policy C30 - Design Control
- EMP1 - Allocation of sites for employment generating development.
- ENV1 – Development likely to cause detrimental levels of pollution.
- ENV12 – Development on Contaminated Land.

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:

- Principle of development
- Transport and Highway Impact
- Design, and impact on the character of the area
- Residential amenity
- Contaminated Land

- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability

Principle of Development

Policy Context

Assessment

- 9.2. The site is a previously developed site within the built up area of Banbury. The site is bounded by residential development to the north and east and to the south by Grondon waste management and to the west by industrial buildings. The railway station lies to the west. The site itself is currently concreted over with no physical buildings present. This is a brownfield site close to the town centre which would benefit from being brought back into use. It measures approximately 0.3 hectares in size.
- 9.3. This is a full planning application for the creation of ten employment units covering B2, B8 and E (g) uses. The application is accompanied by illustrative plans and technical reports including a Planning Statement, Design and Access Statement, Heritage Statement, FRA and traffic note.

Adopted Cherwell Local Plan

- 9.4. The adopted 2015 Local Plan has an urban focus with the bulk of the District's strategic growth to 2031 directed to Banbury and Bicester.
- 9.5. The principle of employment development is generally assessed against Policy SLE1, though this site also falls within a Local Plan allocation Policy Banbury 19: Land at Higham Way. The adopted Local Plan allocates this site and additional land at Higham Way for residential development. (Prior to this it was allocated for mixed use development).
- 9.6. There was a planning application submitted in 2016 for the development of 200 dwellings on the wider allocation site, though this was subsequently withdrawn.
- 9.7. It is also the case that whilst not a confirmed allocation, it is a proposed allocation for employment in the emerging Local Plan. It has been identified in earlier stages of the Local Plan Review 2042 and remains in the version of the Plan that is expected to be submitted for examination later this year. It is clear from the allocation history of this site that the Council is keen to see this land be redeveloped.
- 9.8. This proposed development also forms part of a much wider allocation and it is not clear how the development of this part of the site in isolation would impact the wider redevelopment of the whole site. This application site is 0.3 hectares within a 3 hectare allocation.
- 9.9. A strategic objective of the adopted local plan (SO 1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.
- 9.10. Paragraph B.30 of the plan explains that that the aim is to secure:
- business-friendly and well-functioning towns
 - an eco-innovation hub along the Oxford – Cambridge technology corridor

- internationally connected and export driven economic growth
- investment in people to grow skills and the local workforce
- vibrant, creative and attractive market towns
- family housing
- measures to reclaim commuters where possible
- measures to increase labour productivity.

9.11. The NPPF will be a material consideration in the determination of this proposal, particularly NPPF requirements for planning policies and decisions to:

‘...help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’ (NPPF Paragraph 85); and

‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. (NPPF paragraph 89)

Uses

- 9.12. The uses proposed on the site comprise a mix of B2, B8, Eg(i), Eg(ii), Eg(iii) uses and careful consideration should be given to the potential impact on neighbouring residential amenity, particularly the abutting block of flats. It would be preferable to see office uses rather than B2/B8 uses at this location.
- 9.13. Policy SLE 4 seeks to deliver key transport connections, supports a modal shift towards more sustainable modes of transport and supports employment growth in more sustainable locations.

Conclusion

- 9.14. This proposal is generally consistent with the overall objectives of the adopted Cherwell Local Plan and a previously developed site. The site also falls within an adopted and retained/amended Local plan allocation for residential development. It is acknowledged that the emerging Local Plan now proposes the same allocation for employment land, and whilst the emerging Local Plan should be given limited weight, it is clear that a residential use has not been developed and the site would be more appropriately developed for employment purposes.
- 9.15. The application site forms a much smaller part of the wider site allocation and it is not clear that this isolated development would not prejudice the redevelopment of the site as a whole. The application is not clear on this point.
- 9.16. The NPPF is generally supportive of this type of proposal. The proposal is reasonably related in scale to its adjacent employment land use on a site that would be best suited for this type of land use.
- 9.17. Whilst not strictly in line with the adopted allocation, the proposal does satisfy the other criteria set out in Policy SLE1.

Transport and Highway Impact

Policy Context

- 9.18. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development

Assessment

- 9.19. The site is located at the southern end of Higham Way and would be accessed using an existing access fork leading from Higham Way, as such there are no substantial works proposed to the existing highway network in terms of upgrades to facilitate this development. It is noted that the Existing Grundon Waste Management depo is located just to the south of the application site and is also accessed using Higham Way, and as such it is considered that the local road network and access is acceptable for use of heavy goods vehicles.
- 9.20. Oxfordshire County Council Highways Officers originally commented that the applicant must demonstrate on a plan that there is sufficient land available to provide a road corridor between Higham Way and the allocated employment site to the east. The road must be wide enough for a suitable carriageway and a shared footway / cycleway. It was also requested that the applicant demonstrates how the development site's access will form a junction with the future road. This road should not be an intended through route for HGV traffic, in order to reduce the number of HGVs within the residential areas of Higham Way.
- 9.21. Following these comments from OCC Highways further information was submitted in order to address the issues raised. It is now considered that the applicant has demonstrated that there would be suitable land provision for a road corridor between Higham Way and the allocated employment site to the east. This road would be adequately wide enough to accommodate a carriageway and a shared footway and cycleway. As such OCC Highways removed their objection in regards to this issue.
- 9.22. Conditions are suggested to ensure that the parking and turning area, means of access, cycle parking provision and ev charging provision are all adequate on the site but they are considered to be acceptable in principle based on the information currently provided.

Design, and Impact on the Character of the Area

Policy Context

- 9.23. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way it functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.
- 9.24. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

Assessment

- 9.25. The application site is largely flat having been cleared of previous development and is not within a sensitive landscape. The site is largely surrounded on all sides its by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the industrial style buildings at Grundon Waste Management and the Banbury Rail station Multi-storey carpark. The north and east of the site are more residential style areas with large flats on the northern edge with dwellings to the east.
- 9.26. The development comprises three rectangular buildings which would be divided into 10 separate units, two smaller would be situated along the northern edge of the site with the largest of the three buildings along the southern boundary. The buildings would be sited perpendicular to the southern end of Higham Road. The buildings are sited either side of a central access road with parking and turning areas surrounding.
- 9.27. The design of the buildings is consistent and typical of a modern commercial development comprising large areas of glazing with grey and black panelling in varying shades. The buildings are designed to be constructed with a mono pitched roof.
- 9.28. In terms of scale, the buildings would single storey in height and would be consistent with the scale of buildings already in existence within the locality most notably the other industrial style buildings within the proximity of the site.
- 9.29. The layout, scale and appearance of the proposed buildings are considered acceptable in the context.
- 9.30. The site is relatively constrained and as such the proposed landscape scheme for the site is minimal however some buffers are proposed along the main access road to shield some views from the flats to the north. The landscape scheme is considered to be consistent with the principles established within the residential development to the north with some trees and green spaces breaking up the developed parts of the site. Full details will be required by condition.
- 9.31. Boundary treatment information has not been submitted with the application and will also need to be conditioned.
- 9.32. Areas for cycle parking are shown along the access but details of the appearance of these areas (structures/boundary treatment) has not been submitted and will need to be conditioned.
- 9.33. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and C28 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

Residential Amenity

Policy Context

- 9.34. Policy ESD15 of the CLP 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.35. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.

Assessment

- 9.36. The new commercial units would be located close to an existing residential area which extends to the north and east of the application site. The most potential for impact on residential amenity would be on 122-136 Marshall Road which is the southern most block of flats within the neighbouring residential area.
- 9.37. It is noted that the smaller two units which are proposed in this development would come in close proximity to the block of flats with one situated just to the south-east and one south west with a break between them which contains space for a turning head and parking.
- 9.38. Officers consider that there clearly would be some impact on the residential amenity of the occupants of the closest flats which face southwards onto the proposed development, this would come in the form of some loss of light and some loss of outlook. However, the units as proposed are considered to be of an appropriate scale for this site and would be lower in height than the neighbouring block of flats. The most impacted flats would be those situated on the ground and first floors, it is noted that the existing boundary treatments already reduce light and outlook to these properties and it is not considered that the erection of the proposed units would cause substantially greater harm sufficient to warrant refusal of the application on this basis.
- 9.39. Having regard to the floor plan of the existing flats, the flats on the corner of the block have dual aspect living areas and whilst some light would be blocked from one window, sufficient light would still be able to reach the accommodation via the other windows and as such there would not be significant impact in this regard. Some of the other facing windows on the southern elevation of the flats serve bedrooms and some light would be blocked reaching these windows but it is not considered that the industrial units would cause impact to the main living areas of these properties.
- 9.40. The design of the buildings has had regard for the amenity of neighbouring properties with a mono pitched roof meaning the units would be lower at the back which would face towards Marshall Road and thus would reduce their impact in terms of scale and overbearing. At their nearest point, the proposed units would be approximately 10m away from the adjacent flats which would also reduce any impact felt and would provide an appropriate buffer between residential and commercial uses.
- 9.41. Concerns have been raised by commenters on the application regarding noise and other nuisances arising from the potential uses at the commercial units. CDC Environmental Officers have been consulted on the application and raised no objections to the scheme. Regard was had to the fact that the locality is already a mixed use area with existing industrial uses at Grundon as well as the neighbouring train station. They considered that as the units would face inwards towards the site and away from neighbouring residential uses that any harm caused would not be substantially greater than the existing situation in the locality.
- 9.42. Conditions have also been suggested which would restrict the operational hours of any intrusive uses at the site to minimise impact on the neighbouring occupants.
- 9.43. Given the lack of objections, it is considered that the development would not cause significant levels of harm to the amenity of nearby occupiers in terms of Noise, Light, Air Quality or Odour and would be acceptable in this respect subject to conditions.

Conclusion

- 9.44. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and ENV1 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

Contaminated Land

- 9.45. CDC Environmental Officers raised no objections in principle with regards to contaminated land though conditions are required to ensure any contamination is identified and remedial works undertaken prior to the commencement of the development.

Ecology Impact

Legislative context

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

exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.51. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.52. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.53. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.54. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.55. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.56. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.57. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.58. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that 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')

9.59. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site has been cleared and currently consists of rubble piles. There are a number of trees close by and in the boundary of the site which would not be affected by proposals. There are no buildings to be removed or altered due to the proposed development.

9.60. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.

9.61. CDC Ecology Officers were consulted on the application and whilst they had no objections in principle conditions were suggested to ensure that construction does not cause harm to any existing species or biodiversity within the site. Ecology Officers were generally satisfied with the inclusion of new trees and grassland areas within the development to count towards BNG.

9.62. It is also noted that the application would be subject to the statutory BNG Condition which will need to be discharged prior to the commencement of the development.

Conclusion

9.63. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2031 Part 1 subject to further details being approved through conditions.

Flood Risk and Drainage

Policy Context

9.64. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.65. No objections were raised to the current application by the LLFA or Thames Water. Conditions are recommended to ensure that the development is carried out to the satisfaction of the LLFA.

Conclusion

- 9.66. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

Energy Efficiency and Sustainability

Policy Context

- 9.67. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1,000sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.68. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.69. The application does not include an Energy or Sustainability Statement to address how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard.
- 9.70. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps.
- 9.71. A condition will be imposed to secure the submission of an Energy Strategy for the proposed buildings and the achievement of BREEAM 'Very Good' standard.

Conclusion

- 9.72. Subject to the imposition of suitable conditions requiring the submission of an Energy Strategy, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. Whilst the site was originally allocated for housing, no such proposals have been forthcoming since a withdrawn application in 2016. The site itself generally

consistent with the overall objectives of the adopted Cherwell Local Plan and a previously developed site. The emerging local plan does allocate the site for employment development.

- 10.3. It is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to sites of a similar nature. The development would not cause harm to the local highway network, wider landscape or flood risk. It is considered that the proposal would have some limited impact on the amenity of the occupiers of the flats to the north of the site, but this harm would not be so sufficient to warrant a refusal of the application on this basis and can be mitigated through appropriately worded conditions and so not outweigh the benefits of the proposal. Commercial developments of this kind are located close to the most sustainable locations within the district and Banbury has many other examples of similar developments within the locality and as such can accommodate a development of this size.
- 10.4. The plans demonstrate the site can accommodate the level of development suggested within the application and would be appropriately designed to respond to the existing character and appearance of the area.

11. RECOMMENDATION

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

CONDITIONS/REASONS FOR REFUSAL

Time Limit

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

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

Compliance with Plans

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

Highways

3. No development shall commence unless and until full specification details (including construction, layout, surfacing and drainage) of the turning area and 21 parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, have been submitted to and approved in writing by the Local Planning Authority. The turning area and car parking spaces shall be constructed in accordance with the approved details prior to the first occupation

of the development shall be retained as such for the parking and manoeuvring of vehicles at all times thereafter.

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.

4. 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.

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

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

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

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

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

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

Ecology

8. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

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

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

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

9. No development shall commence until 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.

Environmental Protection

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

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

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

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

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

13. If remedial works have been identified in condition 12, the development shall not

be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12. 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.

14. For each individual unit all plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 10dBA below the pre-existing background noise level (dBLA90) when measured at the nearest noise sensitive premises/site boundary. Measurements and rating of noise for the purpose of this condition shall be in accordance with BS 4142:2014+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates).

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

15. No vehicle repairs or other activity connected with the use hereby permitted except loading/unloading shall be carried out other than within the building(s) unless otherwise previously approved in writing by the Local Planning Authority.

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

16. The operational use of the premises shall be restricted to the following times:

- Monday - Friday: 07:00hrs – 18:00hrs
- Saturdays: 08:30hrs - 17:00hrs
- Sundays, Bank and Public Holidays: No time.

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

17. Prior to the first use of the development hereby approved details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

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

Flood Risk and Drainage

18. No development shall commence until a scheme for the disposal of surface

water by means of a sustainable drainage system in has been submitted to and approved in writing by the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for its implementation; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

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

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or –
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

Efficiency

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

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

Boundary treatments

21. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.

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

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CASE OFFICER: Lewis Knox

24/02937/OUT

Agenda Item 9

**Land Parcels For Central Energy Centre
Somerton Road
Upper Heyford
OX25 5LB**




Land Parcels For Central Energy Centre

Somerton Road

Upper Heyford

OX25 5LB

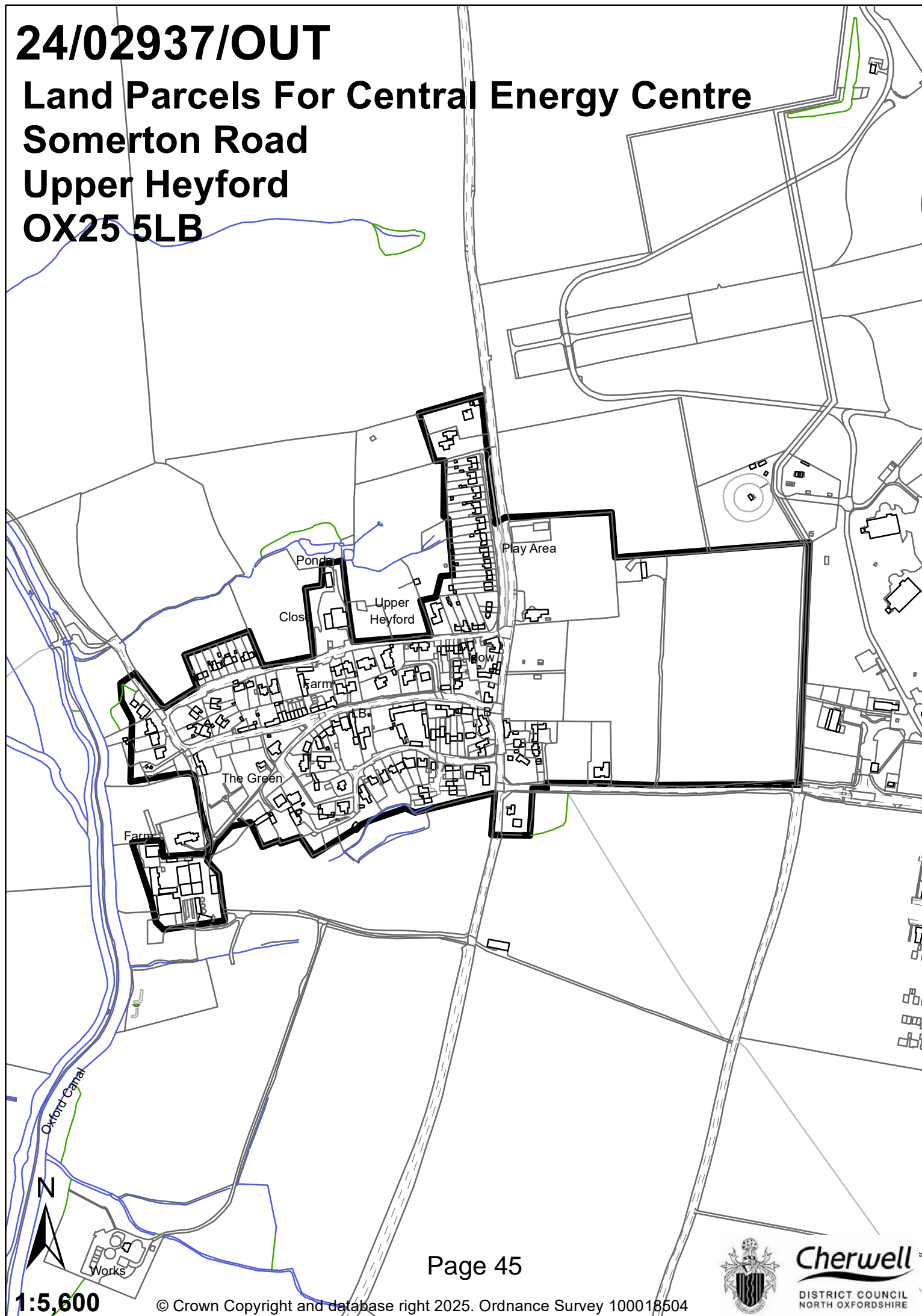


Issues



24/02937/OUT

**Land Parcels For Central Energy Centre
Somerton Road
Upper Heyford
OX25 5LB**



Case Officer: Nick Wyke

Recommendation: Approve,
subject to conditions.

Applicant: Upper Heyford Parish Council

Proposal: Outline planning application with All Matters Reserved: The Upper Heyford Heat Network is to provide low-carbon heat supply to 156 buildings in Upper Heyford Village. The buildings comprise 153 Domestic buildings and 3 non-domestic buildings comprising The Barley Mow (public house), Upper Heyford Reading Rooms and Upper Heyford Village Hall. The three main construction components to the work: 1 - Drilling of 134 no. boreholes to accommodate the closed loop ground source pipework which will provide the long-term low-grade heat for the heat network; 2 - A newly constructed, single storey energy centre building housing internal Ground Source Heat Pump (GSHP) units, thermal storage and other heat generation and supply infrastructure - the building will have external Air Source Heat Pump (ASHP) units and associated pipework; 3 - Approximately 6,614m of trench work to connect pipework from the boreholes to the energy centre and the primary heat distribution system to all the participating buildings via dedicated, in property heat interface units (HIU)

Expiry Date: 11 April 2025

Committee Date: 10 April 2025

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO
CONDITIONS AND RESOLVING HIGHWAYS AND DRAINAGE MATTERS**

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site extends to 3.20 HA and currently comprises agricultural land used for the growing of crops. The site is located to the north of Camp Road and is located between Upper and Lower Heyford.

2. CONSTRAINTS

- 2.1. Conservation Area, Flood Zone 1, Archaeology.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development forming the basis of this application is for the construction of 134 bore holes to accommodate the closed loop ground source pipework which will provide the long term-term low carbon heat which will supply 156 buildings in Upper Heyford Village. In addition to the boreholes will be the single storey energy centre building housing an internal ground source heat pump units, thermal storage and other heat generation and supply infrastructure. The building will have an external Air Source Heat Pump units and associated pipework. There will be approximately 6,614m of trench work to connect pipework from the boreholes to the energy centre and the primary heat distribution system to all participating building.

3.2. The application has been submitted in outline with all matters reserved.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring, by advertisement in the local newspaper expiring **28 December 2024** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **28 December 2024**.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. The Mid Cherwell Neighbourhood Plan Forum have commented on the application confirming their support for the proposals. They have stated that *the provision of a local heating network for the village strong accords with the sustainability principles of the Mid-Cherwell Neighbourhood Plan. In addition, we consider that the outline scheme accords with a number of MCNP Policies affecting the site namely policies PD3,4 and 7 and should ultimately result in improvements to the local environment, particularly in respect of air quality and reduction in carbon emissions.*

STATUTORY CONSULTEES

7.3. CHERWELL DISTRICT COUNCIL LEGAL SERVICES: **No objections.** Have confirmed that no Public Rights of Way are directly affected by this proposal and there are no proposed diversions required. No further comments have been provided by the CDC Legal Services team.

7.4. OXFORDSHIRE COUNTY COUNCIL ARCHAEOLOGY. **No objections.** have advised that there could be archaeological remains on site and have requested an archaeological written scheme of investigation is prepared. This can be agreed as part of a condition.

7.5. CHERWELL DISTRICT COUNCIL ENVIRONMENTAL HEALTH **No objections.** have confirmed they have no comments on the application.

7.6. THAMES VALLEY POLICE: have confirmed they have **no objection** to this application. They have raised concerns that the development could be target for crime and any damage or intrusion into the energy centre buildings could have a knock on

impact to residents who would be reliant on the supply of electricity. TVP have asked that the energy centre is designed with appropriate physical security features, and appropriate management features such as CCTV and or alarms.

- 7.7. OXFORDSHIRE COUNTY COUNCIL HIGHWAYS **have objected** to the application for the following reasons:

The application documents provide insufficient detail regarding access to the site. This is contrary to NPPF 114 (b).

The proposal fails to show the correct route of Upper Heyford bridleway 388/1 and is not making it usable. This is contrary to Cherwell District Council Policy ESD17: Green Infrastructure and Oxfordshire County Council LTCP Policy 5.

- 7.8. CHERWELL DISTRICT COUNCIL BUILDING CONTROL have advised that a building regulations application will be required.
- 7.9. CHERWELL DISTRICT COUNCIL CONSERVATION OFFICER have confirmed they have **no objections** to the proposals on heritage grounds.
- 7.10. HISTORIC ENGLAND have confirmed they have **no comments** on the application.
- 7.11. OXFORDSHIRE COUNTY COUNCIL FIRE AND RESCUE have advised that a Building Regulations Application will be required should planning consent be granted.
- 7.12. OXFORDSHIRE COUNTY COUNCIL LOCAL LEAD FLOOD AUTHORITY have requested clarification on the drainage strategy and have advised that the proposed works and associated infrastructure might require a drainage strategy to collect and discharge surface water in a sustainable manner. This needs to be clarified in a SuDS compliance report.

OTHER CONSULTEES

- 7.13. No comments have been received from other consultees.

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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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)

- PSD 1 – Presumption in Favour of Sustainable Development
- SLE 4 – Improved Transport and Connections
- ESD 1 – Mitigating and Adapting to Climate Change
- ESD 2 – Energy Hierarchy and Allowable Solutions
- ESD 4 – Decentralised Energy Systems
- ESD 5 – Renewable Energy
- ESD 7 – Sustainable Drainage Systems

- ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 11 – Conservation Target Areas
- ESD 13 – Local Landscape Protection and Enhancement
- ESD 15 – 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
- C30 – Design control
- C33 – Protection of important gaps of undeveloped land

MID-CHERWELL NEIGHBOURHOOD PLAN (Draft)

- PD3: Development adjacent to Heyford Park
- PD4: Protection of important views and vistas
- PD5: Building and Site Design

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Rousham, Lower Heyford and Upper Heyford Conservation Area Appraisals
- RAF Upper Heyford Conservation Area Appraisal

9. APPRAISAL

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

- Principle of development
- Highways
- Ecology
- Heritage.
- Drainage.

Principle of Development.

- 9.2. The site is currently in agricultural use and the proposal would involve the change of use of the land to a sui-generis use for the generation of renewable energy and the creation of an energy centre.
- 9.3. Cherwell District Council declared a Climate Change Emergency in 2019 and seeks to enable a zero carbon Cherwell by 2030. Policies ESD1, ESD4 and ESD5 of the Cherwell Local Plan (2015) promote the use of decentralised and renewable or low carbon energy where appropriate. This support for decentralised and renewable or low carbon energy is also contained in the National Planning Policy Framework. Paragraph 168 (B) of the NPPF requires *local planning authorities to recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions*. Paragraph 161 of the NPPF emphasises the need to *support renewable and low carbon energy and associated infrastructure*.
- 9.4. Planning Practice Guidance provides guidance to help local councils in developing policies for renewable and low carbon energy and identify the planning considerations. Paragraph 001 of the PPG states that Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK

has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

- 9.5. The Mid Cherwell Neighbourhood Plan does not contain specific policies covering renewable or low carbon energy. It does however support sustainable development (Paragraph 3.2.1).
- 9.6. Policy PD3 identifies a zone of non-coalescence on the western boundary of Heyford Park. The purpose of this designation is to prevent coalescence of any development proposals at Heyford Park with the village of Upper Heyford. Policy PD3 states that within the zone of coalescence the land should remain predominantly in agricultural use.
- 9.7. The proposals will result in the loss of an area of agricultural land extending to approximately 11,000 sqm. The majority of the remaining land will however remain in agricultural use. I therefore consider that the application site will predominantly be in agricultural use. With the exception of the energy centre, the majority of the development will remain underground. I do not therefore consider that a development such as this would give rise to coalescence.
- 9.8. There is clearly support at both a local and national level towards reducing greenhouse gas emissions and promoting the use of decentralised and renewable or low carbon energy such as this. The proposed development will provide low carbon heat supply to 156 buildings in Upper Heyford. These include 153 domestic buildings and 3 non-domestic buildings comprising the Barley Mow Public House, Upper Heyford Reading rooms and Upper Heyford Village Hall. The proposed development is therefore considered to accord with Policies ESD1, ES4 and ES5 of the Cherwell Local Plan. The principle of development is therefore considered acceptable subject to matters surrounding highways, ecology, design, and impact on the character of the area.

Highways

- 9.9. Policy SLE4 of the Cherwell Local Plan states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.10. Paragraph 116 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 9.11. Oxfordshire County Council Highways have objected to the proposed development requesting further information on the location of the access point into the site. They have also requested that junction and visibility splays and dimensions must be in accordance with 30 MPH visibility splays of 70 meters and dedicated to OCC if they fall out of the existing highway boundary. A Stage 1 Road Safety Audit (RSA 1) has also been requested.
- 9.12. The application has been submitted in outline with all matters reserved. Matters surrounding access will therefore be agreed through reserved matters. Final details on the location of the proposed access point, the need to achieve the required visibility splays and the provision of an RSA will be agreed through conditions should planning consent be approved.

Ecology

- 9.13. Policy ESD10 seeks to protect and enhance biodiversity and the natural environment through a net gain in biodiversity.
- 9.14. Policy ESD11 states that where a proposal within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement.
- 9.15. Policy PSD5 of the Mid Cherwell Neighbourhood Plan seeks to achieve biodiversity enhancements wherever possible as part of all development proposals.
- 9.16. The applicant has submitted a Preliminary Ecological Appraisal and biodiversity net gain metric as part of the application. The Ecological Appraisal identified the application site is adjacent to the Ardley and Upper Heyford Conservation Target Area. In order to minimise any impacts on the Conservation Target Area a 10 m buffer between the application site and the Conservation Target Area boundary will be maintained.
- 9.17. The ecological appraisal did not identify any priority habitats of conservation concern within the application site. A soft landscaping plan was recommended as part of the Ecological Appraisal in order to designate wildlife corridors and incorporate these into the design of the scheme.
- 9.18. The site is identified as having high potential for bats, with the scattered trees and hedgerow being of high potential for foraging bats. An artificial lighting plan is required in order to understand the impact of lighting on bats. The requirement for this can be dealt with through a planning condition.
- 9.19. The ecological appraisal recognises that the site has the potential to support local reptilian populations. A reptile survey would therefore be required prior to the commencement of development.
- 9.20. Badger sets have been identified nearby through a separate confidential Ecological Appraisal. Due to the confidentiality and sensitivity of these protected species it is not possible to provide further information on this matter. It is however considered that the development can mitigate against these constraints.
- 9.21. The Biodiversity Net Gain Metric submitted as part of the application shows a 11.43% net gain in habitat units and a 36.31% gain in hedgerow units. Based on the metric submitted it is considered that a net gain in biodiversity can be achieved.
- 9.22. We are still awaiting comments from the Cherwell District Council Ecologist at the time of writing this report. A written update will therefore be made prior to the application being considered at Planning Committee. It is however considered that by the nature of the proposals and based on the information submitted that the objectives of policy ESD10, ESD11 and PSD5 can be achieved.

Heritage.

- 9.23. Policy ESD15 states it is essential that development in the vicinity of any of the District's historical assets delivers a high quality design.
- 9.24. Policy PD4 of the Mid Cherwell Neighbourhood Plan states that development should not harm the conservation area and its setting, other heritage assets, or historic streets and village views and longer distance vistas. Development proposals within the plan area must demonstrate sensitivity to the important views and vistas described in Table 4 of the Neighbourhood Plan.

- 9.25. Paragraph 212 of the NPPF requires *great weight to be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 9.26. Paragraph 213 of the NPPF states any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.
- 9.27. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.28. The proposed development lies within the Upper Heyford and the Rousham, Lower Heyford Conservation Area and the RAF Heyford Conservation Area. The site is within the protected skyline for the Upper Heyford Church Tower as identified in figure 8 of the Neighbourhood Plan. The site is not within any of the key views or vistas identified in Upper Heyford or Rousham Conservation Area appraisal.
- 9.29. The application is in outline with all matters reserved, details surrounding the scale, appearance and layout of the energy centre will therefore be dealt with through the submission and consideration of reserved matters. The applicant refers to the energy centre being a single storey building. The boreholes and pipework will all be underground. It is not therefore expected that the proposals will lead to substantial harm to this identified view. Policy PD4 is therefore accorded with.
- 9.30. The Cherwell District Council Conservation Officer has commented on the proposals and advised that as the equipment proposed is largely below ground, this is considered to have limited impact on built heritage. The conservation officer also highlighted the fact the energy centre is above ground and maybe visible from parts of the conservation area in the immediate vicinity. The Conservation Officer went onto state it is not believed that the proposal will be readily visible from further away or in the wider landscape and it is unlikely it would be harmful to the significance of the heritage assets. The Conservation Officer has advised that *Care needs to be taken when developing the design and materials to be used in the building to ensure an agricultural character is maintained.* Matter surrounds the appearance of the Energy Centre including the materials to be used will be covered through reserved matters surrounding appearance.
- 9.31. Based on the above it is considered that no harm will arise to the above heritage assets. Paragraph 215 of the NPPF is not therefore engaged. Given most of the development will be below ground and matters surrounding appearance will be dealt with through reserved matters it is considered the development will accord with Policy ESD15, PD4 and the NPPF.

Drainage.

- 9.32. Policy ESD6 – Sustainable Flood Risk Management requires a site specific flood risk assessment to accompany development proposals for all development of 1 hectare or more located in flood risk zone 1.
- 9.33. Policy ESD7 requires all development to use sustainable drainage systems. (SuDS) for the management of surface water.
- 9.34. Paragraph 170 of the NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk of flooding.

- 9.35. The proposed development falls within flood risk zone 1 and extends to 3.20 HA. A flood risk assessment would ordinarily be required to accompany any application. The proposed development is not however considered inappropriate development and is within an area of low flood risk. A flood risk assessment is not required for this application.
- 9.36. The LLFA have commented on the application and requested that clarification is provided on the drainage strategy. The LLFA advise that the proposed works and associated infrastructure might require a drainage strategy to collect and discharge surface water in a sustainable manner. The Flood Risk Map for Planning identifies areas at risk of surface water flooding. According to the map the site is not considered at risk of surface water flooding. Only the energy centre is likely to require details on how surface water running off the building will be managed. The scale of the building will be agreed through reserved matters but based on the site plan submitted as part of the application it is not expected that this will be a large building that would lead to an increase in surface water run-off. It is therefore considered that details on how surface water will be managed can be dealt with through a surface water management condition.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social, and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The proposed development will achieve the environmental objective of sustainable development which makes clear reference to moving to a low carbon economy.
- 10.3. The need to promote the use of decentralised and renewable energy or low carbon energy is contained in the Cherwell Local Plan against which this application is required to be assessed against. The proposed development will provide low carbon energy for 153 domestic buildings and 3 non-domestic buildings thereby reducing the reliance for these dwellings to extract energy from the grid which in-turn is generated by higher carbon generating methods. This accords with the wider objectives of the Cherwell Climate Change Emergency.
- 10.4. The NPPF makes clear reference to the *valuable contribution* that small scale and community led projects such as these make to cutting greenhouse emissions. Similarly, PPG refers to the important role that planning has in the delivery of new renewable and low carbon energy infrastructure.
- 10.5. As the application has been submitted in outline with all matters reserved the primary consideration is whether the principle of development is acceptable. As set out above, the principle of development is considered acceptable subject to matters surrounding highways and drainage being found acceptable. It is recommended that planning consent is granted subject to conditions.

9. 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 TO RESOLVING THE ISSUES REGARDING

DRAINAGE AND HIGHWAYS

1. Statutory Time Limit (outline) – TL

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

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

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

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

3. 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:

Heat Network Layout. Drawing No. 2303 005a Rev 2.0

Trench Detail. Drawing No. 2303 015 Rev 1.0

Natural Heritage Constraints. Drawing No. 23030 006 Rev 3.0

Cultural Constraints. Drawing No. 2303 007 Rev 3.0

Landscape Character. Drawing No. 2303- 008 Rev 3.0

Heat Network Pipe Layout. Drawing No. 2303-009 Rev 3.0

Borehole Array Layout. Drawing No. 2303-013 Rev 3.0

Site Plan. Drawing No. 2303-001 Rev 3.0

Rights of Way Plan. Drawing No. 2303-003 Rev 3.0.

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 above slab level until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

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

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

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

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

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

6. No development shall commence until a surface water management strategy has been submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved strategy and no hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved.

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

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

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

8. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, road safety audit, 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.

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

Reason - To Safeguard the recording of archaeological matters within the site in accordance with the NPPF.

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

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

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

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell

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

12. 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.

13. No development shall commence, including any demolition and any works of site clearance, unless and until a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, 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.

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

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

A non-technical summary

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

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

The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development.

The monitoring methodology and frequency in respect of the created or enhanced habitat

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.

Case Officer: Nick Wyke

25/00577/HPA
30 Orchard Way
Banbury
OX16 0HA

Agenda Item 10



1:300



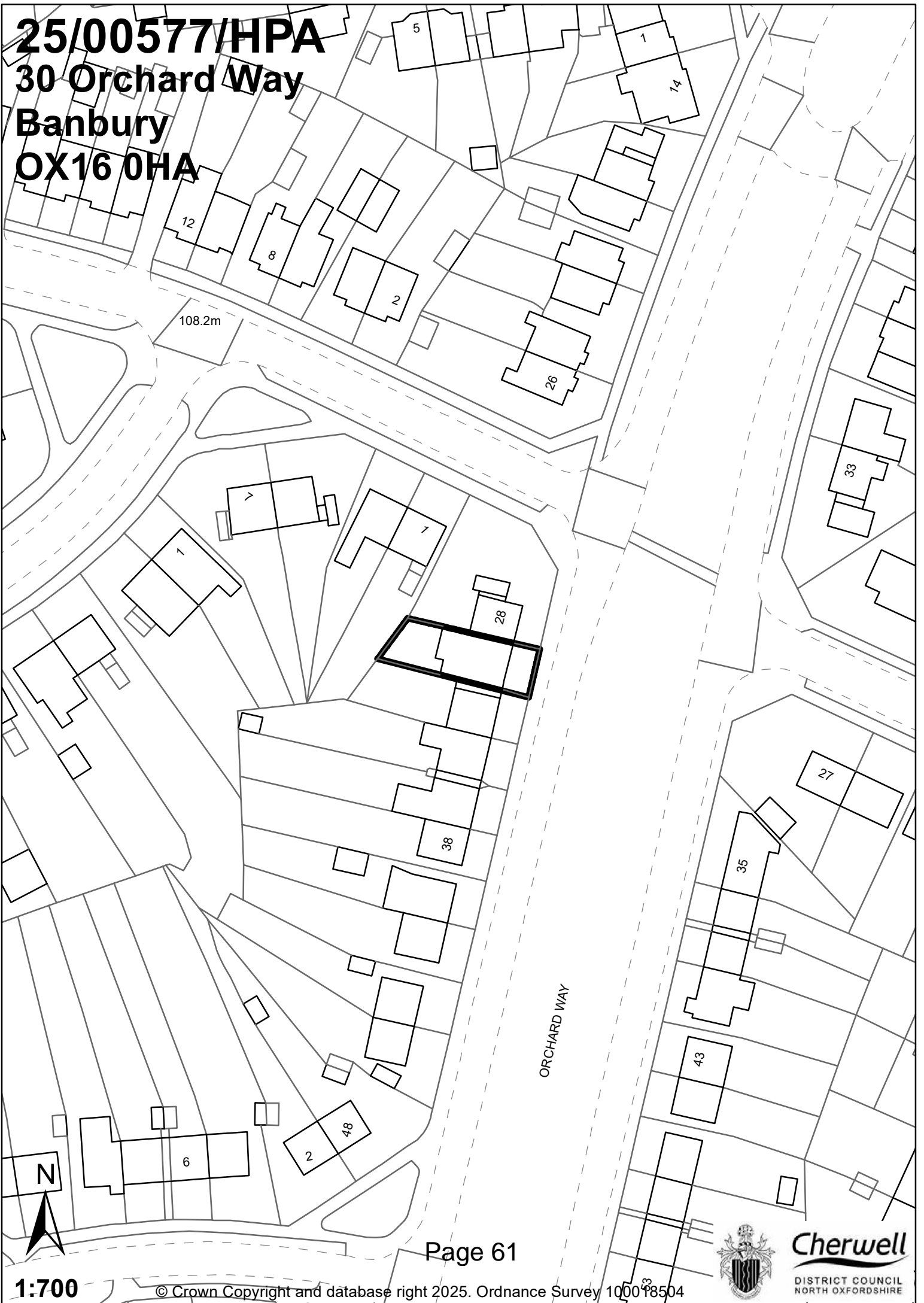
25/00577/HPA
30 Orchard Way
Banbury
OX16 0HA



1:200



25/00577/HPA
30 Orchard Way
Banbury
OX16 0HA



Case Officer: Nina Guy

Applicant: Mrs Gurmit Saran

Proposal: Prior Approval application for a single storey rear extension forming accessible bedroom - height to eaves 2.68m, length 5m, overall height 3.5m

Ward: Banbury Ruscote

Councillors: Councillors Mark Cherry, Isabel Creed and Amanda Watkins

Reason for Referral: Application submitted by a member of staff or Councillor of CDC acting as agent, advisor or consultant

Expiry Date: 17 April 2025

Committee Date: 10 April 2025

SUMMARY RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a two-storey, semi-detached dwelling, externally of brick with a tiled roof, facing east on to Orchard Way. There are no changes in the levels across the site that would significantly affect the application assessment. The site, which lies in the built form of Banbury, is bounded by residential properties to the north and south and residential gardens to the west.

2. CONSTRAINTS

- 2.1. The site is not within a Conservation Area and the building is not listed.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks householder prior approval for a single storey rear extension, with a shallow-pitched, gable-ended roof, of 2.68 metres eaves height and 3.5m ridge height, a width of 3.6m and a depth of 5 metres. It would have one window in its northern side elevation and one window in the western rear elevation with the back door to the dwelling in its southern side elevation.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **2 April 2025**.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

7.1. The nature of the application is such that no consultations have been required.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO')

8.2. Planning Practice Guidance (PPG)

9. APPRAISAL

9.1. The dwellinghouse is not located on article 2(3) land.

9.2. The proposed development would not exceed the floor space parameters as detailed within the GPDO;

9.3. The enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, but the stated height of the eaves is 2.68m, which is within the 3m height restriction;

9.4. The stated depth (length) of the proposed enlargement is 5.0m, which is within the 6m restriction for semi-detached dwellings;

9.5. The stated maximum height of the proposed development is 3.5m, which is within the 4m height restriction; and

9.6. The proposed materials would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

9.7. The proposed extension would be purely rearward of the existing dwelling.

9.8. The proposed extension meets the criteria set out in Part 1, Class A of the GPDO.

9.9. The proposal would have some impact on the attached neighbour to the north in terms of light and outlook, but would be set off the common boundary by c.2.3m. It would also be c.2.8m from the detached neighbour to the south.

9.10. That said, there have been no neighbour objections to this larger homes prior approval application and there is therefore no need to make a prior approval assessment.

10. RECOMMENDATION

Prior approval not required

CASE OFFICER: Nina Guy

Agenda Item 11

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	April 10 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	DATE: 25 March 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	DATE: 1 st April 2025
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

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

1. Recommendations

The Planning Committee resolves:

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

2. Executive Summary

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

Implications & Impact Assessments

Implications	Commentary
Finance	Whilst there are no direct implications arising from this report it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold.

	<p>This has meant it has been necessary to call upon the appeals reserve to mitigate the overspend on spend to date. Any further cost incurred in defending appeals will require alternative sources of funding.</p> <p>Kelly Wheeler, Finance Business Partner, 25 March 2025</p>		
Legal	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law & Governance Legal Services 27 March 2025</p>		
Risk Management	<p>This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader 25 March 2025</p>		
Impact Assessments	Positive	Neutral	Negative Commentary
Equality Impact			
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X	<p>Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.</p> <p>Celia Prado-Teeling, Performance Team Leader.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X	Not applicable
Climate & Environmental Impact			Not applicable
ICT & Digital Impact			Not applicable
Data Impact			Not applicable
Procurement & subsidy			Not applicable
Council Priorities	Not applicable		
Human Resources	Not applicable		
Property	Not applicable		

Consultation & Engagement	Not applicable in respect of this report
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Supporting Information

3. Background

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

4. Details

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/03366/OUT	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access	Committee Refused	20.03.2025

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
23/01616/F	Leys Farm, Hook Norton, Banbury, OX15 5BZ.	Change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.	Delegated Refusal	08.10.2024.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - crown reduction; T2 - Beech - crown reduction - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00779/F	6 Railway Cottages, Shipton on Cherwell	1m extension to existing ground floor with new first floor extension over - re-submission of 23/03177/F.	Delegated Refusal	06.09.2024
24/01391/F	82 High Street, Banbury	Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis).	Delegated Refusal	17.09.2024
24/00917/LB	Village Farm, Blackbull Lane, Fencott, Kidlington, OX5 2RD.	Single storey front, rear, end extensions and carport with associated internal/external works.	Delegated Refusal	11.10.2024.

23/01736/F	Land at Home Farm Close, Ambrosden, Bicester, OX25 2NP.	Erection of 9 dwellings of 1 x 5 bed detached, 4 x 3 bed terraced and 4 x 2 bed terraced.	Delegated Refusal	20.11.2024.
24/00249/F	Land Adj To 6 Lake View, Cottisford, NN13 5ST	New Detached 3 Bedroom Dwelling.	Delegated Refusal	22.11.2024.
24/01740/DISC	Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon, OX25 4SF.	Discharge of Condition 3 (construction details) of 24/00512/LB.	Delegated Refusal	04.12.2024.
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Delegated Refused	10.12.2024.
24/02205/F	26 Winchester Close Banbury OX16 4FP	Change of Use of land to residential and erection of a detached double garage ancillary to No. 26 Winchester Close - re-submission of 23/03406/F	Delegated Refusal	10.01.2025.
24/01295/F	Duns Tew Manor Main Street Duns Tew OX25 6JP	rection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.
24/02259/F	28 Buckhurst Close Banbury OX16 1JT	RETROSPECTIVE - Single storey shed to rear garden	Delegated Refusal	29.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchington Kidlington OX5 3DP	Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted	Delegated Refusal	29.01.2025.

		Development) Order 2015		
24/00519/F	Manor House, Isip Road, Bletchington, Kidlington, OX5 3DP.	Variation of condition 2 (plans) of 22/03088/F – alterations to design of main house and garage to include amended chimney design, the use of different construction materials, removal of porch, provision of fire escapes, installation of doors, erection of external stairs to garage, alteration of garage roof from hipped to pitched style roof, insertion of rooflights and addition of solar panels	Refused Delegated	30.01.2025.
24/02261/F	29 Buckhurst Close Banbury OX16 1JT	RETROSPECTIVE - Erection of a wooden shed on 10cm concrete base to the rear of garden.	Refused Delegated	03.02.2025.
24/02403/F	2 Meadow Walk Heathfield OX5 3FG	Dormer extension to rear roof slope and rooflights to rear roof slope to facilitate conversion of loft to habitable accommodation	Refused Delegated	05.02.2025.
24/01193/F	Fullers Farm, North Street, Fritwell, Bicester, Oxon, OX27 7QJ	RETROSPECTIVE - Change of Use of existing office (Unit 1) and ancillary accommodation (Unit 2) to separate dwellings	Refused Delegated	21.02.2025
24/02814/ADV	Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF	1no D6 internally illuminated (digital advertisement) screen	Refused Delegated	26.02.2025
24/02664/PIP	The Pheasant Pluckers Inn	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the	Refused Delegated	05.03.2025

	Street Through Burdop OX15 5RQ	area outlined in red on the accompanying Ordnance Survey Map		
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Informal Hearings

4.3. New Appeals

None

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01293/F	Land at Manor View (West of Manor Park) Hampton Poyle, Kidlington, OX5 2PW.	Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch.	Delegated Refusal	04.11.2024
22/03802/OUT	Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way Hempton Road Hempton	Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and	Refused Delegated	12.02.2025

		designated ecological enhancement areas.		
22/03873/F	Land North And Adjacent To Mill Lane Stratton Audley	Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	Committee Refusal Against Officers Recommendation	20.02.2025

Public Inquiries

4.5. New Appeals

None

4.6. In Progress/Awaiting Decision

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

Enforcement Appeals

4.7. New Appeals

None

4.8. **In Progress/Awaiting Decision**

4.9.

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.	Enforcement Notice	10.11.2023 Written Reps
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023 Written Reps
20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024 Written Reps
15/00256/COU	Hebbons Yard, Bicester Road, Kidlington, OX5 2LD	Expansion Of Yard Onto Agricultural Land	Enforcement Notice. 1 Day Inquiry	24.02.2025

Forthcoming Public Inquiries and Hearings between April 10 2025 and May 15 2025.

4.9

22/03873/F	Land North And Adjacent To Mill Lane Stratton Audley	Installation and operation of a renewable energy generating station comprising ground-	Committee Refusal Against Officers	20.02.2025
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		mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	Recommendation	
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.	Refused Delegated	12.02.2025
22/03802/OUT	Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way Hempton Road Hempton	Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024

4.10 **Appeals Results**

23/02865/F – Slatters Barn, Epwell Road, Shutford, Oxfordshire OX15 6HE

Installation of two shepherd's huts for use as holiday lets & construction of a driveway to the shepherd's huts.

Appeal Dismissed

The Inspector considered the main issue to be whether the appeal site is a suitable location for the development.

The Inspector noted the site's location, away from the nearest village, Shutford, and that Epwell Road has a distinctly rural character. The Inspector noted that there are no local bus or train services in close proximity to the site and that there would be a high dependency for visitors on the use of private vehicles, and that there was nothing to suggest the development was necessary to meet local business or community needs. The Inspector noted no compelling evidence to indicate that walking or cycling routes were of particular interest, and no detailed evidence of unmet demand for new tourist accommodation. Finally, the Inspector noted that there was no demonstrable need for tourism development on the appeal site or that the development could not be provided at a more sustainable location.

In summary, the Inspector fully agreed with officers' conclusion and the Council's refusal reason.

24/00362/F and 24/01225/F - 141 Bismore Road, Banbury OX16 1JN

Erection of a single-storey garage at end of driveway into rear garden, and with covered seating area in the case of 24/00362/F

Appeals Dismissed

The Inspector considered the main issue to be the proposal's effect on the living conditions of No.89 Watts Road, with particular regard given to access to light and sense of enclosure.

The Inspector noted that the property's permitted development rights had been removed given the density of development/size of gardens. The Inspector noted the close knit pattern of development and the relatively small gardens and that "the planned estate is much more dense than typical developments which are more relevant to the GPDO".

In the case of Appeal A, the Inspector found that the garage would project for much of the length of the garden of the appeal site and along much of the rear boundary of no. 89 Wells Road. The Inspector noted that the neighbour's only outlook without development is to the south over the appeal site and to the east over the public

accessway. The Inspector held that the combined height and depth of the proposed garage would result in an increased sense of enclosure of Nio. 89's rear garden, causing harm to their living conditions through loss of light, loss of outlook and a detrimental sense of enclosure.

In the case of Appeal B, the Inspector noted the reduction in height from 2.6 metres to 2.4 metres. The Inspector concluded that this reduction in height would reduce the impact but not enough to make the scheme acceptable, and that Appeal B would still in result in harm to the neighbour through a "sense of enclosure and loss of light".

The Inspector also refused the appellant's costs application, noting that there had been a number of discussions between the Council and the Appellant around height and depth of the proposed garage; the Inspector noted that the Council had made clear to the Appellant what height it would accept. The Inspector commented: *"Whilst it is good practice for a Council to seek amendments to resolve matters that are outstanding, they are under no legal obligation to seek such amendments. The only legal obligation and duty that the Council are under is to make a decision on a planning application based upon the information they have in front of them which they felt that there was sufficient grounds to refuse the application."* The Inspector noted that, *"the Council were very explicit and consistent as to what height they felt was appropriate"*, concluding that the Council had not behaved unreasonably.

24/01960/PIP - Barn Farm Plants, Thorpe Road, Wardington, Banbury, Oxfordshire, OX17 1SN

To develop the site for 7-9 dwellings with associated access, parking and amenity space

Appeal Allowed

The Inspector considered the main issue to be whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development with particular regard to (a) the Council's housing strategy and access to key services, (b) the proposal's effect on the character and appearance of the area, (c) whether it would be an efficient use of land, and (d) the loss of village facilities.

In relation to location, the Inspector noted that Wardington is a Category B village, benefits from a public house, village hall, church and sports facilities and "is a short distance from" Cropredy, a Category A village, "which has a broader range of services and facilities", and that there is a regular bus service from Mondays to Saturdays with a bus stop close to the site.

The Inspector also mentioned that the site is brownfield land and is included in Part 1 of the Council's Brownfield Land Register. However, it appears that all brownfield sites submitted to the Council for consideration are included in Part 1, whether or not acceptable in planning terms. The Inspector stated that its inclusion in Part 1 of the Register indicated the Council considered it "appropriate for residential development", but this is the role of Part 2 of the Register.

The Inspector agreed with the Council that the site is outside and physically/visually separated from the built form of Wardington, and “cannot be said to form part of the built-up limits of the settlement”, and in this way was contrary to Policies PSD1, BSC1 and Villages 1 of the CLP 2015 and saved Policy H18 of the CLP 1996. In relation to character and appearance, the Inspector concluded that while there would be inevitable change to the character of the site the proposal would not harm the character and appearance of the area and could be design appropriately to complement its surroundings.

In relation to efficient use of land, the Inspector noted that the proposal would fall well short of the 30 dwellings per hectare sought by Policy BSC2 and indeed would be c. 10 dw/ha, but held that given the site’s context that a more intensive form of development could be problematic in terms of its impact on the surrounding area. The Inspector noted that the proposal would lead to the loss of existing businesses at the site including a garden site and café, but held that these businesses do not serve the basic needs of the local community and that there was no clear evidence the site would continue to be a viable employment site.

The Inspector did not reference the Council’s 2.3 years housing land supply, but did give weight to the proposal’s benefit to the delivery of additional housing and concluded that this outweighed the conflict with the Local Plan.

24/01476/F - 133 Warwick Road, Banbury, Cherwell, OX16 2AR

Retrospective single storey rear extension and outbuilding

Appeal Dismissed

The Inspector considered the main issues to be the effect of the development on the character and appearance of the area and on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

The Inspector noted that a previous application for development was approved, but that both the rear extension and the outbuilding constructed are larger than approved.

The Inspector disagreed with the Council that there would be any impact on the Banbury Conservation Area through change to its setting but entirely agreed with the Council on its impact on the character and appearance of the area and the living conditions of neighbours.

In relation to visual impact, the Inspector noted the “sense of uniformity and heritage” to the terrace of dwellings and a “notable degree of spaciousness and greenery” to the gardens, concluding that the outbuilding would be “overly large” within its garden setting, projecting considerably into the rear garden, dominating its immediate surroundings and as a result would be “out of keeping...and detrimental to the area’s green and spacious attributes”.

In relation to neighbours’ amenity, the Inspector found that the rear extension “looms above the rear of No. 135, dominating the outlook from the rear of [the] neighbouring dwelling” as well as causing harm through loss of daylight.

24/01489/F - 17 Read Place, Ambrosden, Bicester, OX25 2BH.

single storey side extension.

Appeal Allowed

The Inspector considered the main issues to be the highway safety, and the effect of the proposed development upon the living conditions of the occupiers of a neighbouring property, with particular regard to loss of outlook.

The Inspector held the neighbouring property at no. 15 Read Place would be located on slightly higher ground than application site and thus the impact on neighbouring amenity is not so significant to warrant a refusal.

With regards to loss of the on site parking space, the Inspector disagreed with the Highways Officer and did not consider that the loss of carport would compromise highway safety, as he concluded that there was sufficient on-street parking to compensate.

Based on the above and subject to conditions, the Inspector concluded that the appeal should be allowed.

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

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

Decision Information

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

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
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