

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee: Planning Committee**

**Date: Thursday 15 May 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 - 16)

To confirm as a correct record the Minutes of the meeting of the Committee held on 10 April 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 South Of 3 To 5 Hartshill Close Bloxham** (Pages 19 - 49) **24/02541/F**

9. **Church View, Manor Road, Great Bourton, OX17 1QP** (Pages 50 - 68)  
**24/03218/F**

10. **Land Adjacent to Symmetry Park Morrell Way Bicester OX26 6GF** (Pages 69 - 117)  
**24/03259/F**

11. **73 High Street, Kidlington, OX5 2DN** (Pages 118 - 131) **24/03350/F**

## **Consultation Responses, Review and Monitoring Reports**

### **12. Botley West Solar Farm NSIP (Pages 132 - 140) 22/03407/DCO**

Report of Assistant Director Planning and Development

#### **Purpose of report**

To approve Cherwell District Council's Written Representation / Individual Local Impact Report.

#### **Recommendations**

The meeting is recommended:

Approve the written representation and individual local impact report letter for submission to the planning inspectorate.

**\*\*No public speaking permitted on this item as it is not a planning application for determination by Cherwell District Council\*\***

### **13. Appeals Progress Report (Pages 141 - 156)**

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](mailto:democracy@cherwell-dc.gov.uk) or 01295 221534 prior to the start of the meeting.

**Declarations of Interest**

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

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**Queries Regarding this Agenda**

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

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

Published on Wednesday 7 May 2025



## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 10 April 2025 at 4.00 pm

#### **Present:**

Councillor Barry Wood (Chairman)  
Councillor Rebecca Biegel  
Councillor Chris Brant  
Councillor Phil Chapman  
Councillor Jean Conway  
Councillor Grace Conway-Murray  
Councillor Dr Isabel Creed  
Councillor David Hingley  
Councillor Lesley McLean  
Councillor Robert Parkinson  
Councillor David Rogers  
Councillor Dr Kerrie Thornhill

#### **Substitute Members:**

Councillor Linda Ward (In place of Councillor John Broad)  
Councillor Douglas Webb (In place of Councillor Ian Harwood)

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

Councillor Amanda Watkins (Vice-Chair)  
Councillor John Broad  
Councillor Becky Clarke MBE  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Les Sibley

#### **Officers:**

Paul Seckington, Head of Development Management  
Andy Bateson, Team Leader - North Area Major Developments  
Karen Jordan, Deputy Principal Solicitor  
Nick Wyke, Principal Planning Officer  
Lewis Knox, Senior Planning Officer  
Nina Guy, Graduate Pathways to Planning  
Matt Swinford, Democratic and Elections Officer  
Martyn Surfleet, Democratic and Elections Officer

127 **Declarations of Interest**

**8. Land North of Grundon, Merton Street, Banbury**

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

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

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

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

**10. 30 Orchard Way, Banbury, OX16 0HA**

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

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

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

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

128 **Requests to Address the Meeting**

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

129 **Minutes**

Subject to the correction of the refusal reason at Minute 124, the Minutes of the meeting held on 20 March 2025 were agreed as a correct record and signed by the Chairman.

130 **Chairman's Announcements**

There were no Chairman's announcements.

131 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

133 **Land North Of Grundon, Merton Street, Banbury**

The Committee considered application 24/02661/F for the development of 10 speculative commercial units and associated car parking/yard areas planning use classes B2, B8, Eg(i), Eg(ii), Eg(iii) at Land North Of Grundon, Merton Street, Banbury for E5 Commercial (Higham Way) Ltd.

Wendy Parga, local resident, addressed the Committee in objection to the application.

It was proposed by Councillor Biegel and seconded by Councillor Creed that application 24/02661/F be refused as the application was contrary to the current allocation in the current Local Plan under policy Banbury 19 and contrary to policy to ESD15 of the Cherwell Local Plan 2025 and saved policies C28 and ENV1 and in absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the proposal was contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework. It was agreed that the exact wording for reasons for refusal to be delegated to officers.

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

**Resolved**

That, against officer recommendation, the application be refused with the exact wording for reasons for refusal to be delegated to officers and to be published with the decision notice.

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

The Committee considered application 24/02937/OUT, an outline application with all matters reserved at Land Parcels For Central Energy Centre, Somerton Road, Upper Heyford, OX25 5LB for Upper Heyford Parish Council. 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)

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

### **Resolved**

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 24/02937/OUT subject to conditions (and any amendment 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 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; and  
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.

### 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 surfacewater 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.

135      **30 Orchard Way, Banbury, OX16 0HA**

The Committee considered application 25/00577/HPA, a prior approval application for a single storey rear extension forming accessible bedroom - height to eaves 2.68m, length 5m, overall height 3.5m at 30 Orchard Way, Banbury, OX16 0HA for Mrs Gurmit Saran.

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

**Resolved**

That, in line with the officer's recommendation, prior approval is not required and application approved.

136      **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 5.35 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

Planning Committee – 15 May 2025

### PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

#### **Human Rights Implications**

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

#### **Background Papers**

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

<b>Item No.</b>	<b>Site</b>	<b>Application Number</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
<b>8</b>	Land South Of 3 To 5 Hartshill Close Bloxham	24/02541/F	Adderbury, Bloxham and Bodicote	Approval*	Nick Wyke
<b>9</b>	Church View, Manor Road, Great Bourton, OX17 1QP	24/03218/F	Cropredy, Sibfords And Wroxton	Approval*	Shona King
<b>10</b>	Land Adjacent to Symmetry Park Morrell Way Bicester OX26 6GF	24/03259/F	Launton And Otmoor	Approval*	Carlos Chikwamba
<b>11</b>	73 High Street, Kidlington, OX5 2DN	24/03350/F	Kidlington West	Approval*	Sophie Browne

\*Subject to conditions

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



24/02541/OUT

Agenda Item 8

Land South Of 3 To 5  
Hartshill Close  
Bloxham



1:2,300

Page 19

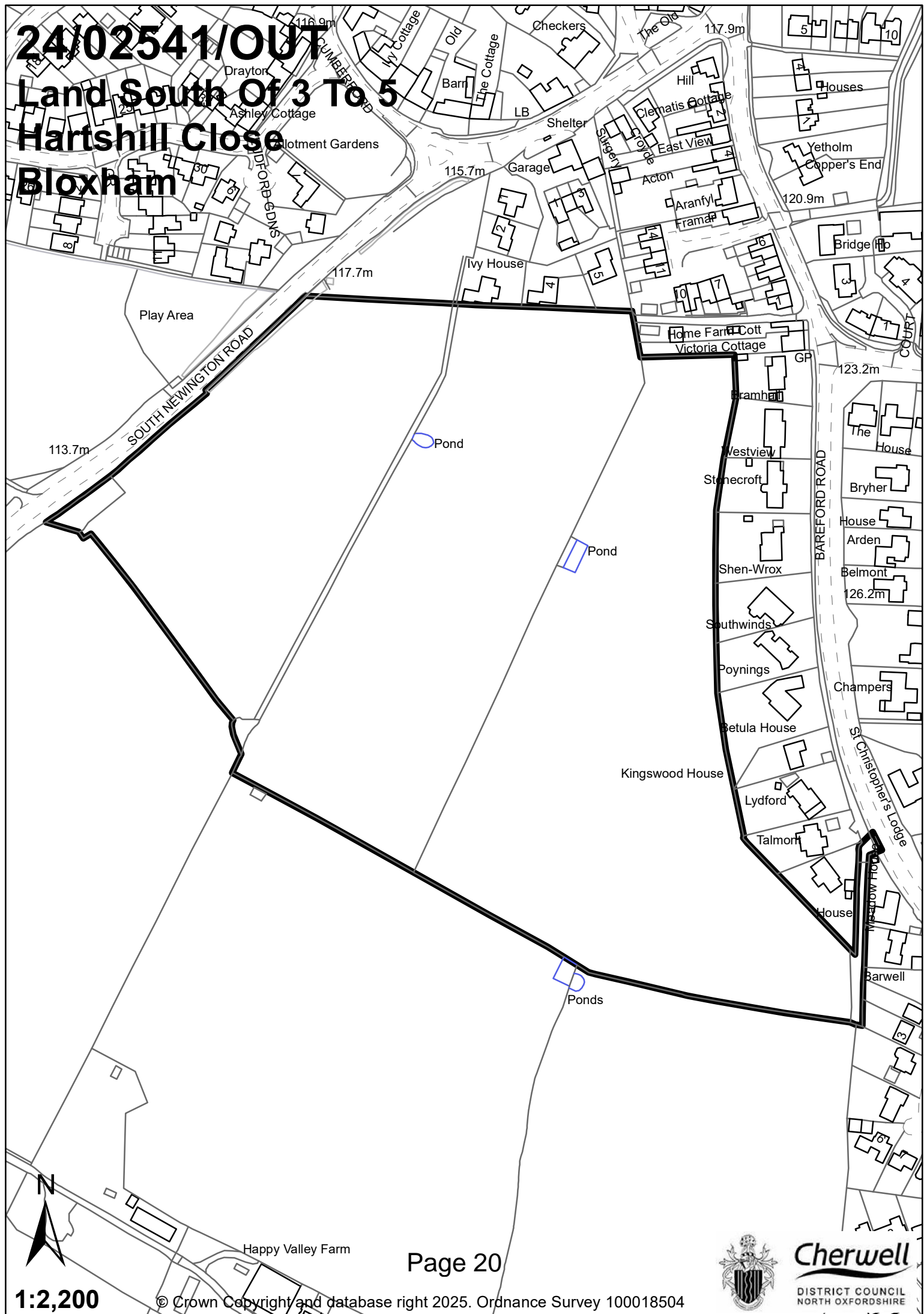
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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

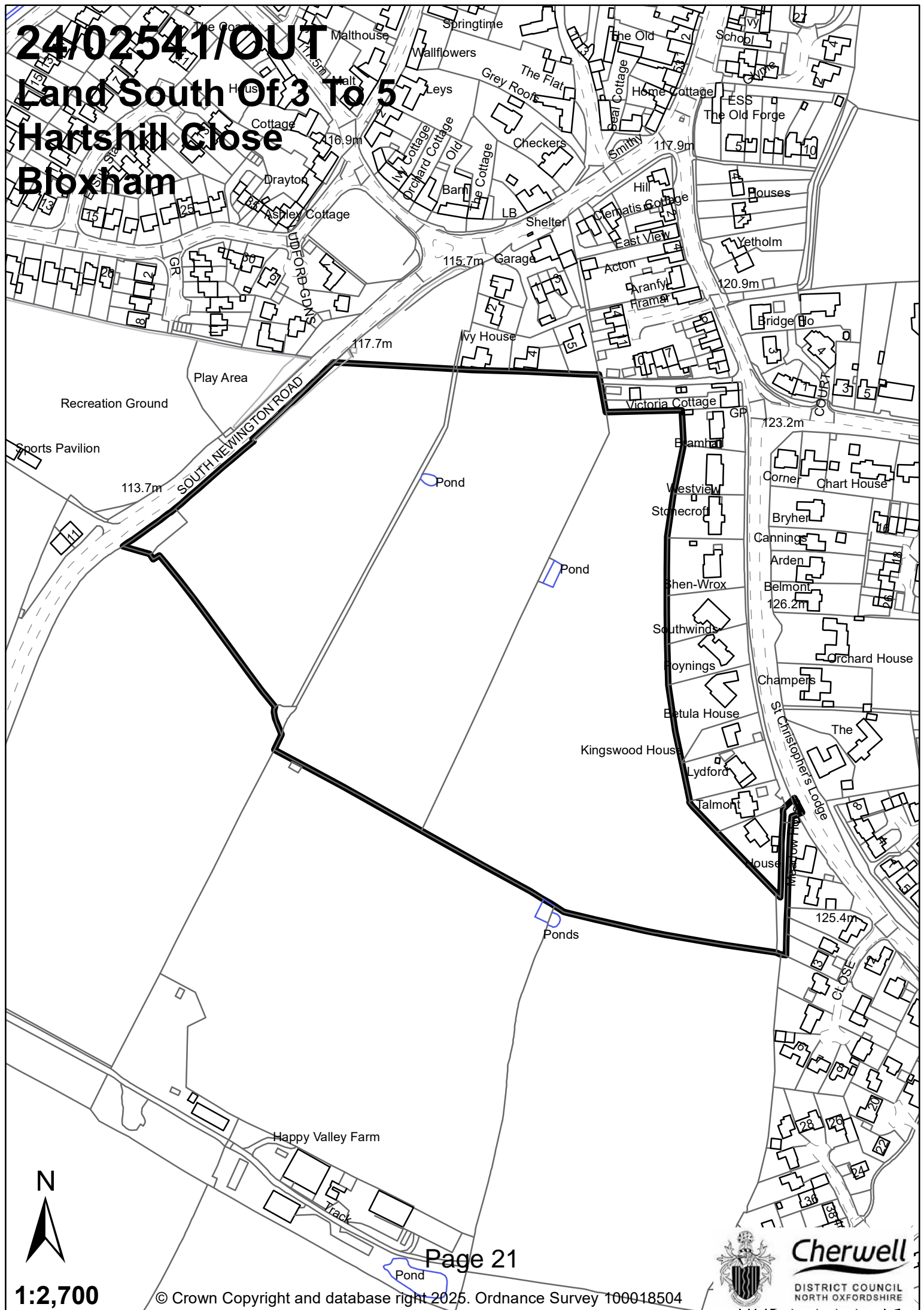


**24/02541/OUT**  
**Land South Of 3 To 5**  
**Hartshill Close**  
**Bloxham**





# 24/02541/OUT Land South Of 3 To 5 Hartshill Close Bloxham



1:2,700



**Case Officer:** Nick Wyke

**Applicant:** William Davis Homes, Rebecca Lyndsay Smith, Alista

**Proposal:** Outline planning application (with all matters reserved except for primary means of vehicular access from the A361) for the residential development of up to 130 dwellings, alongside associated access, green and blue infrastructure (including public open space, a play area, and drainage), required ground remodelling and supporting infrastructure

**Ward:** Adderbury, Bloxham and Bodicote

**Councillors:** Cllr Gordon Blakeway, Cllr David Hingley, Cllr Rob Pattenden

**Reason for Referral:** Major development

**Expiry Date:** 30 May 2025

**Committee Date:** 15 May 2025

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

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site extends to 7.8 hectares and comprises agricultural land used for the grazing of livestock. The site is located to the south of Bloxham and is bound to the west by South Newington Road and Barford Road to the east. To the north of the site are the existing dwellings off Bloxham Court whilst to the south is existing agricultural land.
- 1.2. The site is currently divided into three separate field parcels. These are separated by mature hedgerows interspersed by mature trees three of which are classified as veteran (2x crab apple and 1x English Oak). The land is gently undulating from the top at Barford Road sloping downwards towards South Newington Road. There are visible signs of ridge and furrow on the site which are a non-designated heritage asset.
- 1.3. The village of Bloxham is located to the south-west of Banbury. It is one of more sustainable villages in the District falling within Category A of the Settlement Hierarchy of the Cherwell Local Plan (2015). The village benefits from a range of services including primary school, private secondary school, GP surgery, dentist, Co-Op convenience store, post office, pubs, museum, and petrol station.

**2. CONSTRAINTS**

- 2.1. The application site is within the red impact zone of great crested newts.

- 2.2. The nearest statutory ecological designated site is Arncott Bridge Meadows Site of Special Scientific Interest (SSSI) located just over 2.5km to the southeast of the Site.
- 2.3. There are 6 Local Wildlife Sites (LWS) and a single Woodland Trust Reserve (WTR) within 2km of the Site.
- 2.4. The nearest non-statutory designated wildlife site, Meadows NW of Blackthorn Hill Local Wildlife Site, is approximately 500m to the north. The River Ray Conservation Target Area is also located to the north.
- 2.5. There are no designated heritage assets on site, but the site is within proximity of several listed buildings (not within 100m of site) and the scheduled monument of Wretchwick deserted medieval village 0.5km to the northwest of the Site.
- 2.6. Blackthorn windmill which is listed is at least 450m southeast of the site.

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

- 3.1. The proposed development is for outline planning consent with all matters reserved except access for the development of up to 130 residential dwellings (Use Class C3) alongside green and blue infrastructure (including public open space, a play area and drainage), required ground remodelling and supporting infrastructure.
- 3.2. The key consideration for this application surrounds whether the nature of the development is acceptable and whether access to and from the site is acceptable.
- 3.3. As the application is in outline matters surrounding appearance, landscaping, scale and layout will be dealt with through reserved matters should the application be approved.

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

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

<b>Application reference no.</b>	<b>Description of development</b>	<b>Key points.</b>
24/01802/SO	EIA screening opinion request relates to the residential development of up to 165 dwellings, alongside public open space, a play area, sustainable drainage, and other supporting infrastructure	Cherwell District Council confirmed by way of letter dated 12 <sup>th</sup> August 2024 that the development as described in the supporting documents is not likely to give rise to significant environmental effects. An Environmental Impact Assessment was not therefore required.

Cherwell District Council Housing Economic Land Availability Assessment Dated November 2024.	Site reference no. 095 and 467.	The HELAA concluded the following <i>The site is considered to be unsuitable for development as it would be likely to have a detrimental impact on the views of the village when approaching from the south west along South Newington Road and would cause potential harm to ancient trees on site. The site is afforded some screening from trees-hedgerows but there is no strong defensible boundary which would prevent development leading further southwards.</i>
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## 5. PRE-APPLICATION DISCUSSIONS

- 5.1. Pre-application discussions have previously taken place, under 24/01050/PREAPP for Residential development of circa 130 dwellings, alongside public open space, a play area, sustainable drainage and other supporting Infrastructure. A meeting was held with the applicant in July 2024. The planning application was submitted before the pre-application enquiry was responded to.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **5 November 2024**, by advertisement in the local newspaper expiring **24 October 2024** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. Following the provision of further information on the application, a 21 day re-consultation started on the 17<sup>th</sup> April 2025. The overall final date for comments is the 08<sup>th</sup> May 2025. An update to this Officer's report will therefore be issued in advance of Planning Committee on the 15<sup>th</sup> May 2025 containing an overview of the latest consultation responses received.
- 6.2. Following the consultation 231 objections have been received and 2 comments of support have been received. The comments raised by third parties are summarised as follows:
- Concerns over the highways impact of vehicles entering and existing onto South Newington Road.
  - Existing vehicle congestion in and around Bloxham

- Ability for surrounding infrastructure to accommodate further development including strain on doctors surgery's, dentists and schools.
- The need for further housing development in Bloxham.
- Ecological impact as a result of further development
- Impact on the character of the village
- The impact of flooding on the site and the adjacent recreation ground.
- Impacts of light pollution on the surrounding environment.
- Landscape impact.

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

## 7. RESPONSE TO CONSULTATION

6.4. 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

6.5. Bloxham Parish Council have objected to the proposals. Their objection dated November 2024 referenced Cherwell District Council's ability to demonstrate 5.4 year housing land supply. The Parish Council considered the housing strategy policies in the Local Plan were up-to-date as was the Bloxham Neighbourhood Plan. The Parish Council raised concerns that the development would be in conflict with the Bloxham Neighbourhood Plan and would place additional strain on existing infrastructure within the village. The Parish Council state that S106 monies to mitigate capacity issues at the primary school should only be acceptable should they be sufficient to result in further school expansion prior to the development being occupied.

6.6. Concerns were also raised over the capacity of the surrounding road network to accommodate the additional traffic flows along with the safety of South Newington Road for current and future users.

### STATUTORY CONSULTEES

7.1. **The Environment Agency** have responded on the consultation and confirmed they have no comment.

7.2. The Cherwell District Council **Conservation Officer** considers there is not a strong connection or relationship between the development site and the conservation area or the Listed Buildings contained within it, therefore the proposals are not considered to reduce the ability to appreciate what is special about Bloxham Conservation Area or nearby Listed Buildings. The Conservation Officer concludes that the development is not considered to result in unacceptable harm to the significance of the heritage asset. The Conservation Officer concluded the level of harm to be 'no harm'.

- 7.3. **Local Lead Flood Authority** currently have a holding objection. This however based on the previously submitted Flood Risk Assessment and Drainage Strategy which has been submitted.
- 7.4. **Oxfordshire County Council Education** have no objection subject to financial contributions being secured through a S106 agreement.
- 7.5. **Oxfordshire County Council Archaeology** have no objection subject to **conditions**.
- 7.6. **Waste Management** have no objection subject to financial contributions being secured through a S106 **agreement**.
- 7.7. **The Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board** have raised an objection to the development unless the developer is prepared to make a contribution of £117,805 which will be secured through a S106 agreement towards the creation of additional clinical capacity at Bloxham and Hook Norton Surgery or an identified primary care **estates** project in the local area.
- 7.8. **Thames Water** have objected to the development, citing concerns over the ability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have suggested two conditions to be added to any planning **permission**.
- 7.9. **OCC Highways** have previously objected to the application on highway safety grounds. Discussions have however been taking place between the applicant and the Local Highway **Authority**. At the time of writing this report, an updated consultation response has yet to be received from OCC Highways but based on the discussions that have taken place there is not expected to be a highway safety issue. OCC have requested a financial contribution of £172,380 towards bus service improvements.
- 7.10. **Environmental Health** have previously commented on the application and advised that they are satisfied with the Noise Assessment which accompanied the application. They have recommended that a condition is attached to the consent to require further contamination **assessment** work be undertaken. They have also requested an air quality assessment be undertaken along with an odour impact assessment. The applicant has since submitted an odour and air quality assessment as part of the application.
- 7.11. **CDC Ecology** previously objected to the application raising concerns over the accuracy of the bat surveys which accompanied the application. Concerns were also raised over the quantum of provision of bird and bat boxes along with the improvements to achieve a net gain in biodiversity. The applicant has since provided additional information and we are currently awaiting on an updated response from CDC Ecology.
- 7.12. **CDC Arboriculture** had raised concerns over the potential impact of the development on the existing trees on site. This includes the existing veteran trees on site. The Arboricultural Officer acknowledges that the development is in outline and matter surrounding layout which are mostly likely to affect the trees will be agreed through the submission and agreement of reserved matters.

#### OTHER CONSULTEES

- 7.13. **Planning Policy** have raised an objection, stating that Bloxham is a sustainable village, and Policy Villages 2 does make provision for some development in such settlements. Policy consider that the proposal would assist in meeting the District's housing need, including affordable housing provision but this would need to be policy compliant. Policy have advised that the merits of providing housing including affordable housing must be considered alongside the other impacts of the proposed development.
- 7.14. **Urban Design** have advised that the site is well related to existing settlement and development would reflect the existing morphology. The outline proposal is sensitively designed and reflects the site's constraints and opportunities. A number of amendments/clarifications were requested by the Urban Design Officer in his comments dated 14<sup>th</sup> October 2024.
- 7.15. **Thames Valley Police** have previously commented on the proposals and have encouraged the application to engage with Thames Valley Police for all forthcoming reserved matters.
- 7.16. **Strategic Housing** have commented on the application and set out the required mix for affordable housing should planning consent be approved.

## **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)

- BSC1 District Wide Housing Distribution
- BSC 3 Affordable Housing
- BSC 4 Housing Mix.
- BSC 9 Public Services and Utilities.
- BSC10 Open Space, Outdoor Sport and Recreation Provision
- BSC11 Local Standards of Provision – Outdoor Recreation
- ESD 1 Mitigating to climate change
- ESD 3 Sustainable Construction
- ESD 4 Decentralised Energy Systems
- ESD 6 Sustainable Flood Risk Management
- ESD 7 Sustainable Drainage Systems
- ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13 Local Landscape Protection and Enhancement
- ESD 15 The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation.
- Policy Villages 2: Distributing Growth Across the Rural Areas
- Policy Villages 4; Meeting the need for open space, sport and recreation
- Policy INF1: Infrastructure.

CHERWELL LOCAL  
PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside.
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development.
- C31 - Compatibility of proposals in residential areas.

**Draft Cherwell Local Plan**

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

BLOXHAM NEIGHBOURHOOD PLAN

- BL1 – Policies on Sustainable Housing and Size of Developments
- BL2 – Sustainable Development.
- BL3 - Policy on Connectivity.
- BL 4 - Policies on Parking
- BL5 – Parking standards for existing residential development
- BL6 – Water consumption
- BL7 – Flood Risk
- BL8 – Housing that adapts to demographic change.
- BL9 – Residential amenity
- BL10 – Bloxham Conservation Area
- BL11 – Residential design
- BL12- Importance of space and key street scenes and views.

8.3. Other Material Planning Considerations



- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Written Ministerial Statement (July 2024).
- Written Ministerial Statement (December 2024).
- Housing Economic Needs Assessment (December 2024)
- Guidance issued by Natural England on Ancient Woodland, Ancient Trees and Veteran Trees (January 2022)
- Department for Education Securing developer contributions for education dated August 2023 which is a material consideration in the determination of this application.

## 9. APPRAISAL

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

### **Principle of Development;**

- 9.2. Strategic Objective SO7 of the adopted Local Plan refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.3. Policy ESD1 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.4. Policies Villages 1 categorises the villages in Cherwell. Bloxham is categorised by Policy Villages 1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII of the Local Plan (2015). Policy Villages 1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Bloxham is categorised as a Category A Village by Policy Villages 1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions. The fact it is a Category A settlement further shows that it is a sustainable location to accommodate development.
- 9.5. The Cherwell Local Plan (2015) Policies Map does not contain settlement boundaries for settlements within the District. The Bloxham Neighbourhood Plan does not identify a settlement boundary for Bloxham either.
- 9.6. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Deddington as a Category A Village Settlement. These are classified by the Draft Local Plan as being larger villages that have essential local services and facilities and often serve nearby smaller villages.
- 9.7. Policy Villages 2 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.8. Policy H18 refers to the development of dwellings beyond the built up limits of settlements.
- 9.9. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. Policy Villages 1 and 2 along with H18, BSC1 and COM1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell

Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.

- 9.10. Policy PSD1 states that *where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.*
- 9.11. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.12. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.13. The Bloxham Neighbourhood Plan was adopted in December 2016. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, *the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*
- 9.14. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The Bloxham Neighbourhood Plan became part of the development plan in December 2016 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the Bloxham Neighbourhood Plan cannot therefore be considered up-to-date.
- 9.15. The recently published National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.

- 9.16. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024.
- 9.17. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development. The Cherwell Local Plan Proposals Map does not identify settlement boundaries. There is no reference to a settlement boundary with the Bloxham Neighbourhood Plan either. As Cherwell District Council cannot demonstrate a five year housing land supply, there is need to look at sites on the edge of sustainable settlements in order to meet this housing need. The site is considered a sustainable location being on the edge of the built up boundary of Bloxham which in-turn is a sustainable settlement. This is reflected by its Category A Settlement status which is also be carried forward in the new Cherwell Local Plan.
- 9.18. Although the application is in outline with all matters reserved except access, having viewed the site it is clear that pedestrians could choose to walk from the site to the centre of Bloxham where there are a variety of shops and services. I acknowledge that some of the pedestrian footways to and from the village centre are narrow in nature. The applicant has also committed to widening the existing pedestrian footway running between the proposed access point on South Newington Road and Bloxham Village Centre. A pedestrian crossing over South Newington Road between the site and the recreation ground opposite is also proposed in order to ensure the safe crossing of pedestrians.
- 9.19. Policy PSD1 requires the Council to take a proactive approach to reflect the presumption in favour of sustainable development contained within the NPPF. It goes on to state that the Council will always work proactively with applicants to jointly find solutions which meant that an application can be approved wherever possible. Cherwell District Council has held regular meetings with the applicant throughout the application process and been clear on timescales for when amended plans are required to be submitted in order to meet key deadlines.
- 9.20. Upon submission, the application was for up to 150 dwellings. Following a request by Cherwell District Council for a proving layout to be submitted the scale of development was reduced down to up to 130 dwellings.
- 9.21. Of the 130 dwellings proposed, the applicant has committed to provide 35% as affordable housing thereby according with Policy BSC3 of the Cherwell Local Plan.
- 9.22. The provision of 130 dwellings will make an important contribution to the overall housing needs of the District along with the government's wider objective for 1.5 million homes. This includes the high need for affordable housing which is recognised across the country.
- 9.23. The applicant has confirmed that there are no land ownership constraints that would prevent the development coming forward should it be approved.
- 9.24. The principle of development is therefore considered acceptable subject to no adverse impacts significantly and demonstrably outweighing the impacts. Further details on the assessment of impacts is contained below.

#### **Highways.**

- 9.25. Policy SLE4 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.
- 9.26. Paragraph 115 (B) of the NPPF requires safe and suitable access to the site to be achieved for all users. Part D of paragraph 116 requires *any significant impacts from the development on the transport network (In terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*
- 9.27. Paragraph 116 of the NPPF states that development *should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*
- 9.28. Paragraph 118 of the NPPF requires all developments which *generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so the likely impacts of the proposed development can be assessed and monitored.*
- 9.29. The applicant has submitted an Outline Travel Plan (OTP) as part of the supporting documents to this application. The OTP sets out a range of measures and incentives to facilitate and encourage all users of the site to utilise sustainable modes of travel wherever possible. A more detailed Travel Plan providing further details on travel patterns, targets, measures and management is recommended part of the conditions should planning consent be approved. The application was accompanied by a Transport Assessment in order to assess the highways impacts of the proposals. Oxfordshire County Council have not raised concerns over the methodology used within the Transport Assessment to assess the highways impacts. Paragraph 118 of the NPPF is therefore considered to be accorded with.
- 9.30. Means of access is matter for consideration in the determination of this application. The following are the key highways considerations,
- 1) Whether safe and suitable access can be achieved for all users
  - 2) Whether the development would result in an unacceptable impact on highway safety
  - 3) Whether the residual cumulative impacts on the road network , following mitigation would be severe, taking into account all reasonable future scenarios.
- 9.31. A single vehicular access point is proposed off South Newington Road into the site. The existing agricultural access off Barford Road will widened to 3m in width to become a pedestrian and cyclist only access point into the site.
- 9.32. Oxfordshire County Council initially objected to the application, raising concerns over the suitability of the proposed vehicular access point and the ability to achieve the required visibility splays. I also raised concerns with the applicant over the impact of the initially proposed access point on the root protection area of mature oak tree closest to South Newington Road. The tree in question is identified as tree T3-A1 in the submitted Arboricultural report. The amended plans submitted in December 2024 showed the vehicular access point moving to the north in order to minimise the impact on the tree in question.
- 9.33. OCC have subsequently confirmed that the proposed access point will ensure an 87m visibility splay can be achieved as it is in excess of the minimum required in Manual for Streets 2. OCC also confirmed that the trip generation numbers were

considered acceptable for 150 dwellings. They did not foresee any issues regarding trip generation.

- 9.34. A new signalised crossing across the A361 is required due to the increased desire for users of the site to access the recreational field opposite, nearby public rights of way, bus stops and village amenities. OCC Highways have confirmed that they are satisfied that the signalised crossing as shown on plan 173902-ACE-XX-00-DR-C-0002C (note this plan has been updated to rev D) demonstrates the driver visibility to the proposed signalised crossing and the site access on South Newington Road. OCC have advised that the installation of the crossing will require mitigation methods that include, but are not limited to, relevant high friction surfacing, additional 'SLOW' road markings on both approaches to the site access, associated road markings and signage, warning signs on the approach to the signalised crossing in both directions, 30mph road marking to the south of the signalised crossing in both directions. In addition, OCC require both the site access junction and the signalised crossing to be lit. OCC consider that providing this mitigation will help to create a more urbanised feel at the site access, reducing vehicle speeds and warning drivers of the pedestrian crossing. I accept that these works would fundamentally change the rural character of this part of the village for those entering or existing the village. These works would however only be required to bring forward the proposed dwellings which in their own right will fundamentally change the character of this part of the village. The slowing of cars in this part of the village a result of the works can only be seen as a positive factor.
- 9.35. OCC have accepted that the proposed location of the site access point combined with the nature of the A361 mean it will not be possible to facilitate bus stops at the site access or with the vicinity of the A361 South Newington Road. OCC Public Transport accept this reasoning and have requested that the bus stops to the north of the A361 within the village adjacent to the Esso garage are improved either through the S278 or by receiving a further public transport infrastructure contribution of £36,000. OCC consider that these bus stops will serve the residents of the site.
- 9.36. A pedestrian crossing over the junction between Cumberford and the A361 was previously proposed as part of the application. OCC raised concerns over the proposed crossing, stating that it lacked forward visibility between vehicles turning left from the A361 and lacked pedestrian visibility for the same move at the crossing point. OCC considered that this crossing could not be considered safe for pedestrian use and given the land constraints/highway boundary position, it isn't possible to improve the layout of this junction to improve the visibility parcels. OCC have confirmed they have no objection to the removal of this crossing as part of the development proposals but have requested the developer provides plans for the surface improvement to the existing tactile crossing around the corner that is currently in a poor condition.
- 9.37. Concerns have been a raised by a third party over the accuracy of the road safety data used in the Transport Assessment which accompanied the application. The concerns related to a fatal accident that occurred on A361 near to where the proposed vehicular entrance is proposed. I have raised this both with the applicant and OCC. The applicant responded on the 01<sup>st</sup> April 2025 confirming that at the time of producing the Transport Assessment, the Crashmap database only included recoded incident to the end of 2022. The Crashmap database has since been updated to include the year 2023, which highlighted a fatal accident on South Newington Road in August 2023. The applicant has confirmed that they have obtained the latest accident data from Oxfordshire County Council covering the most recent 5 year period available between 2020-2024. This highlighted a total of three recorded incidents within close proximity of the site. Two the accidents occurred on Barford Road in October 2021 and February 2022 and were both classed as slight in

severity. These incidents were accounted for in the updated Transport Assessment (April 2024) and do not change the conclusions of the report. The fatal accident raised by the third party related to an incident which occurred outside no.11 which is located to the west of the site to the south of the existing recreation area. The accident data supplied by OCC shows that the fatal incident related to a 81 year old cyclist colliding with a stationary delivery vehicle. OCC have reviewed the incident and confirmed that it was an isolated incident and does not change their conclusions on the suitability of the access point or the impact of the development on the highway network.

- 9.38. Based on the above I consider the development can facilitate safe and suitable access for all users, would not result in a severe cumulative impact and would not result in a highway safety issue. It would accord with Policy SLE4 and paragraph 115 and 116 of the NPPF.

### **Flood Risk.**

- 9.39. Policy ESD6 (Sustainable Flood Risk Management) states the Council will manage and reduce flood risk in the District through *using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.*
- 9.40. Policy ESD7 requires all development to use sustainable drainage systems for the management of surface water run-off.
- 9.41. Policy BL7 of the Bloxham Neighbourhood Plan states that development should not increase flood risk and requires planning applications for development within the Plan area to be accompanied by a Flood Risk Assessment. Policy BL7 goes on to state that *all proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant.* Policy BL7 encourages the use of sustainable urban drainage systems.
- 9.42. Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 of the NPPF requires a sequential risk based approach to be taken to individual applications in areas known to be at risk now or in the future from any form of flooding.
- 9.43. Paragraph 174 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.44. Paragraph 175 of the NPPF requires the sequential test to be used in areas known to be at risk now or in the future from any form of flooding.
- 9.45. The flood risk map for planning shows the site to fall within flood risk zone 1. The lowest part of the site on the western side, adjacent to South Newington Road is shown to be at high risk of surface water flooding (More than 3.3% chance each year). There are also smaller areas of surface water flooding in the centre of the site

and on the sites southern boundary. A copy of the surface water flood map for planning is contained in Appendix 1.

- 9.46. The sites susceptibility to flood risk has been highlighted by third party comments. This includes part of South Newington Road running parallel with the sites western boundary. The surface water run-off from the proposed development will be attenuated in a surface water basin in the eastern side of the site. According to the latest surface water drainage plan (drawing no. 173901-002 Rev H) the proposed attenuation basin will be located outside the areas identified at risk of surface water flooding.
- 9.47. Surface water will be stored in the attenuation basin before being discharged at a greenfield run-off rate into the existing water course in the western corner of the site. The attenuation basin has been designed to accommodate surface water run-off from the development plus 40% climate change. The LLFA have confirmed they have no objection to the proposed development subject to conditions. The Environment Agency have confirmed they won't be commenting on the application as it is below their thresholds for commenting.
- 9.48. The applicant has confirmed they are prepared to commit to a maintenance strategy that would ensure the existing culvert that runs between the site under South Newington Road would be kept clear at all times. This would represent betterment on the existing situation
- 9.49. The applicant has submitted a sequential flood risk assessment as part of the application. The application has concluded that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Policy ESD6 and paragraph 174 of the NPPF are therefore considered to be accorded with.
- 9.50. Paragraph 177 of the NPPF requires the exception test to be applied on sites where it is not possible for the development to be located in areas with a lower risk of flooding. The need for the exception test to be applied is dependent on the potential vulnerability of the site and of the development proposed. Annex 3 of the NPPF classifies residential dwellings as 'more vulnerable'.
- 9.51. Planning Practice Guidance states that *the exception test should only be applied as set out in table 2 and only if the sequential test has shown that there are no reasonably available, lower risk sites, suitable for the proposed development, to which the development could be steered. (Paragraph 032)*. As per table 2 of the PPG (Paragraph 080), development within flood risk zone 1 that falls within the category of 'more vulnerable to flood risk' is not required to undertake the exception test. Paragraph 177 of the NPPF is not therefore engaged and there is no need for the applicant to submit an exception test assessment.
- 9.52. Based on the above it is considered that Policy ESD6, ED7 of the Cherwell Local Plan, policy BL7 of the Bloxham Neighbourhood Plan and the NPPF are accorded with.

### **Affordable Housing**

- 9.53. Paragraph B.104 of the Cherwell Local Plan (2015) states that Cherwell has a high level of need for affordable housing.
- 9.54. Paragraph B.109 of the Cherwell Local Plan (2015) states that securing new affordable housing on site as part of larger developments is the most significant way in which homes can be provided.

- 9.55. Policy BSC3 requires affordable housing at 35% to be provided on all schemes of 11 or more dwellings. Of the 35% required 70% should be rented and 30 % should be intermediate.
- 9.56. BSC4 requires new residential development to provide a mix of homes to meet current and expected future requirements.
- 9.57. Paragraph 66 of the NPPF states that planning policies and decisions should expect that the mix of affordable housing, required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.
- 9.58. Paragraph 2.3.4 of the planning statement refers to a local connection mechanism for affordable housing to allow residents to remain in, or come back to Bloxham. No further information have been provided on this at this stage but such mechanisms have been successfully done elsewhere in the District are therefore appropriate in planning terms. It is considered that further details on this can be dealt with as part of the S106 discussions.
- 9.59. The applicant has confirmed that they are committed to providing 35% of the final dwellings as affordable. The Councils Affordable Housing Officer has requested that that the affordable dwellings are provided in a mix of social rent and affordable rent with 33 rented dwellings (70%) and 13 shared ownership (30%) split. The affordable housing officer has advised that *the most pressing needs are for 3 and 4 bed rented homes and a smaller number of 5 or 6 beds where possible. The need for rented 4-beds has increased due to the very limited supply, with waiting times of around 4-5 years for those with significant housing needs to secure a rented 4-bedroom home through the housing register. The following affordable housing mix will therefore be required.*

**Social/Affordable rent (total 37 units)**

8x 1-bed, 2-person maisonettes or houses (with ground floor units being M4(2) and incorporating level access showers from the outset)  
 8x 2-bed, 4-person houses  
 10x 3-bed, 5-person houses  
 6x 4-bed, 7-person houses  
 1x 3-bed, 5-person wheelchair accessible [M4(3)(2b)] bungalow

**Shared Ownership**

13x 2-bed and 3-bed houses

- 9.60. This dwelling mix will be secured through a Section 106 Legal Agreement. As the application is in outline for up to 130 dwellings, the final number of dwellings to come forward on the site is unknown at this stage. The Cherwell Local Plan clearly recognises there is high need for affordable homes. Should 130 dwellings come forward on this site, this would provide around 46 affordable dwellings. This I consider would make a valuable contribution to the District's need for affordable housing.
- 9.61. Reference is made in paragraph 2.3.5 of the Planning Statement to the provision of bungalows. Whilst not affordable dwellings, the provision of bungalows is consistent with policy BL8 and the need to ensure 20% are for older people. The applicant has committed to providing a minimum 4 open market bungalows. In addition, 8x1 bed 2 person maisonettes or houses will



be built incorporating level access. Such provision also accords with the Cherwell Local Plan recognised need for older person accommodation as contained in paragraph B.125 of the Local Plan.

9.62. Policy BS3, BSC4, BL8 and the NPPF is therefore accorded with.

#### **Arboriculture.**

9.63. Policy ESD10 encourages the protection of trees and aims to increase the number of trees in the District.

9.64. Paragraph B.253 of the Cherwell Local Plan states the Council will seek to retain woodlands, trees, hedges, ponds, walls and other features which are important to the character and appearance of the local landscape as a result of their ecological, historic or amenity value.

9.65. Policy ESD13 encourages the planting of new trees.

9.66. Paragraph 193 of the NPPF, sets out 4 principles that should be applied when determining planning applications. The third principle (C) states *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons*. Footnote 70 of the NPPF provides clarity on what constitutes wholly exceptional reasons, this include infrastructure projects including nationally significant infrastructure projects.

9.67. An Arboricultural Impact Assessment has been prepared and submitted as part of the application. It provides an assessment on the trees and hedges within the application site. As already stated above, the assessment has revealed that there are 3 trees on site which are classed as veteran.

9.68. Guidance issued by Natural England on Ancient Woodland, Ancient Trees and Veteran Trees (January 2022) is a material consideration in the determination of this application. It states that *When making decisions on planning applications, you should assess the direct and indirect effects of development on:*

- *Ancient woodland*
- *Ancient trees and veteran trees*

9.69. It goes onto state that the decision maker should consider both the construction and operational effects of the proposed development. Direct effects of development include, damaging or destroying ancient woodland or ancient and veteran trees by damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland, increasing levels of air and light pollution, noise and vibration. Indirect effects include increasing the amount of dust, light, water, air and soil pollution, increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas, increasing damaging activities like fly tipping and the impact of domestic pets.

9.70. The guidance issued by Natural England advises working with the developer to make sure there's enough suitable evidence to make a decision.

9.71. The key consideration for the decision maker is therefore whether the development would result in the loss or deterioration of the veteran trees on site.

- 9.72. The applicants Arboricultural Impact Assessment submitted as part of the application concludes that *Subject to the detailed design of ground-level changes and underground utility connections, there would be no loss or deterioration of the veteran tree habitats. If the construction of the new site access is carefully managed through an approved Arboricultural Method Statement, it should be possible to maintain the longterm impact on the health and longevity of oak tree T3 at a low level.* This has been achieved through a veteran tree buffer zone of 15 times the tree's stem diameter around each of the veteran trees in accordance with the advice issued by the Forestry Commission.
- 9.73. The Cherwell District Council Arboricultural Officer has confirmed the development will not result in a deterioration of the veteran trees subject to a tree management plan and the required tree protection areas being carried forward in the final layout.
- 9.74. The applicant has submitted a Design and Access Statement as part of the application along with a proving layout. As the application is in outline, the providing layout cannot form part of the approved documents should the application be approved. It does however show that new trees can be planted within the site including achieving the NPPF objective of tree lined streets.

### **Ecology.**

- 9.75. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.76. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.
- 9.77. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes onto state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.78. Paragraph 187 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 9.79. The applicant has submitted an ecological appraisal and biodiversity net gain assessment as part of the application. The Ecological Appraisal has assessed the impact of the proposed development on important ecological features which are anticipated to be affected from the construction or operation of the development. The important ecological features assessed include:
- Slade Local Nature Reserve
  - Non-Statutory Sites
  - Veteran Trees
  - Hedgerows, tree and woodland
  - Ponds
  - Bats
  - Birds
  - Reptiles
  - Great Crested Newts

- 9.80. The Ecological Appraisal considers there will be no significant effect on the important ecological features assessed. The Council's Ecologist has reviewed the information provided and raised no objection subject to conditions covering matters such as the Construction Environment Management Plan. Given no objection has been raised by the Council's Ecologist I am satisfied that existing biodiversity on site will be protected.
- 9.81. The Environment Act 2021 introduced mandatory biodiversity net gain for planning permissions in England, with a minimum of 10% increase in biodiversity value. The applicant has submitted a Biodiversity Impact Assessment as part of the application. It shows that the proposals will result in a net loss of 39.69% in habitat units with a net gain of 24.27% of hedgerow units. The latest concept masterplan showing the potential layout for the development includes a 0.61 km planting of new species-rich native hedgerow along with new trees and species rich native hedgerow. The proposed on-site biodiversity gain will be secured through a S106 legal agreement.
- 9.82. In order to off-set the loss of habitat units and achieve a 10% net-gain, the applicant has committed to securing off-site bio-diversity units through registration under the Biodiversity Gain Register and through details to be contained within a Habitat Management Plan.
- 9.83. The applicant has provided a letter of confirmation from the Trust for Oxfordshire's Environment to William Davis Homes of where the off-site biodiversity units will be spent.
- 9.84. The letter confirms the 25 credits will be spent at Ells Farm, Broughton which is within 2km of the development site. The site extends to 15 hectares and will transform grazed pasture into a rich mosaic of wetland, meadow, scrub and woodland habitats.
- 9.85. Based on the above, I consider that existing biodiversity will be protected and enhanced. Policy ESD10 and BL11 along with the relevant provisions in the NPPF will be satisfied.

### **Landscape.**

- 9.86. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. The inclusion of this wording suggests that damage to local landscape character will sometimes be unavoidable. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against the 6 criteria is contained in table 1 below.
- 9.87. Strategic objective 12 of the Cherwell Local Plan seeks to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.
- 9.88. Paragraph B.87 of the Cherwell Local Plan states that *Cherwell's countryside, landscape and green spaces are important natural resources. It goes on to state that they form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.*

- 9.89. Policy BL11 of the Bloxham Neighbourhood Plan states all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 requires new development to make a positive contribution to the character of Bloxham and its rural feel.
- 9.90. The Cherwell District Council proposals map does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area.
- 9.91. The Landscape Assessment (1995) which forms part of the evidence base to the Local Plan shows Bloxham as falling within the Ironstone Hills and Valleys Character Area. This is defined as a strongly undulating complex of farmed hills and valleys. The LCA goes on to state that the *resulting landscaping is an intricate blend of mixed farming, with small variations in scale and local land use being closely related to topography, a tightly knit small scale rolling farmland with strong field pattern.*
- 9.92. The Cherwell Landscape Designation Assessment (2024) which forms part of the evidence base to the draft Cherwell Local Plan shows the site along with the wider area as falling within the Ironstone Downs Local Landscape Designation. However, as the draft Local Plan has yet to be submitted for examination and does not form part of the development plan this designation carries limited decision making weight.
- 9.93. Based on the above, Paragraph 187(a), 188 and 189 of the NPPF are not engaged.
- 9.94. The site was not assessed as part of the Cherwell Landscape Site Assessment dated September 2024 which forms part of the evidence base to the draft Cherwell Local Plan Review 2042.
- 9.95. The applicant has submitted a Landscape Visual Impact Assessment with the application. The assessment finds that the adverse landscape and visual effects are at a lower-level (moderate to adverse) or considered to be negligible. It does find that there is likely to be some higher-level adverse effects (moderate/major adverse at completion) from immediately adjacent private residential dwellings (non-public views). The LVIA considers these to be unavoidable due to the nature of the changes and as a result of the proximity of the receptor. This does reduce to moderate adverse after a 15-year establishment period following the maturing proposed intervening boundary tree and hedge planting. The report goes on to state there will be lower-level adverse effects on the local landscape character and the site's landscape resource as well as some visual receptors within 400m of the site. From other visual receptors beyond 400m of the site the appraisal considers there will unlikely be any visual effects as the proposed development is not likely to be visible or experienced at such a distance that would assimilate it into the surroundings. The LVIA concludes by stating that the development would protect the landscape character, avoid undue visual intrusion and would not harm Bloxham's rural or heritage setting thereby complying with the requirements of LLP1, ESD13, ESD15, BL11 and BL12.
- 9.96. Cherwell District Council appointed Mr Mark Cooper of MCA Landscape to review the submitted landscape visual impact assessment. Mark provided his response to the LVIA on the 04<sup>th</sup> January 2025. Mr Cooper concluded that the development would *detract from the rural village setting of Bloxham's southern boundary and would impact significantly in views towards the village in some locations, causing a substantial level of harm with the loss of open land and the extension of the village into verdant and picturesque landscape.* Following the publication of Mr Cooper's findings the applicant submitted a response (dated April 2025) which clarified the fact the assessment had been undertaken in the summer months did not render it

any contrary to any requirements set out in guidance. In order to support the LVIA winter photographs were undertaken to support the assessment. They also considered the use of the term substantial harm to describe certain effects as not being a standard term. Mr Cooper subsequently reviewed the response dated April 2025 and clarified that GLVIA3 states that *Landscape Visual Impact Assessments may need to be provided for both the winter season and the summer conditions.*

9.97. Mr Cooper clarifies that the use of substantial harm is not an expression used in the GLVIA3 but went onto clarify that he was not writing a LVIA and it was used to indicate:

- *The permanent loss of the appeal site as open fields and the consequent loss of their historic contribution to 'openness' and to the setting of Bloxham as a rural village set in countryside.*
- *The permanent change in the character of the appeal site from arable pastures in a framework of hedgerows and mature trees to a built up area in which the retained hedgerows and trees lose their verdant setting and become elements in a residential layout.*

9.98. Mr Cooper confirmed that he was in agreement with the selection of viewpoints chosen to assess the LVIA. Mr Cooper has clarified that the magnitude of change when viewed from some viewpoints would be greater than that concluded in the LVIA. On the whole I am in agreement with the findings of Mr Cooper and consider that the development undeveloped agricultural field parcel on the edge of Bloxham which is viewable from nearby points including residential dwellings, those using nearby public rights of way and travelling along the South Newington Road would be negatively impacted and result in a high degree of harm.

9.99. As set out above, policy ESD13 states that development would not be permitted if they would:

Policy ESD13 requirement	My response.	Accordance with ESD13 bullet points.
Bullet point 1.  Cause undue visual intrusion into the open countryside.	Whilst the proposal would cause visual intrusion, I do not consider that the development would cause undue visual intrusion into the countryside given the sites containment on all sides.	Yes
Bullet point 2.  Cause undue harm to important natural landscape features and topography	As set out above, whilst the site falls within a character area it is not affected by a local or national landscape	Yes

	designation.	
<p>Bullet point 3.</p> <p>Be inconsistent with local character</p>	<p>The character of the site is rural in nature. It is however seen in the context of the existing residential dwellings to the north and east and is adjacent to Bloxham. It cannot therefore be considered an entirely undeveloped site.</p>	Yes
<p>Bullet point 4.</p> <p>Impact on areas judged to have a high level of tranquillity</p>	<p>The Cherwell Landscape Character Assessment (2024) which forms part of the evidence base to Cherwell Local Plan 2042 includes a tranquillity map in figure 4.4. The map identifies areas in the district as being the most tranquil with blue being the least tranquil and yellow being the most tranquil. The site in question is shown in light blue and cannot therefore be considered to have a high level of tranquility. A copy of the map is contained in Appendix 2 to this Officer report.</p>	Yes
<p>Bullet point 5.</p> <p>Harm the setting of settlements, buildings, structures or other landmark features, or</p>	<p>I consider there would be some degree of harm to the setting of Bloxham. Those mostly affected will be those properties backing onto the site on Barford Road and those entering and existing Bloxham</p>	No.

	along South Newington Road.	
Bullet point 6  Harm the historic value of the landscape.	The site is characterised by ridge and furrow which is a non-designated heritage asset. The loss of the ridge and furrow has not been raised by the Conservation Officer in their consultation response.	Yes

*Table 1. Policy ED13 criteria.*

- 9.100. Policy EDS13 does not make reference to the above criteria being a closed list nor does it contain reference to the word *following* that would require all the criteria to be satisfied. I therefore consider that the criteria contained within policy ESD13 when read a whole are satisfied.
- 9.101. The development concept plan submitted shows new tree and hedge planting around the perimeter and within the application site. This will not reduce the landscape impact of the proposals to zero but will help reduce the level of impact once the planting has reached a 15-year maturity age.
- 9.102. However, It should be noted that policy ESD13 envisages that damage to local landscape character will sometimes be unavoidable. I do not therefore consider that the development would conflict with policy ESD13 when read a whole. The Inspector deciding the scheme at Warwick Road, Banbury (APP/C3105/W/24/3338211) came to a similar conclusion on policy ESD13.
- 9.103. I acknowledge that the development does not comply with strategic objective 12 or BC11. However, the site is a sustainable location and given the absence of a housing land supply little weight can be attributed to BC11.

#### **Design and impact on the character of the area.**

- 9.104. Policy ESD15 (The Character of the Built and Historic Environment) requires new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. It goes onto state that all new development will be required to meet high design standards.
- 9.105. Policy BL11 of the Bloxham Neighbourhood Plan and BSC2 of the Cherwell Local Plan require all new development to not exceed 30 dwellings per hectare. The supporting text (paragraph B.102) to policy BS2 makes clear that it is important to make efficient use of land. It goes onto state that in general, new housing should be provided at a net density of at least 30 dwellings per hectare and that the density of housing development will be expected to reflect the character and appearance of individual localities. Based on a net developable area of 3.72 Hectares and the development of 130 dwellings, the density is expected to be 35 DPH. Policy BSC2 refers to *at least* 30 dwellings per hectare. The author of the policy clearly therefore considered that 30 DPH is not a maximum figure. Given the shortfall in Cherwell's

housing land supply and the governments commitment to build 1.5 million homes over the next 4 years there is a need to make effective use of land in sustainable locations such as this. I do not therefore consider the development would be in conflict with Policy BL11 or BSC2.

9.106. The Cherwell Residential Design Guide states a *High quality design supports a positive legacy, leaving successful places which are both functional and beautiful, which engender a sense of community, are long lasting and age well.*

9.107. The application has been submitted in outline with all matters reserved except access. Matters surrounding the layout, scale and appearance of the dwellings will all be dealt with through the submission and approval of reserved matters should planning consent be approved.

9.108. The applicant has submitted a Design and Access Statement which provides an overview of how the development has taken account of the sites opportunities and constraints. The Cherwell District Council Urban Design Officer has advised that the submitted DAS clearly illustrates how the design principles have been informed by the site's constraints and opportunities.

9.109. In commenting on the landscape framework, the Urban Design Officer goes onto state that planting to the site's southern boundary would reinforce containment with the open space and attenuation feature on the western corner of the site helping to retain the prominent tower of St Mary's church within the Bloxham Conservation Area.

9.110. The residential layout is considered to provide a sensitive frontage and low-key gateway into the scheme whilst the majority of the development parcels would be contained perimeter blocks with clear residential frontages and private rear gardens.

9.111. The Urban Design Officer provided a number of amendments/clarifications in their response dated 14<sup>th</sup> October 2024. The applicant has provided a response to their comments in their response dated 20<sup>th</sup> December 2024. At the time of writing this report we are still awaiting comments from the Urban Design Officer in response to the latest consultation as to whether his previous comments had been satisfied.

9.112. Third parties have raised concerns over the loss of privacy and amenity as a result of the development. As the application is in outline matters surrounding loss of privacy and amenity will be considered at the reserved matters stage.

9.113. Subject to no objection from the Urban Design Officer, policy ESD15, BL11 and BSC2 of the Cherwell Local Plan (2015) are considered to be accorded with along with C28 and C30 of the 1996 LP.

#### **Infrastructure.**

9.114. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.115. Oxfordshire County Council have requested a developer contribution towards the expansion of Bloxham Primary School and towards special education. A contribution was previously requested by OCC towards replacing the temporary classrooms at the Warriner School (Secondary School). Oxfordshire County Council subsequently advised that this contribution was no longer required as this project had been fully funded.



- 9.116. The contribution towards Bloxham Primary School is being sought towards the final phase of the expansion of the primary school in order to create a new larger hall and kitchen and create space to support the delivery of the curriculum. OCC have advised that this phase of the capital project has been costed at £2.866 million. Of this £0.434 m of the cost has already been secured through Section 106 funding secured by the Council to mitigate the impact of new housing within the schools catchment area, leaving a shortfall of £2.224m.
- 9.117. Funding has therefore been sought by OCC towards completing the necessary capital works to expand the school. OCC have advised that the capital works were phased in response to a shortage of capital funding, but it became unreasonable to delay this final phases any longer to the detriment of pupils at the school. OCC have referred to Department for Education Guidance (paragraph 15) in their response which makes clear that *When school places have been forward funded, you can secure developer contributions to recoup the monies spent, including interest, fees, and expenses as well as the principal sum spent.* OCC have requested a contribution of £1,242,300 towards the expansion of facilities at the primary school. This contribution was based on the 150 unit scheme, we are currently awaiting a revised contribution for education based on the 130 dwelling unit scheme.
- 9.118. The applicant did submit an Education Report which reviewed the education landscape in relation to the proposed development. The applicant initially considered that the contribution requested was not CIL Reg 122 Compliant stating *as the school is already operating at 420 places, and has a published capacity at that quantum. The contribution is not therefore adding capacity, but is instead solving a pre-existing problem not related to the growing number of places available in the area.* Following discussions with the applicant they have formally agreed to the S106 contribution requested towards primary education.
- 9.119. The Oxfordshire County Council Pupil Place Planning Manager has provided a response (Email dated 01/04/2025) to the Education Report to clarify that whilst the contribution is not about increasing classroom space it is for the expansion of accommodation required for increased pupil numbers. The pupil place manager has also reviewed the cost place figures contained in the Education Report which are higher than those quoted by Oxfordshire County Council.
- 9.120. Paragraph 56 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of condition or planning obligations. The Department for Education Guidance makes clear that when school places have been forward funded you can secure developer contributions to recoup the monies spent.
- 9.121. I consider that due to the increased number of primary school aged children attending Bloxham Primary school the contribution requested towards primary education meets the three tests contained in paragraph 58 of the NPPF in terms of being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.122. A contribution of £118,038 (Note this is based on 150 dwellings and we are currently awaiting on a revised contribution based on 130 dwellings) has also been sought towards Special Education Provision serving the development. The proposed development is expected to further increase demand for places at special schools in the area, and a contribution towards the expansion of special schools is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school. OCC have based their contribution on pupil census data. The Education Report submitted by the applicant has confirmed

(paragraph 7.6) that the contribution is justifiable. The Special Education provision is therefore considered to meet the three tests contained in paragraph 58 of the NPPF.

9.123. Other developer contributions have been requested towards this development can be summaries as follows:

- Expansion and efficiency improvements of Household Waste Recycling Centre. £13,244
- £117,805 towards creation of additional clinical capacity at Bloxham and Hook Norton Surgery or an identified primary care estates project in the local area to serve the development. As part of their response the ICB have provided evidence to demonstrate that the cross internal area of the practices at Bloxham and Hook Norton are below the NHS England size standards. There is therefore a need to reconfigure Bloxham and Hook Norton surgery in order to provide additional clinical space and to improve the existing GP services to accommodate the increase in population.
- The Recreation and Leisure team at Cherwell District Council have requested the following contributions towards:
  - Enhancement of Community Hall Facilities in the locality based on 2.4 person per dwelling = £143,261.04
  - Outdoor Sport provision based on £2,017.03 per dwelling = £262,213.9. This contribution is considered to accord with policy BSC11 and the CDC Playing Pitch Strategy which identifies the need for improved pitches at Bloxham Recreation Ground.
  - Indoor Sports provision contribution based on £335.32 per occupier of each dwelling based on 2.4 person per dwelling. = £104,619.84. This contribution will go towards improving indoor sport provision at Banbury Spice Ball and Wood Green Leisure Centre.
  - Community Development Worker contribution of £18,724.80. The Community Development Worker would help integrate residents into the community and wider area.
  - Community Development Fund. Based on £45 per dwelling = £5,850. This contribution is considered to accord with the aims of chapter 8 of the NPPF and promoting health and safe communities, specifically the aim of promoting social interaction.
  - Public Art. A contribution of £250 per dwelling plus 5% management and 7% maintenance has been requested towards public art. Based on the above this would amount to £32,500 based on 130 dwellings plus £1,625 for the management fee and £2,275 for the maintenance fee. No details have been provided on what public art this will be used to fund so I do not consider that it would meet the three tests contained within paragraph 58 of the NPPF. The applicant has however agreed to pay this contribution so this is a benefit in the planning balance.

9.124. Oxfordshire County Council have requested a financial contribution of £114,699 towards highway improvement works in order to improve cycle infrastructure of route 7 as outlined within the Banbury LCWIP. They have also requested a contribution towards public transport services, of £172,380 to support the provision and

enhancement of bus services serving Bloxham. A Travel Plan Monitoring contribution of £1,985 has been requested to enable the Travel Plan to be monitored for a period of five years.

9.125. Oxfordshire County have provided further information in their response to back up the above contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

9.126. The applicant has also agreed to pay the above contributions should planning consent be granted.

### **Other Matters**

9.127. As set out above, Thames Water's latest comments have raised an objection to the proposed development. In their response they refer to an inability of the existing foul water network infrastructure to accommodate the needs of the development proposal. They go on to request that a condition is attached to any planning permission that would restrict the occupation of the dwellings until upgrades to accommodate the additional flows of the development have been completed or a development and infrastructure phasing plan has been agreed with the LPA in consultation with Thames Water to allow the development to be occupied. Their latest comments do not align with their comments dated December 2024 in which they raised no objection nor raised concerns over the capacity of the foul network to accommodate additional flows. Their comments dated December 2024 were in conjunction with a larger scheme of 150 dwellings. Further advice has therefore been sought from Thames Water to better understand how and why their position has changed.

9.128. It is also worth noting that the Inspector deciding the appeal at Tadmorton Road, Bloxham (APP/C3105/W/23/3329533) for 60 dwellings referred to the Environment Agency's comments on that application which made reference to a recently completed scheme to increase the capacity of flows at Bloxham Sewage Works. The Inspector went on to state that *there would appear to be foul water infrastructure in place to accept flows associated with the proposal. Thames water also note that there is inability of the existing water network infrastructure to accommodate the needs of this development proposal. However, Thames Water and the Council suggest that this matter should be dealt with via condition. With regard to this particular scheme and in the absence of any further detailed evidence regarding water pressure, I have no reason to disagree with this approach, were I minded to allow the appeal. To conclude on this matter there is nothing to indicate that the development could not be adequately served by water infrastructure.*

9.129. The above appeal was subsequently dismissed by the Inspector so the capacity available would not have been taken by the 60 dwellings scheme proposed.

9.130. Until the foul capacity issues have been resolved I do not consider that attaching a condition that requires the reserved matters to come forward sooner than the standard 3 years would meet the required tests contained in paragraph 57 of the NPPF. Such conditions are being looked at by CDC in order to speed up housing delivery given the shortfall in housing delivery.

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

9.1. 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.

- 9.2. It seems plausible that additional residents living on the edge of a sustainable village would result in additional spending in local shops and services both within Bloxham and further afield. The economic objective of the NPPF is therefore satisfied.
- 9.3. The development of 130 dwellings which would include affordable homes (35%) along with bungalows would help meet the social objective of sustainable development, ensuring sufficient and a range of homes are provided.
- 9.4. Whilst the development will result in a net loss of on-site habitat units, this will be offset through development or purchasing of off-site/credits. The environmental objective of the NPPF is therefore met.
- 9.5. Cherwell's current poor housing land supply position means sites previously considered unsuitable and not require need to re-considered providing the adverse impacts of granting consent do not outweigh the benefits. At the same time, the government through the NPPF makes clear reference to the need to significantly boost the supply of housing. This has been re-iterated through the governments written ministerial statement and the need to build 1.5 million homes over the next 4 years.
- 9.6. It has been demonstrated that the development will not have a significant adverse impact on landscape, highways, flood risk and drainage. At the same time the applicant has committed to meet current shortfalls in infrastructure as a result of the development through financial contributions which will be secure by way of S106 Agreement.
- 9.7. It is therefore recommended that planning consent is approved subject to conditions.

## **11. RECOMMENDATION**

That permission is granted, subject to conditions and Section 106 Legal Agreement, further details on which will be provided in due course, and subject to overcoming the Thames Water objection.

## Appendix 1.





Agenda Item 9  
24/03/218/F  
Church View  
Manor Road  
Great Bourton  
OX17 1QP

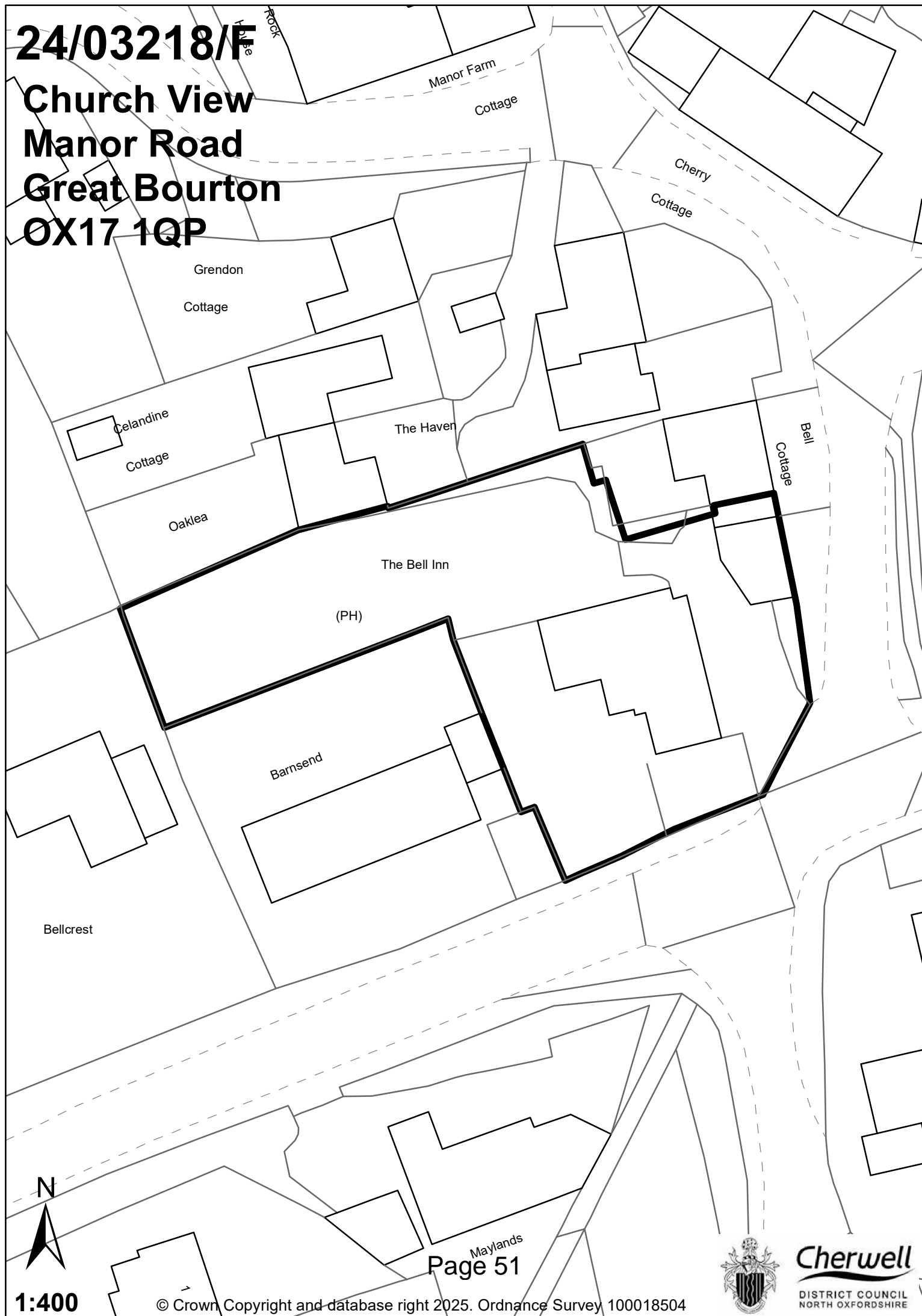


1:600



24/03218/F

Church View  
Manor Road  
Great Bourton  
OX17 1QP



1:400

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



24/03218/F

Church View  
Manor Road  
Great Bourton  
OX17 1QP

Manor House

The Rickyard

Old Orchard Cottage

CHURCH CLOSE

El Sub Sta

Bennybuckle Cottage

Church Close House

Hill Farm House

Manor Farm Cottage

MANOR CLOSE

Cherry Cottage

Grendon Cottage

Calandine Cottage

The Haven

Oaklea

The Bell Inn (PH)

Barnsend

Bell Cottage

Bellcrest

Conifers

144.7m

Parnassus

Maylands

THE CLOSE

Corner House

Alnecot

El Sub Sta



1:800





**Case Officer:** Shona King

**Applicant:** Mr James Day

**Proposal:** Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Councillor Brant, Councillor Chapman and Councillor Webb

**Reason for Referral:** Called in by Councillor Brant and Councillor Chapman for the following reasons: Significant public interest

**Expiry Date:** 24 March 2025

**Committee Date:** 15 May 2025

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

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located within the village of Great Bourton and lies on the junction of Main Street and Manor Road, to the west of All Saints Church. It has an authorised use as a public house, known as The Bell Inn, with an associated residential flat on the first floor. The building has a garden to the rear and south side, with a large car park area to the north.

**2. CONSTRAINTS**

- 2.1. The application site is opposite the Grade II listed church and lychgate.
- 2.2. The premises have recently been listed as an Asset of Community Value, dated 27 January 2025.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Planning permission is sought for the change of use of the public house (sui generis) to a single dwelling (Class C3) along with alterations to the building to include the rebuilding of a rear porch with a pitched roof and an oak frame, alterations to an existing single-storey roof, the insertion of 2x roof lights, a bi-folding door and new brick wall as part of the utility, the removal of 2 chimneys and alterations to the roof junction between the single storey element and the two storey part of the building. A door opening in the rear elevation would also be altered to form a window.

**4. RELEVANT PLANNING HISTORY**

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

## 5. PRE-APPLICATION DISCUSSIONS

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

*24/01680/PREAPP - Clarification of current first floor C3 residential use. Change of Use from a public house to a residential dwelling. Insertion of a bi-folding door replacing an existing double door. Strip and remove existing roof covering and replace with existing tiles*

- 5.2. The advice given set out the information required to accompany a planning application in order to assess the viability of the premises as a going concern and whether there is a market for such a premises. Minor external alterations to the building would require planning permission unless a change of use to residential were to be implemented and the dwelling occupied.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **29 December 2024**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments and issues raised by third parties are summarised as follows:

### Objections (239)

- Procedural - Inaccuracies on application form
- Principle (actions of applicant) - Building works and stripping out have taken place prior to an application; Extent of works proposed/already undertaken; Question state of pub and reasons for stripping; It hasn't been opened or run as a pub by the applicant to see if it is viable
- Principle (actions of previous owners) - Suggests neglect by landlords/brewery and lack of investment
- Principle (loss of public house facility) - Precedent for other pubs if allowed; Against national and local policy and planning procedures; Impact on village and community; Financial impact on other businesses; Loss of community/village facility/hub; Listed as an Asset of Community Value; Support of local residents for the pub; Only pub in the village; Not proven to be unviable; Financially viable as a freehold or with a different business model; Community would have considered buying/running the pub but not given the opportunity; Community not advised of sale of pub for residential use; Community pubs can be successful with the right management/landlord/tenant and support from the community; Community run pub would not need to make a profit; Save The Bell Inn Group has provided financial projections if run as a community pub – full document available on the Council's website; Used to be a thriving pub; Lack of long-term marketing; Brewery tie has an impact on viability as a pub

- Principle (issues with the submitted viability assessment) – Trading area not too small; Layout of kitchen area can be changed; Size of car park adequate; Location prominent on main road through the village; Contradict the submitted viability assessment's analysis of market conditions; Other pubs not in walking distance or attractive/lack garden; Poor bus service to access other pubs More homes in villages not needed; Sale price too high for consideration as a business; Sufficient population to support a pub; Catchment area sufficient as The Bell would be the only pub serving The Bourtons; Pessimistic projections for capital expenditure, loan interest, revenues and costs; No explanation for figures in viability assessment; Numerous opportunities to add to revenues; Loss of local employment potential
- Other issues with the application submission - Matters raised in pre-application advice not adequately addressed; Criticism of supporting financial information; Lack of accounts/financial statements; Criticises methodology, terms of reference, economic assumptions and financial projections in submitted viability assessment; Assessment biased and partial; The report refers to a different village; Considers evidence of condition of pub to be anecdotal; Marketing of pub not reported correctly in viability assessment
- Other matters - Reinstatement should be enforced; Condition of sale that it should be maintained as a pub; Query regarding VAT payable on the sale; Negative impact on house prices
- Impact on character/appearance of building
- Loss of heritage/culture/history
- CDC has promoted development of pubs in new communities
- Planning system should protect public interests

#### Support (9)

- Community had time to fund purchase of pub
- If so well regarded why no longer financially viable
- Other pubs competing for trade

#### Comments from Hook Norton Brewery (HNB) - setting out their rationale for selling the pub

- Purchased the pub in 1899. Traded satisfactorily until late 2019 with a succession of 'Tenants at Will' since
- Covid, changing leisure habits, pressure placed on the "leisure pound", and expectations led to rapid decline in profitability – tenants all failed within 1 year of starting to trade
- HNB tries to avoid selling pubs but demographics, location and size of The Bell meant that it is no longer viable as a trading concern.

- Site had not been able to attract permanent tenant for 5yrs+ despite investment and peppercorn rents - £520pa (£10pw)
- The site is too small with not enough dining covers to make a food operation viable
- Lack of support from the village - turnover was too low to enable break-even point. On an opening night 50 – 70 people, within a week 10 people in total on a Friday / Saturday night.
- Annual barrellage from 2020 onwards was in the region of 60 – 80bb per annum. (lower during Covid)
- Costs of running the pub were prohibitive along with rising utility and minimum wage costs

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. GREAT BOURTON PARISH COUNCIL: (Original comments) **Objects** for the following reasons:

- Only pub in the village
- Lack of investment in pub by former owner
- Lack of support by former owner for long-term strategy to keep it viable
- Hook Norton Brewery committed to keep the Parish Council informed regarding potential interested parties but failed to
- Local group formed and survey of local people carried out – overwhelming support for maintaining the pub as a village asset
- Save The Bell Inn Group (STBIG) was formed and work underway to raise funds to buy the building if Asset of Community Value application is successful and current owner agrees to sell
- Saved Policy S29 of Cherwell Local Plan 1996 relevant
- STBIG working on alternative vision of viability
- Local planning policies support retention of pubs as vital community assets specifically where it relates to the only one in a community
- The pub in Little Bourton has recently closed and its future is uncertain
- The two villages are separate communities and historically little support in either village for the pub in the other
- CLP contains a commitment to retain last pubs in villages

- Accepts The Bell has been on the market for over 12 months but refutes that it was suitably valued to attract potential pub buyers.
- Lack of active marketing, refused to provide sales/turnover figures and allowed interior to deteriorate putting off buyers
- Whilst viability report indicates that the pub is not profitable a community owned pub would only require that it covers its operating costs in the short term

7.3. GREAT BOURTON PARISH COUNCIL: Response to Independent Consultant report on financial viability:

- Concerned that CDC's financial viability report responds to the applicant's report
- It doesn't take into account viability as a community run pub only as a commercially run enterprise
- STBIG has created a detailed proposal to acquire, refurbish and operate The Bell. This includes detailed budgets and is fully funded.
- Represents a clear viable opportunity for The Bell to be retained as a community owned pub – no need to meet the financial returns of a commercially owned/operated one.
- The independent report on future viability should include this option.
- Councillors on the Planning Committee should be fully and properly briefed
- Independent report comments on extensive internal refurbishment as the pub interior has been stripped of all fixtures and fittings by the applicant prior to the application. This increases the cost of re-opening as a pub
- CDC granted ACV listing. This indicates that it supports the retention of the pub as an important part of the village and its value as a community hub
- Consider it strange that officers have not considered this alternative in their commissioned report
- Flies in the face of CDC's granting of ACV listing

7.4. OCC HIGHWAYS: **No objections** subject to conditions relating to turning and car parking and cycle parking.

7.5. BUILDING CONTROL: Live Building Regulations application for this change of use and work has commenced on site

7.6. ANDREW GOLLAND ASSOCIATES (COUNCIL INSTRUCTED CONSULTANT PROVIDING ADVICE ON EVIDENCE SUBMITTED): Concludes that there would be an economic future for the pub assuming it was now operative but gearing for a longer-term loan would need to be modest. There may be operators who might take it on. However, the likely renovation and re-fitting costs would be substantial and would result in a loss financially.

## **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)

- BSC12 – Indoor sport Recreation and Community Facilities
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

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

- S29 - Existing village services
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

### OTHER MATERIAL CONSIDERATIONS

- National Planning Policy Framework
- Planning Practice Guidance (PPG)
- Assets of Community Value – Policy Statement DCLG (Sept 2011)
- The Localism Act 2011
- The Assets of Community Value (England) Regulations 2012
- Community Ownership Fund: Prospectus DLUHC and MHCLG (July 2021)
- Cherwell Residential Design Guide (2018)

## **9. APPRAISAL**

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

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

### Principle of Development

### Loss of public house

### *Policy Context*

- 9.2. Paragraph 88 of the National Planning Policy Framework (NPPF) sets out that planning policies and decisions should enable the retention and development of

accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 9.3. Policy BSC 12 of the CLP 2015 states that the Council will encourage the provision of community facilities to enhance the sustainability of communities through the protection and enhancement of existing facilities.
- 9.4. Saved Policy S29 of the CLP 1996 states that proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted. The explanatory text states that the Council recognises the importance of village services, particularly the local shop and pub. The policy also recognises that it will be difficult to resist the loss of such facilities when they are proven to be no longer financially viable in the long term.

#### *Assessment*

- 9.5. The public house was previously owned as a freehold by Hook Norton Brewery, and it is understood that the pub was last trading in January 2023. The Brewery commenced marketing of the pub as a freehold in May 2023 and the current owner, the applicant, purchased it in May 2024.
- 9.6. The current owners sought pre-application advice from the Council to change the use to a dwelling in June 2024. The pre-application advice set out the information required to support a planning application in order to assess the viability of the premises as a going concern and whether there was a market for such a premises. This included:
- Reasons for the closure – account records for at least the last 3 years of trading, which needs to include trade prior to the pandemic
  - Viability assessment – as a facility rather than a particular business/business model
  - How the premises has been marketed, where, for how long, at what price (and whether the price has been reduced or not)
  - Comments from those that have viewed the premises
  - The local market – pubs in the local area that are open and those that have closed/been sold over the last few years
- 9.4. This planning application was submitted in December 2024. The application is accompanied by an Economic Viability report prepared by Fleurets (Chartered Surveyors, Property Consultants and Agents) and a Planning Statement prepared by the applicant's agents. These reports are available to view in full on the Council's website and the following discussion only covers the main elements of these. The agent advises that there are no past trading accounts available, which is a significant gap in the application submission.
- 9.5. According to the submitted Economic Viability Report the premises was marketed by Savills, as sole selling agents, at £350,000 with a note stating that VAT would be applicable. The sales particulars state that the freehold price had been reduced but it is not known when this reduction occurred or by how much it was reduced by. A representation has been made suggesting that the sale of the pub was subject to a clause in the sale contract that determined that the building could not be operated as a pub and that the sale was as a private dwelling to avoid VAT being charged on

the transfer. This would have the effect of reducing the cost of buying the premises. This matter is currently being investigated.

- 9.6. It is understood that Savills reported 8 formal viewings during the marketing period. It is reported that one party expressed an interest in buying the premises as a going concern as a pub but ultimately concluded that it was not viable and two further parties expressed interest in a restaurant use but again concluded that it was not viable. It appears that the remaining viewings were for uses other than a pub/restaurant use.
- 9.7. The Fleurets report concludes that the property does not have an economically sustainable future in trading as a public house or pub-restaurant due to:
- its location
  - its physical condition
  - the facilities it is capable of offering
  - the absence of any records of past trade history
  - the external factors currently impacting on the trade performance of public houses
  - the scale and nature of the existing public house competition which serves the local rural district
- 9.8. In order to consider the robustness of the information provided by the applicant the Council instructed an independent advisor, Andrew Golland Associates, to review the submitted information. The Golland review broadly agrees with the figures within the Fleurets report advising they are reasonable and are benchmarked against industry standard data. The Golland review states that the costs of re-instatement are large and would probably require on-going costs of finance and that, if the pub was operative and in good condition, there would be an economic future for the pub but the owner/operator would have to have small or nil interest costs.
- 9.9. Officers note that the internal fixtures and fittings have been stripped out by the applicant prior to either the submission of the planning application for the change of use, or planning permission being granted, and the refurbishment costs would now be significant to enable the pub to re-open. In light of the Golland review's conclusions, the applicant's actions in this regard have made the facility less viable than it would otherwise have been.
- 9.10. The agent has stated that the building was in a poor condition at the time of the sale following a year of being unoccupied and possible underinvestment by the previous owners. The applicant and his daughter make similar statements. The sale particulars include interior photographs of the premises taken at what is assumed is the start of the marketing process but there is no other evidence or any other photographs to counter the argument regarding the state of the building at the point of sale and the commencement of the internal works. Planning permission is not required for any internal works as the building is not listed and the works do not constitute development.
- 9.11. Due to the lack of evidence to the contrary the application must be determined in accordance with the evidence/information that is before Members and Officers. The cost of refurbishment set against the income from a pub use would suggest that the use is no longer financially viable in the long term.



- 9.12. Critically, the rationale submitted by the Operations Manager at Hook Norton Brewery also implies that the pub was no longer financially viable, hence the reason for selling it, due to the location and size as well as rising costs and changes in people's habits and expectations. As such officers conclude that it would be difficult to resist the loss of the facility in accordance with saved Policy S29 of the CLP 1996.
- 9.13. A representation has been made suggesting that the sale of the pub was subject to a clause in the sale contract that determined that the building could not be operated as a pub and that the sale was as a private dwelling to avoid VAT being charged on the transfer. This would have the effect of reducing the cost of buying the premises. This matter is currently being investigated.
- 9.14. A significant number of representations have been made objecting to the loss of the pub. Whilst the existence of other pubs and facilities have been referred to in the reports in neighbouring/nearby villages and settlements, these are not likely to be accessed on foot on a regular basis due to distance local topography and lack of footways and are unlikely to serve as a community meeting place for the residents of Great Bourton.
- 9.15. The Bell is clearly considered to be of value to the village/community and this is acknowledged with the listing of the building as an Asset of Community Value (ACV) in January this year. A community group has been formed to try to buy The Bell and to run it as a community pub/facility; however, the pub is not for sale and the ACV legislation does not take effect until the property is on the market. Even with the obvious, substantial community support, the Council cannot make the current owner re-open the pub or make them sell it. The applicant is currently appealing against the ACV listing and has made an application for compensation resulting from the loss of property value arising from the listing.
- 9.16. The representations made by the Parish Council and the community led 'Save The Bell Inn Group' refer to the lack of assessment by officers of the premises as a community pub and how it could be viable as such a facility with community support and the right management. If it were to be operated as a community pub the costs to do so are likely to be less and such an enterprise can be financially successful at break-even point. A commercially run pub is unlikely to be successful if there is little or no profit to be made. The application before us relates to the loss of a commercially run pub and this is the basis for the assessment. It is not possible to assess the likelihood of attracting the right management or ensuring sufficient community support to make the premises financially viable in the long term.

#### *Conclusion*

- 9.17. Officers agree with the general conclusions of the Council's consultant and, whilst there are reservations over the length of time the premises was marketed, the vendor is not the applicant. It is considered that, on balance, the change of use of the pub to residential complies with the relevant development plan policies.
- 9.18. Overall, therefore, whilst the loss of a village public house is regrettable, in this specific case there is considered to be adequate justification – principally that presented by Hook Norton Brewery – for the change of use of the public house. As such, on balance, officers consider the proposal would not conflict with Policy BSC12 of the CLP 2015, Saved Policy S29 of the CLP 1996 and Government advice in the NPPF.

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

- 9.19. Policy ESD15 of the CLP 2015 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.
- 9.20. Saved Policy C28 of the CLP 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.
- 9.21. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority.
- 9.22. The proposed alterations to the building are considered to be relatively minor, comprising the addition of a porch extension to the side (northern) elevation, the reconfiguration of the roof junction between the main part of the building and the rear single storey element, the extension of the roof of a further single storey element, the insertion of 2x roof lights and a bi-folding door, the construction of a new brick wall as part of the utility, the removal of 2 chimneys and the replacement of a door opening in the rear elevation with a smaller window opening. The existing timber picket style fence would be replaced with metal estate railings.
- 9.24. Whilst the loss of the chimney on the main building is regrettable a second chimney on this part of the building remains. The remainder of the works are of a scale that is in keeping with the size of the building and are considered to be sympathetic to its character and appearance. It is proposed to use natural stone brick and tiles to match existing materials.
- 9.25. It is considered that the development would not cause harm to the character, or the visual amenities of the area and that the development is therefore acceptable in this regard.

#### Heritage Impact

- 9.26. The development affects the setting of a Grade II listed church and lychgate.
- 9.27. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.28. Listed Buildings are designated heritage assets, and Paragraph 212 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.29. Whilst the premises has been a public house for a considerable amount of time, the change of use of the building to a dwelling is not considered to adversely affect the setting of the adjacent listed buildings. The external alterations to the building are considered to be sympathetic to the setting of the listed building in terms of the design and appearance. They are relatively minor and restricted, on the whole, to

the rear and side elevations and do not have a direct impact on the setting of the listed buildings.

- 9.30. As such the development would not result in harm to the significance of the listed buildings and the proposals are considered to be in accordance with policy ESD15 of the CLP 2015 as well as national planning policy set out within the NPPF in this regard.

#### Residential amenity

- 9.31. Policy ESD15 of the CLP 2015 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.
- 9.32. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority.
- 9.33. The alterations to the building would not give rise to any significant impacts on the residential amenities of neighbouring properties given the relationship with surrounding dwellings. The first floor is already used for residential purposes and as such there would not be any additional overlooking caused by the change of use.
- 9.34. The use of the premises as a dwelling would not result in any increase in levels of noise and disturbance to neighbouring properties as the activities and noise associated with a pub are more than those associated with a single residence.
- 9.35. Overall, the impact on residential neighbours is considered to be acceptable.

#### Highway safety

- 9.36. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.37. The Local Highway Authority has commented that the development is unlikely to generate any additional vehicle movements from the access point when compared to the previous use. However, conditions are recommended relating to turning and parking of vehicles and the provision of sufficient cycle parking facilities.
- 9.38. Based on the comments from the Local Highway Authority, it is concluded that the proposal would not result in any significant adverse impact on highway safety and therefore that the proposal is acceptable in highway terms.

#### Ecology Impact

#### *Legislative context*

- 9.39. 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.

- 9.40. 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.
- 9.41. 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.
- 9.42. 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.
- 9.43. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

- 9.44. Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.45. Paragraph 193 states that when determining planning applications, local planning authorities ('LPAs') should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.46. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.47. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.48. This policy is supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.49. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.50. 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:
- 9.51. present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.52. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction and therefore has the potential to be suitable habitat for bats and breeding birds.
- 9.53. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.54. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.55. The application is supported by a detailed protected species survey which concluded that no evidence of bats was found, the building has negligible potential to support roosting bats and as the proposed works are very limited in scale, the risk of impacts to bats are considered to be very low. In terms of nesting birds, evidence was found in the eaves areas that are not directly affected by the proposals, but alterations to the roof line of the single-storey west extension would be undertaken in close proximity. It was recommended that works should be timed to avoid the nesting period where possible and enhanced nesting habitat for house sparrow could take the form of externally mounted sparrow terraces located under the eaves of west elevation.
- 9.56. Officers are satisfied, on this basis that subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.57. In terms of Biodiversity Net Gain (BNG), it is considered that the development is exempt from mandatory BNG as it meets the criteria for the de minimis exemption as the development area is smaller than 25 square metres and because the development area only impacts an existing area of paved yard.

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

- 10.1. The loss of the public house is regrettable. However, for the reasons set out above, it is concluded that the proposed development does not conflict with the relevant Development Plan policies and guidance listed at section 8 of this report and so is considered to be sustainable development.
- 10.2. Whilst the building is listed as an ACV, which indicates that the premises/use is of significant value to the community, the full weight of this doesn't come into effect unless the premises is to be sold and therefore other material considerations outweigh the ACV status.
- 10.3. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **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

#### **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, the site location plan and the drawings numbered 7999 01, 7999 02, 7999 03, 7999 04 and 7999 06.

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 First Use/Occupation**

3. Prior to the first occupation of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and 2 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, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter and prior to the first occupation of the development the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

#### **Compliance Conditions**

5. The development hereby permitted shall not be carried out other than in accordance with the recommendations set out in the Preliminary Bat Roost Assessment prepared by Swift Ecology dated 25th November 2024 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.

CASE OFFICER: Shona King



**24/03259/F**

**Land Adjacent to Symmetry Park**

**Morrell Way**

**Bicester**

**OX26 6GF**

Agenda Item 10



**1:3,800**

Page 69

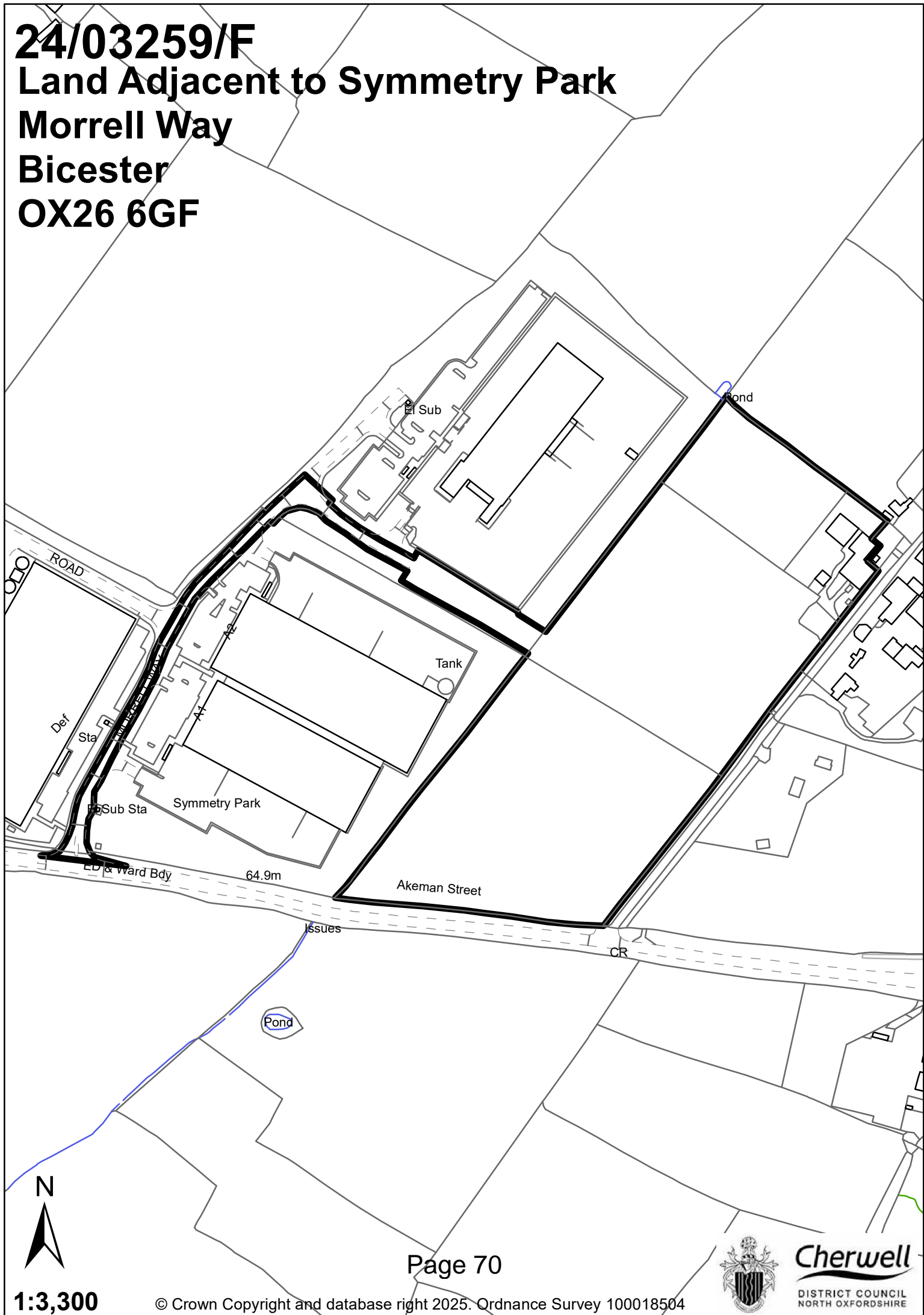
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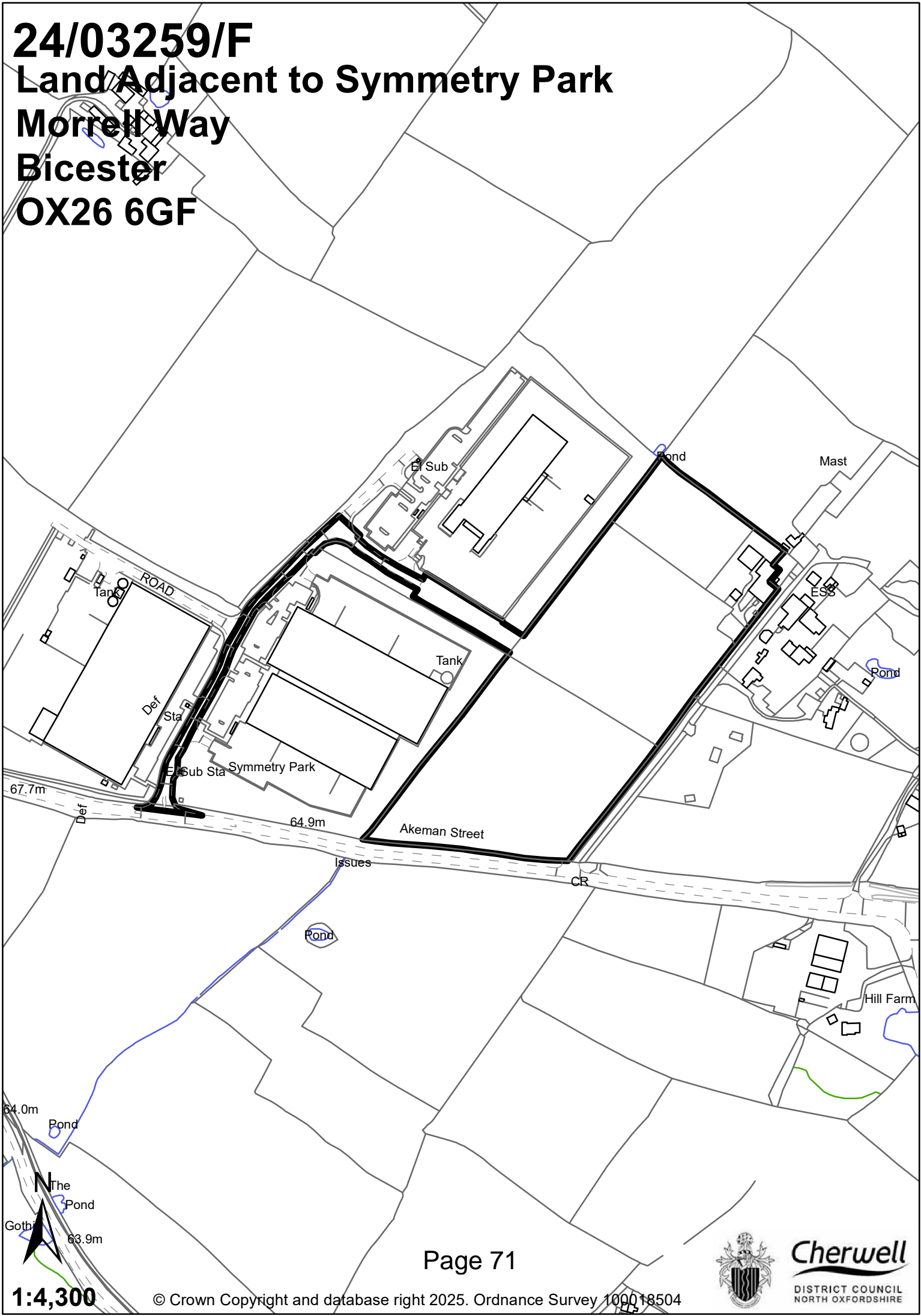
**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



**24/03259/F**  
**Land Adjacent to Symmetry Park**  
**Morrell Way**  
**Bicester**  
**OX26 6GF**



**24/03259/F**  
**Land Adjacent to Symmetry Park**  
**Morrell Way**  
**Bicester**  
**OX26 6GF**



**Case Officer:** Carlos Chikwamba

**Applicant:** Tritax Symmetry Bicester 3 Ltd

**Proposal:** The erection of two Use Class B8 floorspace units (with ancillary office floorspace (Use Class E(G(i))) with associated infrastructure including: a building for the use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yards; external plant; bin stores, vehicle parking (HGV, lorry, car and motorcycle); cycle parking, amenity areas, landscaping including permanent landscaped mounds; sustainable drainage details. Demolition of three vacant agricultural building (and two smaller structures) to the northeast corner of the site. Access from the existing Symmetry Park estate road.

**Ward:** Launton And Otmoor

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

**Reason for** Major development

**Referral:**

**Expiry Date:** 22 May 2025

**Committee Date:** 15 May 2025

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

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is an undeveloped rectangular piece of open arable land measuring approximately 7ha in size. The site is predominantly flat with a gentle upward slope south to north. There are three vacant agricultural buildings and two smaller ancillary structures in the north-east corner of the site.
- 1.2. The site is located immediately north of the A41 main road to the southeast of Bicester town centre and due to its location along this main road, the site forms a gateway into Bicester.
- 1.3. The site's western boundary abuts with the Symmetry Park development, which is an employment site comprising B8 units which therefore relates to the proposed B8 use under this current proposal. Symmetry Park forms part of the wider residential led mixed use Southeast Bicester (Bicester 12) allocation in the currently adopted Cherwell Local Plan 2015.
- 1.4. The wider Bicester 12 development is located beyond Symmetry Park to the north-west of the application Site. As already mentioned Bicester 12 has a Local Plan allocation for a mixed-use development and it also has outline planning permission with all matters reserved apart from access for residential development including up

to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems (ref. 16/01268/OUT) approved on 20 May 2022.

- 1.5. To the east of the site is agricultural land and a number of small businesses, in particular Bicester Caravan and Leisure and L C Hughes Metal Recycling & Car Breakers which are both adjacent to the Site.
- 1.6. There are no residential properties in the site's immediate vicinity.

## **2. CONSTRAINTS**

- 2.1. The application site is within the red impact zone of great crested newts.
- 2.2. The nearest statutory ecological designated site is Arcott Bridge Meadows Site of Special Scientific Interest (SSSI) located just over 2.5km to the southeast of the Site.
- 2.3. There are 6 Local Wildlife Sites (LWS) and a single Woodland Trust Reserve (WTR) within 2km of the Site.
- 2.4. The nearest non-statutory designated wildlife site, Meadows NW of Blackthorn Hill Local Wildlife Site, is approximately 500m to the north. The River Ray Conservation Target Area is also located to the north.
- 2.5. There are no designated heritage assets on site, but the site is within proximity of several listed buildings (not within 100m of site) and the scheduled monument of Wretchwick deserted medieval village 0.5km to the northwest of the Site.
- 2.6. Blackthorn windmill which is listed is at least 450m southeast of the site.
- 2.7. There is a bridleway approximately 235m east of the site.

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

- 3.1. The proposed development relates to the erection of two Use Class B8 units, with a total floorspace of 25,856sqm (GEA).
- 3.2. The proposal also includes ancillary office floorspace (Use Class E(G(i))) together with associated infrastructure.
- 3.3. The associated infrastructure includes a building/enclosure for the use as an energy centre, loading bays; service yards; external plant; bin stores, vehicle parking (HGV, lorry, car and motorcycle); cycle parking, amenity areas, landscaping including permanent landscaped mounds; sustainable drainage details.
- 3.4. The proposed also includes the demolition of three vacant agricultural building (and two smaller structures) to the northeast corner of the site.
- 3.5. Access to the site will be gained via the existing Symmetry Park estate road.
- 3.6. There is also an emergency access proposed along the Bicester Caravan and Leisure dealership access road for which entry is gained via A41.

- 3.7. It's also worth noting that the site is a proposed allocation in the Cherwell Local Plan Review 2042 (Reg 19) Proposed Submission Plan as an employment site and extension to existing Symmetry Park at Bicester. The allocation is for employment uses E(g)(i)/(ii)/(iii)/B2/B8 floorspace, which aligns with the proposed uses under the current development.

#### 4. RELEVANT PLANNING HISTORY

##### 4.1.

Application Ref.	Proposal	Decision
15/02316/OUT	Outline - Proposed development of up to 69,677sqm (750,000 sq feet) of logistics floorspace, within Class B8 of the Town and Country Planning use classes order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means of access included for approval.	Appeal lodged against non-determination but later withdrawn
16/00861/HYBRID	HYBRID – full planning permission for 18,394 sqm of logistics floor space within Class B*, access to A41 and outline planning permission for up to 44,314 sqm of logistics floor space within B8.	Application permitted
18/00091/F	Full planning permission for 14,200sqm of logistics floor space within class B8, including ancillary B1(a) offices (929sqm), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant	Application permitted
19/00388/F	Full Planning Permission for 29,350 sqm of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary class B1 (a) offices (1,688 sqm), erection of security gatehouse (26 sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road, associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including	Application permitted

	10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant.	
20/00530/F	Full planning application for 4,635sq. m of logistics floor space, within Class B8, including ancillary Class B1 (a) office, (592sq.m), a customer collection facility (112 sq.m), staff mess pod (142 sq.m), and associated infrastructure including external service yard, lorry, van and staff car parking, re-fuelling facility, fencing, landscaping, storm water drainage and private sewage treatment plant	Application permitted

## 5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal. However, a pre-app was submitted to relating to a different scheme.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of several site notices erected around the immediate surrounding areas around the site, on 23 December 2024. The final date for comments was **23 January 2025**, although comments received after this date and before finalising this report have also been considered.
- 6.2. No comments have been raised by third parties, except for a letter of support from a representative of the L C Hughes Metal Recycling & Car Breakers business adjacent to the site.

## 7. RESPONSE TO CONSULTATION

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

### 7.2. Bicester Town Council;

Concerns over;

- Impact of additional commercial vehicle access on A41
- Rodney House Roundabout
- Increase in acreage of PV panels

### 7.3. Ambrosden Parish Council;

Comments related to conditions for cycle path improvements between Symmetry Park and Rodney House roundabout. Appropriate mitigation for flood risk, inadequate information on the traffic generated by the scheme and conditions to ensure

Biodiversity is appropriately achieved. Lastly, conditions to ensure that noise, dust smells and debris are adequately mitigated during the scheme's construction phase and that works occur at the appropriate times were highlighted.

7.4. OCC Archaeology:

No objection subject to Archaeological Written Scheme of Investigation pre-commencement conditions

7.5. OCC LLFA:

Initial objection raised due to inadequate details related to surface water catchment and surface flood exceedance plans, management of SUDS, SUDS calculations and drainage infrastructure and consent from relevant party to discharge surface water.

The applicant provided the additional information required to address the LLFA's concerns. The LLFA were reconsulted to review the additional information provided and offered no objections subject to compliance and implementation conditions.

7.6. OCC Highways:

Initial objection due to the applicant's failure to demonstrate adequate visibility splays can be achieved from the Bicester Caravan and Leisure site access with the A41. Highways also requested that tactile dropped kerb crossing points should be provided throughout the site at appropriate crossing locations to enable pedestrians and cyclists to access the active travel infrastructure in and around the proposed units.

Further information was provided by the applicant in regard to the visibility splays and an amended layout was also submitted to show tactile dropped kerb crossings within the site. Upon re-consultation Highways offered no objections to the scheme subject to planning obligations to the following elements;

A41 Active Travel Corridor Improvement Scheme – £80,575.

Public Transport Services – £83,241.26.

Travel Plan Monitoring – £6,530.

Furthermore, conditions were recommended in regard to a Construction Traffic Management Plan (CTMP), Parking Scheme, Travel Plan and Last Mile Movements.

7.7. CDC Legal Right of Way Officer:

No objection.

7.8. TVP Designing out crime officer:

No objections. However, hostile vehicle measures were recommended to mitigate against unauthorised entry and raid exits.

7.9. CDC Environment Protection:

No objections subject to conditions related to lighting, contaminated land, noise and air quality.

7.10. CDC Planning Policy:

No objections



7.11. CDC Economic Growth;

No objections

7.12. Environment Agency;

No objections.

7.13. Thames Water;

No objections subject to a condition related to the development's construction details relative to the strategic water main in proximity of the site.

7.14. BBOWT;

Objection to the application based on the following;

- Application does not provide adequate evidence of a net gain in biodiversity
- The importance of a net gain in biodiversity being in perpetuity
- Potential impact on Meadow Northwest of Blackthorn Hill Local Wildlife Site
- Loss of ridge and furrow grassland
- Buffer zones and management of hedgerows in order to achieve biodiversity net gain
- Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2017 (as amended).
- The proposed development does not achieve the aims of the Ray Conservation Target area

7.15. CDC Ecology;

Initial objections were based on the lack of adequate information in relation to the development's impact to farmland birds and protected species (in particular Great Crested Newts (GCNs)). Loss of priority habitats and inadequate BNG provisions. Further information was also required on the proposal's impact to the adjacent Ray CTA and LWS. Lastly, issues raised due to loss of ridge and furrow grass land.

The applicant provided further information in to the form of an Ecology response and BNG note, metric and Ray CTA briefing note. They also outlined their intention to obtain a district licence from Nature Space to mitigate the development's harm to GCNs.

Ecology were reconsulted in regard to the latest additional supporting documents and clarity on GCN mitigation strategy. They offered no objections to the scheme subject to relevant conditions.

7.16. CDC Arboriculture

After clarity on several elements in regard to the development's encroachment into the RPA of the trees proposed for retention was provided, no objections were proposed subject to an Arboricultural Method Statement pre-commencement condition.

#### 7.17. CDC Landscape

No objections, however, concerns raised over the proposed landscaping's prospects of reaching full maturity to visually mitigate and screen the development. Conditions related to the maintenance and retention of proposed and existing planting recommended.

#### 7.18. Nature Space:

Objection initially based on the lack of adequate information to demonstrate that the development would not cause harm to GCNs. However, the applicant agreed to enter into a District Licence Scheme with Nature space to mitigate the development's potential harm on great crested newts and ensure that all measures necessary regarding great crested newt compensation have been appropriately dealt with.

Nature space has confirmed that a report and plan has been prepared for the applicant to submit to the local planning authority, therefore, removing their objection subject to several pre-commencement conditions, which will need to be recommended.

### **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)

- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- Bicester 12 - South East Bicester
- INF1 - Infrastructure

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

- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land

#### Other material planning considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- SPD Developer Contributions
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Cherwell Design Guide (2018)
- Cherwell Local Plan Review 2042 – Proposed Submission (Regulation 19) version, particularly proposed policy BIC E5

## 9. APPRAISAL

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

- Principle of development
- Transport and Highways
- Landscape and Arboriculture
- Design, and impact on the character of the area
- Ecology and Biodiversity
- Energy Efficiency and Sustainability
- Flooding and Drainage
- Heritage impact
- Environmental impacts
- Other material considerations
- Planning Obligations
- Conclusion and planning balance

#### **Principle of Development**

##### Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.3. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015), the saved policies of the Cherwell Local Plan 1996 and a number of adopted Neighbourhood Plans.
- 9.4. As mentioned before, the development abuts the existing Symmetry Park employment site, which forms part of the existing Bicester 12 allocated site 'Southeast Bicester'. This is allocated as a mixed use site for employment and residential development to the east of the ring road, southeast of Bicester and it identifies an area of approximately 40ha for employment uses within use classes B1, B2 and B8 (primarily B8 uses).

- 9.5. The proposed development relates to a commercial development falling within use class B8 in accordance with the aspirations of Policy Bicester 12. However, whilst it is closely related to the Bicester 12 allocation, the application site lies outside of the boundary of the policy allocation and as such the proposed development is not consistent with local plan policy.
- 9.6. Officers note that the site is a proposed allocation within the Council's Regulation 19 Draft Local Plan (published for consultation in December 2024), identified as Policy BIC E5 - Land adjacent to Symmetry Park, allocated for a mix of B2 and B8 and E(g) i/ii/iii uses, which aligns with the B8 use under the current proposed development. Since the draft local plan is only at Reg 19 stage, it carries limited weight in determining proposals. However, it is clear that this site has been considered to be a natural extension to the adjacent Symmetry Park development by virtue of its proximity to this employment site and proposed uses.
- 9.7. Based on the above, the scheme will be assessed under Policy SLE1 of the CLP which seeks to focus employment development in the existing urban areas within the built-up limits of settlements or on allocated sites, to guide sustainable growth and reduce out commuting. Where sites are proposed within rural areas or on non-allocated sites, a set of criteria are provided for consideration.

- 9.8. Policy SLE1 states that

*'Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1).*

*New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:*

- a. They will be outside of the Green Belt, unless very special circumstances can be demonstrated.*
- b. Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.*
- c. They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings.*
- d. They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.*
- e. The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).*
- f. The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.*
- g. There are no suitable available plots or premises within existing nearby employment sites in the rural areas.'*

- 9.9. The proposed development is required to demonstrate exceptional circumstances together with an assessment against the criteria above. Parts a, b, and f will be considered under the '*principle of development*' section together with any other material considerations which contribute to the demonstration of exceptional circumstances.
- 9.10. The remaining parts of this part of the Policy SLE1 (c, d, e, and g) will be assessed in relevant considerations and sections they directly relate to later on in the report.

#### Assessment

- 9.11. The development site is not located within the Green Belt, therefore, meets part of (a) of the policy.
- 9.12. In terms of part (b) of the policy, the applicant has provided supporting information and evidence to demonstrate why the development should be located in the rural area on a non-allocated site, as detailed below;

#### *Need for Logistics Floorspace*

- 9.13. The submitted planning statement refers to several national policy and guidance extracts related to the need for land for logistics floorspace (proposed B8 use) in the interests of UK and regional growth. In particular paragraph 85 (b) of the NPPF (2024) outlines that;

*'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for... b) storage and distribution operations at a variety of scales and in suitably accessible locations, that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation.'*

- 9.14. Further to the above, paragraph 3.152 of the Reg 19 Draft Local Plan states that Cherwell's employment evidence outlines a need for around 280 ha of employment land over the plan period of 2021 to 2042. This figure accounts for the potential contribution existing allocated sites would make and the additional need within the Draft Local Plan period. Paragraph 3.153 recognises additional sites amounting to 97.5ha of employment land (between B2, B8 and E(g) use classes) informed by an employment land review (October 2022). The proposed development site forms part of the new sites recognised. Officers acknowledge that the Reg 19 plan is afforded limited weight at this stage however, the evidence above clearly outlines the need for employment land that aligns with the proposed use under the current development.

#### *Locational suitability of development*

- 9.15. In regard to the location of employment development, paragraph 5.13 of the draft local plan outlines that Cherwell's updated employment evidence identifies Bicester as one of the most suitable location for accommodating identified employment needs to 2042 and there is an intention to continue new sites in Bicester, including providing a high quality employment corridor into the town along the A41. The existing adjacent symmetry park development already provides accessibility of a high quality employment corridor into Bicester town centre, along the strategic A41 road network. Therefore, the proposed development's extension of Symmetry Park aligns with the consolidation of this existing high quality employment corridor into the town along the A41, which is echoed in the Reg 19 plan.
- 9.16. Symmetry Park itself is in close proximity to Bicester. Furthermore, the site will also be close to the future residential development that will come forward under the

approved Bicester 12 allocation and several other housing developments coming forward in areas of close proximity to the site i.e. Ambrosden, all which currently have or have future planned cycle/walking infrastructure and bus links to the site. Therefore, the new development will be easily accessed by its future employees and visitors by various modes of transportation.

- 9.17. Further to the above, the proposal will widen the modal scope of transportation to the site by virtue of the active travel contributions the development is due to secure which will enhance the substandard walking and cycling facilities along a stretch of the A41 directly related to the development. Lastly, the site is also served well by public transportation that link the site to Bicester and beyond and a further contribution is also due to be secured to maintain and improve the operation of bus services serving Bicester.
- 9.18. Therefore, the proposal will facilitate modal shifts away from an overreliance on private car use and contribute to a reduction in greenhouse gas emissions, in alignment with Policy SLE 1 (g) (this part will be further covered in the Transport and Highways Section) and SLE 4 of the CLP and paragraph 85 of the NPPF (2024), which encourages storage and distribution operations (B8 uses) in suitably accessible locations.

*Job creation and Economic benefits.*

- 9.19. At this stage the end user of the units is unknown. However, the proposed development's floorspace of 25,856 sqm is anticipated to generate between 272 (National distribution centre) – 355 jobs (Regional distribution centre) as per the employment density guide and matrix for B8 Storage and Distribution. Furthermore, the development will also contribute to the creation of jobs during the construction phase of the development, which are estimated at around 80 jobs over the phase of construction as indicated within the planning statement.
- 9.20. Further to the above, under approved application ref; 20/00530/F for the DPD development which was for an unallocated site which now forms part of Symmetry Park, Officers acknowledged that due to site constraints (flooding and heritage matters), the aspired 3000 jobs by the Policy Bicester 12 allocation for B1, B2 and B8, would be reduced by approximately 40%. Therefore, part of the justification in accepting the principle of this development on an unallocated site was its provision of further jobs to address this deficit in the job creation earmarked by Policy Bicester 12.
- 9.21. The DPD proposal was for about 4,635 sqm of primarily B8 use, therefore, the additional jobs created would have been a marginal contribution to plug the above deficit. In contrast, the current development proposes over 25,000 sqm of B8 use, which would equate to greater number of jobs created relative to the DPD development. Therefore, providing a significant number of jobs to make up for the 40% deficit of jobs intended for the Bicester 12 allocation (noting that the proposed BIC E1 policy does not specify target job creation numbers). Officers, consider this to be a significant benefit in meeting the Policy aspirations for the Bicester 12 allocation. Lastly, the planning statement outlines that the operational phase of the development will generate additional income to the economy, along with the business rates the use will generate.
- 9.22. In regard to part (g) of Policy SLE 1 and the unsuitability of available plots within existing nearby employment sites in the rural area, the applicant demonstrated this by considering allocated sites in the CLP 2015 in a table under paragraph 6.49 of the planning statement, the table extract is replicated below;

Policy	Site	Comment
Bicester (BIC1)	Bicester Planning Policy Northwest Bicester Eco-Town	<p>Marketing name: Axis 9, Bicester</p> <p>Developer: Albion Land</p> <p>Site area:10ha.</p> <p>The site is fully developed and let. There is no available land on this site.</p>
Bicester (BIC2)	Graven Hill	<p>The employment land extends to 26ha.</p> <p>There has been no marketing information produced to advertise any future development in the near term, and it is understood that there are no current development plans in the near term, and it is not currently available.</p>
Bicester (BIC4)	Bicester Business Park / Bicester Arc	<p>Site Area: 29.5ha.</p> <p>No available supply for B8.</p> <p>Now known as Bicester Office Park. The site is allocated for offices and therefore not allocated for B8 uses. The planning permission ref. 17/02534/OUT has secured 13. ha for development for B1a (offices) (now Use Class Eg)i)ii)iii)). However, subsequent discharging of condition permission ref. 24/00030/DISC confirms that a further 4ha of this has been used for landscape and ecological management to the east of the built form.</p> <p>Further to this, permission ref. 12/01193/F confirms that the circa 6.3ha parcel in the northwest corner of the allocation has been developed for Tesco superstore. Finally, permission ref. 15/00082/F confirms that the circa 3ha parcel in the northeast corner is a balancing pond, serving the Bicester Village development north of the site.</p> <p>Therefore, of the Bicester 4 allocation, just 0.9ha remains in the southwest corner of the site. This is not large enough to accommodate this proposal.</p>
Bicester (BIC10)	Bicester Gateway/Catalyst Bicester	<p>The site area is 18ha.</p> <p>Use class B1 Business Uses. High tech knowledge industries.</p> <p>No available supply of B8 space.</p> <p>The site is already the majority developed by Albion Land.</p>

Bicester (BIC11)	Employment Land at Northeast Bicester	The site is known as Link 9 and is fully built out with no available allocated employment land.
Bicester (BIC12)	Southeast Bicester	23.15ha of employment land - 6.66ha available as part of the consented Wretchwick Green site and 16.49ha that forms the Symmetry Park logistics park. Symmetry Park has now all been built out. The remaining employment undeveloped land within Wretchwick Green, comprises 7 ha consented B1 (now Use Class E.g.i)ii)iii)) or B8 land (ref. 16/01268/OUT) approved on 20 May 2022. The approved parameter plans show this employment land being accessed via a new road off the A41 which then goes through residential land which would not be ideal for the B8 uses proposed. There is also no confirmation/indication of the timing of the delivery of this scheme.
Banbury (BAN6)	Banbury 6: Employment Land West of the M40	Also known as CM40, the employment land has now been fully built and let to occupiers including Pro Drive and Arrival. The remaining 10.3ha of undeveloped land within the allocation is located within Flood Zone 3b where development is precluded. This land has been reserved for biodiversity mitigation for the adjoining development located within South Northamptonshire Council.
Banbury (BAN15)	Employment Land Northeast of Junction 11	<p>This strategic site to the east of the M40 extends to 13ha and is allocated for mixed employment use. Planning permission was approved in July 2020 for commercial development (19/00128/HYBRID) for up to 33,110sqm of flexible Use Class B2, B8 and ancillary office (Full for up to 2 units) and up to 16,890qm of flexible Use Class B2, B8 and ancillary B1 office (Outline Planning Permission for up to 2 units).</p> <p>3 units have now been completed (1 let, and strong interest in the remaining units of 217,000 sq ft and 180,000 sq ft which are both larger than the units proposed and cater for a Banbury rather than Bicester market). There is no available remaining land.</p>
Villages 5	Former RAF Upper Heyford	<p>Employment on the allocation will be provided by the retention of the existing buildings already in commercial use. These include buildings on the historic airfield that lies within a Conservation Area and would not be appropriate for re-use/demolition for the proposals in addition to being too small to accommodate the proposals.</p> <p>The allocation includes a further 13.4ha of employment land.</p> <p>New large B8 proposals would not be considered compatible with Heritage/Conservation Area.</p>



- 9.23. Officers are satisfied that the strategic sites outlined in the table above are not suitable for this development due to other uses already being committed on these sites, existing built development, inadequate site area to accommodate the development and site constraints. Furthermore, the development site as already mentioned constitutes a natural extension to the existing Symmetry Park development, extending an existing high quality employment along a strategic transport corridor - the A41 into Bicester. Therefore, providing a prime opportunity for the development's employment needs to be adequately met.

#### *Conclusion*

- 9.24. Officers acknowledge that the proposed development falls outside of the Policy Bicester 12 allocation boundary. However, it is deemed that the proposed development at this site is well related to the Bicester 12 allocation and would assist in achieving the wider economic and employment objectives of the development plan. The application site forms a logical extension to the existing Symmetry Park development to accommodate this demand.
- 9.25. The site is located within a sustainable location close to Bicester town centre and other surrounding areas that have future development coming forward, it is also well linked to these nearby areas by various modes of sustainable transportation (existing and planned for) which the development will also enhance via financial contributions to be secured for the scheme.
- 9.26. The development also comes with benefits to the local and national economy during its operational phase. This includes that there will be a significant number of jobs created by the development, which will plug the deficit of jobs intended for the Policy Bicester 12 allocation, therefore, enhancing the current local plan's employment strategy and delivery of allocated employment sites within the district.
- 9.27. Satisfactory justification has been provided to discount the other allocated strategic sites and Officers consider that the development's location next to an existing employment site and within a corridor of high quality employment and transport strategic links weighs in favour of the development's location, which is further strengthened by the job creation to facilitate the aspirations of Policy Bicester 12 outlined above.
- 9.28. It is also worth noting that the planning history in relation to the immediate area includes permission for the DPD (Symmetry Park Phase 2) development under application ref; 20/00530/F. This permission was an extension to the Symmetry Park development for which the site did not form part of the Bicester 12 allocation, but the principle of this development was justified through the benefits arising from that scheme and material planning considerations. The identified benefits and material considerations were similar to the above assessment of the current proposed scheme.
- 9.29. Based on the above, Officers consider that the development accords with the relevant parts of Policy SLE1 and exceptional circumstances have been demonstrated such that the principle of the development is considered acceptable. Whilst the application site lies outside of the policy Bicester 12 allocation, it is considered that the proposal would achieve a cohesive development of this area in accordance with the wider objectives of the Local Plan
- 9.30. As already mentioned, the other parts of policy SLE1 will be addressed in the relevant sections of the report, together with all the other national and local plan policies relevant to the development to establish its overall acceptability and compliance with the development plan.

## **Transport and Highways**

### Policy Context

- 9.31. 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 impacts of traffic generation resulting from new development.
- 9.32. Policy Bicester 12 of the CLP 2031 Part 1 requires that development is well integrated, with improved sustainable connections between the existing development and new development on the site. It requires that new footpaths and cycleways should be provided for that link to existing networks in the wider area.

### Assessment

#### *Access and Parking*

- 9.33. The development will be accessed via the existing Symmetry Park junction onto the A41. This junction has been in operational use over the last several years since the occupation of the existing units at Symmetry Park, therefore, it is considered safe and suitable to serve the development proposed. The internal estate road within the park will provide access directly into the site's service yard and staff and customer car parking areas. There is also a secondary emergency vehicular access proposed onto a private road which serves the Bicester Caravan and Leisure site, which is accessed off the A41.
- 9.34. OCC Highways initially raised concerns about this secondary access as it falls outside the application site boundary. Therefore, it needed to be demonstrated that the applicant has a right of access to use this private road. Furthermore, Highways raised concerns over inadequate visibility splays along the Bicester Caravan and Leisure site access with the A41.
- 9.35. The applicant provided the title register for the site and a solicitor's letter which both confirm that the site has the benefit for the rights to connect into and use the adjacent access road. Furthermore, the applicant demonstrated via an additional plan that the required visibility splays of 2.4m x 160m in both directions from this junction with the A41 can be achieved relative to the secondary access.
- 9.36. It is important to note this access is not required to make the development acceptable in planning terms but it is instead an overprovision by the applicant to provide an additional access in the event of an emergency when the main access is not available/not in use.
- 9.37. In terms of pedestrian and cycle access, there are already existing shared pedestrian and cycle paths within Symmetry Park which link to the shared path on the northern side of the A41 to the west of the site. The development proposes to link the proposed units with this existing infrastructure in Symmetry Park via a path which is approximately 3m wide. Highways also requested that tactile dropped kerb crossing points should be provided throughout the site at appropriate crossing locations to enable pedestrians and cyclists to access the active travel infrastructure in and around the proposed units. An amended layout was submitted to show these tactile dropped kerb crossings.
- 9.38. A total of 169 parking spaces have been proposed for the development, including 10 disabled parking spaces. Furthermore, in line with the standards 25% of the car parking spaces (42) will be provided with an EV charging point.

- 9.39. The proposed provision is however an estimated 50% more spaces than required by the OCC parking standards. The applicant has justified this overprovision due to the unknown nature of the end user for the units, therefore, parking demands may vary depending on the nature of the operator/size of workforce/shift patterns. This overprovision has also been informed by a review of the parking ratio at the existing Symmetry Park units, which concludes that the proposed level of parking provision provides consistency with the existing units.
- 9.40. Within their consultation response Highways accepts the above rationale and the consistency with existing parking provisions for the units at Symmetry Park. They also note that this parking overprovision further necessitates the need for alternative sustainable modes of travel to the site. Therefore, the proposal will contribute to the improvement of existing sustainable travel modes to the site as touched on later on in this section, which to a great extent mitigates the overprovision of parking and overreliance on private car to travel to the resultant development site.
- 9.41. In terms of cycle parking, the submitted site layout plan outlines indicative locations for cycle storage spaces on site. OCC adopted cycle parking standards for a B8 use outline that 1 space is required per 250sqm for staff and 1 space per 500 sqm for visitors. The site layout plan illustrates that the proposed cycle parking spaces for both units will amount to 156 spaces (104 staff and 52 visitor spaces) which is line with the OCC cycle parking standards.
- 9.42. The site layout plan, however, only highlights one small area for cycle parking facilities for each unit. Officers are not confident that this will be enough to accommodate the number of spaces proposed. Therefore, this will be either conditioned for submission at a later date or more information will be requested for submission before the application is determined to highlight that the cycle parking facilities outlined in the site layout plan can accommodate the number of spaces proposed.

#### *Highway Impact and traffic generation*

- 9.43. The applicant submitted a transport statement to support the scheme. The traffic surveys undertaken were based on the trip rates for the existing Bentley Systems, Medline Services and DP World units within Symmetry Park, which were deemed to be the most representative of a typical B8 use, proposed under the current development.
- 9.44. The surveys concluded that the proposed development would generate approximately 30 vehicle movements (two-way) in the AM peak hour and 21 vehicle movements (two-way) in the PM peak. The resultant traffic generation was then distributed onto the network. An operational assessment of the Symmetry Park junction with the A41 was undertaken for the future year 2029 (5 years after opening). The assessment showed that the junction would continue to operate with minimal queueing and delay with the addition of the development traffic.
- 9.45. It is noted that the traffic impact assessment assumes that the site will operate as a typical B8 use and therefore the impact of frequent local deliveries from the site to nearby residential and business users has not been assessed. OCC Highways are however satisfied that the level of local deliveries can be restricted by condition to ensure any impact on the local highway network remains immaterial. An appropriately worded condition will be added to the planning permission to control the use and limit it primarily to a typical B8 use.
- 9.46. Based on the above OCC Highways offered no objections to the development in terms of its impact on the local highway network and its proposed generated traffic.

### *Active Travel*

- 9.47. The development is located within proximity of several bus services (Stagecoach Services 29 and H5) to and from Bicester and other areas of the district such as Ambrosden.
- 9.48. It is expected that employees and visitors will in part rely on these bus services to travel to the site. Therefore, a public services contribution of **£83,241.26** (October 2023 price base and RPI-x indexation) has been sought by OCC Highways to maintain and improve the operation of bus services serving Bicester which is the main built up urban area closest to the site. Officers consider this reasonable and necessary to make the development acceptable in planning terms and to mitigate the development's impact on the existing bus services to serve the site.
- 9.49. OCC Highways also sought a contribution to improve the cycling and walking facilities along the southern side of the A41, initially between the Ploughley Road junction and the Pioneer Road Roundabout. However, after a round of meetings between OCC Highways, CDC Officers and the applicant's team it was mutually decided that the stretch of works along the southern side of the A41 which required walking and cycling improvements directly related to the current development would be from the Ploughley Road junction to the Symmetry Park Bus Stop, just before the Pioneer Road Roundabout, amounting to a distance of 250m.
- 9.50. The above works will improve the substandard facilities along this part of the A41 to a shared cycle and walking path of at least 3 metres.
- 9.51. The proposed path will join onto a 3 metre path along the Symmetry Park Bus stop which currently heads towards the Pioneer Road roundabout and beyond this roundabout towards Bicester there are further planned improvements to cycle/walking infrastructure (subject to other sources of funding unrelated to this development) to link the development and Bicester in the future.
- 9.52. From the above bus stop, the improved works under the current development will stretch to the Ploughley Road junction which has an existing toucan crossing facility that will enable cyclists and pedestrians to cross from the southern side of the A41 onto the northern side of the A41 where there are already cycle and walking facilities which lead onto the existing cycle and walking path at Symmetry Park and the resultant infrastructure also proposed in and around the proposed units to support pedestrians and cyclists travelling to the site.
- 9.53. OCC Highways estimated the cost of works using a comparable scheme and highlighted that the cost per linear metre would amount to £914.30. Therefore, the total cost for the scheme would be **£228,575** (£914.3 x 250m), with a price base from March 2025 and Baxter indexation.
- 9.54. The previous DPD Phase 2 of the Symmetry Park development ref; 20/00530/F, had already contributed **£148,000** towards improving the cycle and walking facilities along the A41. Therefore, it was considered reasonable to utilise those funds towards the improvement scheme identified as part of this development which would also serve the existing units and occupants at Symmetry Park.
- 9.55. The total contribution therefore being sought from the current development towards walking and cycling infrastructure improvements works less the phase 2 contributions now amounts to **£80,575**. Officers consider this reasonable and necessary to make the development acceptable in planning terms and to mitigate the developments increased demand for cycling/walking infrastructure linked to the site.

- 9.56. The above together with the bus service contribution also mitigates the overprovision of car parking as already mentioned by providing sustainable modes of alternative transportation to the site beyond private cars.
- 9.57. A Framework Travel Plan is required for the development, and this is expected to set out how sustainable modes of transport will be promoted. Furthermore, in addition to the Framework Travel Plan, because of the sizes of the individual units a full Travel Plan will be also required for each unit. The Framework travel plan submitted was deemed inadequate by OCC Highways. However, Officers are content that a revised Framework Travel Plan and the individual ones for each unit can be secured via a pre-occupation planning condition.
- 9.58. Part (e) and (f) of Policy SLE1 as outlined in Section 9.8 of this report states the proposed development should not give rise to excessive or inappropriate traffic, therefore, impacting the local highway network. Furthermore, proposals will wherever possible contribute to the general aim of reducing the need to travel by private car. Based on the traffic generation and active travel assessments above, the proposal complies with parts (e) and (f) of Policy SLE1.
- 9.59. Overall, OCC Highways have raised no objections to the scheme and are satisfied that their concerns have been addressed. They have however recommended some planning conditions, some of which have already been referenced above, the rest of them are outlined in their consultation responses and they will be added to the planning permission.

### **Conclusion**

- 9.60. The site lies within a sustainable location adjacent to the Bicester 12 strategic policy allocation and would be within easy reach of bus services and walking and cycling routes, which are subject to improvements as a result of the relevant financial contributions secured by the development. Furthermore, the proposal will not have any impacts on the local highway network in terms of excessive traffic generations and any impacts can be mitigated by condition to limit the use to a typical B8 use.
- 9.61. Furthermore, adequate access arrangements will be in place for vehicles, cyclists and pedestrians. It is acknowledged that there is an overprovision of parking at the site, however, this is consistent with the ratios at the other Symmetry Park units and the improvement of active travel facilities related to the development will also mitigate the overreliance of private cars and promote other sustainable modes of travel to the site.
- 9.62. Overall, the proposed development is considered to comply with policies SLE1, SLE4 and Bicester 12 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF.

### **Landscape and Arboriculture**

#### **Policy Context**

- 9.63. Policy ESD13 of the CLP 2031 Part 1 relates to Local Landscape Protection and Enhancement. It requires development to respect and enhance local landscape character and not to cause visual intrusion into the open countryside or to cause harm to important landscape features and topography.
- 9.64. Policy Bicester 12 of the CLP 2031 Part 1 sets out the requirement for development proposals to ensure retention and enhancement of hedgerows and the introduction of new landscaping features that will ensure the preservation and enhancement of biodiversity.

- 9.65. The National Planning Policy Framework, as part of encouraging good design, identifies that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

#### Assessment

- 9.66. The applicant submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA concludes that the site relates well both in landscape and visual terms to the existing context of the site set out in Section 1 of this report regarding the site and its surroundings. Furthermore, it concludes that the site represents a logical and easily assimilated development into the countryside. The LVIA also includes a sensitivity study of the development relative to the nearby visual receptors. Whilst it is acknowledged that some of the surrounding viewpoints looking into the development will have a high sensitivity in regard to visual impact due to the scale of the development, the level of visual landscape harm/impact is minimised to moderate to negligible when the comprehensive landscaping proposed to screen the development reaches maturity.
- 9.67. The landscape proposals include the provision of a bund along the east side boundary adjacent to the emergency access road leading to the Bicester Caravan and Leisure dealership and a further bund on the south side boundary of the site adjacent to the A41, both between 2-3 metres in height. These two respective boundaries are considered to be the most prominent when viewed from nearby public vantage points. There is also another landscape bund, within the same height range as the two above, proposed adjacent to the north site boundary line. Therefore, the landscaping proposed on top of the bunds when it reaches full maturity, together with the retention of existing mature tree planting along these boundaries will mitigate any perceived visual harm the development would have in the wider landscape to a significant degree as concluded within the LVIA, which Officers agree with.
- 9.68. As already mentioned, the site is included as an allocated employment site in the Reg 19 plan, which at this stage carries limited weight in determining this proposal. However, the supporting evidence for the Reg 19 included a useful landscape sensitivity assessment (2022) study. The development site is identified in this study and the assessment on Page 216 cites the site's proximity to the Symmetry Park development and concludes that a limited amount of logistics development of a similar scale, bulk and mass could be accommodated.
- 9.69. The proposed development will have a height of 18 metres for Unit E and 15.5 metres for Unit F. The proposed height parameters align with the height of several existing units at Symmetry Park which also stand at 18 metres (DP World and Ocado) and 15.5 metres (Medline).
- 9.70. Furthermore, the largest unit proposed under the current development is Unit E with floorspace of 14,646 sqm, with Unit F's floorspace amounting to 10,713 sqm. However, both units will not exceed the largest unit within the existing Symmetry Park development, which is the Ocado Unit that has a floorspace of over 25,000sqm which is significantly above Unit E's proposed floorspace.
- 9.71. Overall, it is considered that the proposed development would amount to a logistics development of a lesser scale, bulk and massing than some of the units within the existing Symmetry Park development. Furthermore, the development can be considered as limited in nature as it retains adequate spacing from the side, rear and front boundaries of the site with a great level of proposed and retained landscaping along these boundaries, therefore, mitigating a cramped and contrived appearance. As such, it is considered that the proposal aligns with the landscape sensitivity

assessment (2022) study in terms of the type of development that can be accommodated within the site relative to the adjacent built development and wider surrounding landscape.

- 9.72. As previously mentioned, Unit E is the largest and most prominent Unit proposed under the current development. However, this Unit would be sited a significant distance away from the A41 (at least 180 metres away), which is the main immediate public vantage point, especially for highway users going in and out of Bicester.
- 9.73. Despite the above, the unit is still viewed from the upward high slopes north-east, north and north-west of the site, looking into the site, in particular the by public users of the bridleway circa 235 metres north-west of the site. However, the unit will be viewed in the context and backdrop of the rest of the Symmetry Park development, which as previously mentioned above has units of a similar height and even a greater scale and massing than this unit. Therefore, this unit will not appear out of context and cause any greater perceived visual landscape harm than the existing units within the Symmetry Park development
- 9.74. Unit F will have a height of about 15.5 metres, and it will be sited close to the A41, within a corner plot location, where the A41 and access road for the Caravan dealership intersect. Therefore, it will be a visually prominent structure when viewed from the A41 but not as dominant as Unit E which has been intentionally set away from the A41.
- 9.75. Unit F's visual prominence at the height and scale it is proposed at is deemed by Officers to be acceptable within this corner location close to the A41, as this unit will now comprise of the gateway building into the wider Symmetry Park development and Bicester in general from Aylesbury along this strategic A41 road. Therefore, there is an expectation that any development within a gateway location has a level of visual prominence, well balanced by the retained and proposed planting along the unit's frontages adjacent to the A41 and the access road for the Caravan Dealership site, which will provide an appropriate degree of softening and screening.
- 9.76. The proposed layout plan also indicates an adequate amount of soft landscaping in and around the car parking areas, hard surfaces and also the built development resulting in a good balance between the hard and soft landscaping features within the site.
- 9.77. Overall, the development's height, scale and massing considering the immediate area's context and the proposed landscaping strategy is not considered to cause significant visual landscape harm to the area surrounding the site. Furthermore, adequate planting and soft landscaping is proposed within the site around the buildings and hard surfaces.
- 9.78. The CDC landscape officer made comments on the scheme and raised concerns about the proposed landscaping reaching the desired maturity to visually mitigate and screen the development's scale and prominence. These concerns are noted and Officers consider that it is reasonable and necessary to add a condition to the planning permission which will ensure that any of the planting/trees to be retained or proposed will be replaced if they are deemed to be dead, dying, severely damaged or diseased within ten years of the completion of the building works or ten years of the carrying out of the landscaping scheme (whichever is later).
- 9.79. The above condition will provide the proposed and approved landscaping planting a longer term (more than the 5 year period which is normally required for this type of condition) for significant establishment within the site to greater levels of maturity in the interests of mitigating the development's visual harm. The condition will also allow

scope for a more viable alternative tree/planting scheme to be proposed by the application if replacements are required within a 10 year period.

- 9.80. The proposed development was also accompanied by an Arboricultural Impact Assessment. This document outlines that only 1 tree will be removed to facilitate the development with several other hedges partially removed to accommodate the development. There will also be encroachment into some of the root areas of the trees to be retained. The CDC Arb Officer was consulted and raised no objections to the 1 tree and part hedges proposed for removal. However, upon receiving further information on the extent of the encroachment to the retained trees recommended that a pre commencement arboricultural method statement condition to ensure that adequate construction mitigation methods will be implemented to preserve the long term viability of the retained trees post development.

### Conclusion.

- 9.81. Based on the above, Officers consider that the landscape and visual impacts of this proposal are acceptable having regard to the context of the area. The proposal would involve visually prominent development designed to create a gateway and sense of arrival into the wider Symmetry Park and Bicester. The proposed landscaping scheme, subject to conditions to ensure its adequate establishment and retention, balances the visually prominent units and softens the rest of the development to mitigate significant visual landscape harm. There is also adequate retention of trees which will be safeguarded from damage during the construction phase by planning conditions. On this basis, the proposal is considered to comply with Policies ESD13 and Bicester 12 of the CLP 2031 Part 1 and the NPPF.

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

#### Policy Context

- 9.82. Policy Bicester 12 requires commercial buildings to have a high quality design and finish with careful consideration given to layout, architecture, materials and building heights to reduce the overall visual impact of development. A well designed approach to the urban edge is also required.
- 9.83. 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 its 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.

#### Assessment

- 9.84. The landscape section above already outlines the acceptability of the development's scale, massing and height relative to the adjacent Symmetry Park development. Furthermore, the development is not considered to cause any significant harm to the surrounding landscape. Therefore, this section will assess the proposed design and resultant visual appearance of the proposed units and the general functionality and form of the proposed site layout.
- 9.85. The proposed units are characterised by a barrel-vaulted/shallow curved gabled roof design with therefore a shallow ridge and high eaves design to maximise the floor to ceiling height of the units.
- 9.86. The walls along the elevations of the proposed units will be primarily characterised by an upper level horizontal cladding and a lower level vertical cladding, both with a



varied grey appearance. Intersecting the walls at the intervals along the elevations will be 8 gradated vertically fitted cladding panels comprising of 4 colours from white to slate grey, with a vertical curtain walling glazing in the middle of the panels.

- 9.87. The vertically fitted panels are also found along the edges of each elevation but instead of 8, only 4 panels are along these edges, with no curtain wall glazing.
- 9.88. The office elevations are characterised by an entrance canopy framed by horizontal curtain walling and windows. There is a greater extent of glazing along the office elevations which are mainly viewed from the public vantage points, in particular for the corner plot Unit F, this unit's office elevation directly faces the A41. This activation along the office elevations provides a visual interest to the design of the units and differentiates it from the other elevations.
- 9.89. The above variation in the colour palettes, materials and elevations is considered to break up the massing of the high eaves units together with adding visual interest and distinctiveness, constituting a high quality design and appearance of the units.
- 9.90. The roof design, materials and external appearance of the proposed units mirrors the primary appearance and design language of the existing units within Symmetry Park. Therefore, the proposal is considered to be in keeping with the high quality approach to the existing Symmetry Park development.
- 9.91. Unit F's visually prominent location along the A41 will also provide an appropriate gateway building that accurately reflects the high quality design and appearance of the units within the wider Symmetry Park.
- 9.92. The materials proposed for the external and hard surfacing areas are considered to be appropriate as detailed in the submitted external finishes plans.
- 9.93. In terms of layout, Unit F is located south of the site closer to the A41. Appropriate separation distance of at least 20 metres is retained from this strategic highway road. This provides an adequate landscape buffer between this Unit and the edge of the site's boundary adjacent to the A41. Both Units E and F will also retain a separation distance of at least 20 metres from the private access road leading to the Caravan dealership site. Lastly appropriate distances have also been retained between the development and the adjacent Units with the Symmetry Park development, with planting and soft landscaping buffers incorporated within the gaps.
- 9.94. The staff and visitor car parking areas, together with the cycle storage areas are located adjacent to the office elevations to provide legible and direct access to the units' entrance points. The service yards and lorry parking spaces are located away from the public vantage points and designed in an enclosed nature. The service yard areas will be fenced off with a 2.4 metres green paladin fencing as outlined in the design and access statement and external finishes plan. No other boundary treatments are proposed along the site's perimeter beyond the existing and proposed landscaping planting.
- 9.95. There is also an external staff amenity area proposed for each unit. These areas are opposite/adjacent to the office elevations. The submission includes illustrative/indicative plan outlining the PV layout plan, but details of the exact locations will be submitted at a later date and secured via a planning condition.
- 9.96. The layout also includes an energy centre building related to the development's energy provisions. The submission includes details of this building, which highlight its modest height of 4 metres and materials which reflect the proposed units. The layout also includes other mechanical structures/infrastructure to support the development's

operational use such as pumping stations and houses, sprinkler tanks and PV invertors all within the enclosed service yard areas. The details of this supporting infrastructure have not been submitted. Therefore, Officers deem it necessary to include a planning condition which will secure the specifications and dimensions of the structures prior to their installation to ensure that they are of a scale and appearance which aligns with the rest of the proposed development and surrounding area.

### Conclusion

- 9.97. Overall, the layout, design, scale and appearance of the development is considered to reflect the character of the existing commercial units the development will be viewed in context with. Therefore, constituting a visually appropriate scheme which would align with the design aspirations for the site, as set out in policy Bicester 12 and the requirements of policy ESD15 of the CLP 2031 Part 1. Furthermore, based on the assessment in this section, the development also accords with part (c, d and e) of Policy SLE1 which requires employment development on unallocated sites in rural locations to be of an appropriate scale which respects the surrounding area and landscape.

### **Ecology and Biodiversity**

#### Legislative context

- 9.98. 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.
- 9.99. 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.
- 9.100. A mandatory 10% net gain on-site would be required for this development in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

#### Policy Context

- 9.101. Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); 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.
- 9.102. Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 9.103. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.104. Policy ESD10 of the CLP 2031 Part 1 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.
- 9.105. 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.
- 9.106. Policy Bicester 12 of the CLP 2031 Part 1 requires adequate investigation of, protection of, and management of protected species on the wider site. The policy requires that biodiversity be preserved and enhanced.

#### Assessment

- 9.107. The applicant submitted an Ecological Appraisal dated November 2024 prepared by EDP. The appraisal comprised of several surveys related to the development's impacts on protected species together with a biodiversity net gain assessment.
- 9.108. The Council's Ecologist was consulted in regard to the initially submitted ecology information. No objections were raised in regard to the development's impacts on bats as the trees which were identified to have potential for roosting will be retained as part of the development and with respect to buildings, a total of six buildings were identified within/adjacent to the site and all the buildings were found to be of negligible suitability for bats. A lighting plan condition will be added to the permission to ensure that foraging bats and other habitats will not be impacted by excessive light pollution.
- 9.109. CDC Ecology however, raised concerns in regard to the lack of adequate information related to the development's impact to farmland birds and protected species (in particular Great Crested Newts (GCNs) and loss of priority habitats and inadequate BNG provisions. Further information was also requested on the development's impact on the Ray CTA and LWS. Lastly, comments were made on the loss of ridge and furrow grass land.
- 9.110. The BBOWT objected to the scheme with similar concerns to the above.
- 9.111. The applicant provided further information in relation to an Ecology response and BNG note, metric and Ray CTA briefing note. They also outlined their intention to enter into a district licence scheme with Nature Space to mitigate the development's harm to GCNs prior to the determination of this application. Thereafter, the council's Ecologist was reconsulted and offered no objections to the scheme, in particular the scheme's harm to protected species and no concerns were also raised in regard to

the development's impact on the adjacent Ray CTA in terms of preserving and enhancing this area.

- 9.112. Officers have received formal confirmation from Nature Space in regard to a report and plan they sent to the applicant associated with a district licence scheme which has been entered into with Nature Space by the applicant, to mitigate the scheme's potential harm on GCN and ensure that all measures necessary regarding GCN compensation have been appropriately dealt with.
- 9.113. The applicant is expected to submit this Nature space report and plan to the local planning authority before the proposal's determination to ensure this forms part of the approved details. Nature space's initial objection has now been removed subject to pre-commencement conditions which will be added to the planning permission.
- 9.114. In regard to the BNG provisions, the submitted details outline that there will be a net gain of over 10% in regard to watercourse and hedgerow units. However, there will be an on-site net loss in habitats units of about 38.33 units which equates to 76.4%. The applicant outlined that there will be an agreement in place with the Environmental Trading Platform (ETP) to provide an off-site solution within the same National Character Area (Upper Thames Clay Vale) the habitats lost relate to.
- 9.115. The specification for habitats to be provided is outlined at Table EDP 3.1 of the BNG Review document dated April 2025. The table outlines that the off-set habitat units will provide like for like replacement with the same distinctiveness as the 38.33 units which will be lost to facilitate the development. The table also indicates that that 5.016 habitat units will be provided off-site in order for BNG habitat net gain of 10% to be achieved beyond the on-site baseline of 50.16 habitat units.
- 9.116. The offsetting scheme will be set out within the Biodiversity Gain Plan which is the statutory BNG condition and will need to be submitted to and approved by the Local Planning Authority pre-commencement of the development.
- 9.117. Several other conditions related to a Biodiversity Enhancement Management Plan (BEMP) and Habitat Management and Maintenance Plan will be added to the proposal to ensure the long-term management of the proposed on-site enhancements proposed. CDC Ecology also outlined that they do not object to the submitted LEMP.
- 9.118. Overall, officers are satisfied, on the basis of the advice from the Council's Ecologist and Nature space, and subject to conditions, the proposed development will not cause harm to any protected species. Furthermore, the on-site and off-site biodiversity enhancements will achieve the required legislative biodiversity net gain for a development of this scale. Therefore, the proposed development is considered to be compliant with the NPPF, the Habitats & Species Regulations and Policy ESD10 and Bicester 12 of the CLP 2031 Part 1.

### **Energy Efficiency and Sustainability**

#### **9.119. Policy Context**

- 9.120. The proposed development is expected to demonstrate climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1-5. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm 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.

9.121. 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. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day.

#### Assessment

9.122. The application is accompanied by a Sustainability Statement and supporting appendices which highlights the potential sustainable design measures for the reduction of CO2 emissions. The statement utilises an adopted energy hierarchy in line with Policy ESD 2 of the Local Plan. The hierarchy incorporates 'Lean, Mean and Green' measures to demonstrate that intrinsically low energy buildings can be achieved and that carbon emissions can be reduced to the requirements of Building Regulations and the general requirements of Policies ESD 1-5.

9.123. The '*Lean*' element aims to reduce the energy demand and energy loss by designing efficiency into the thermal fabric of the building, focusing on air tightness, thermal mass and thermal bridging. Increase energy efficiency and controls of internal building services, such as lighting, heating, air-conditioning and ventilation. Section 4.1.1 – 4.1.4 of the submitted sustainability statement outlines that the passive measures to be incorporated into the development to reduce energy use and carbon emissions include;

- Energy efficient building fabric in line with 2021 Part L Building Regulations.
- Low air permeability target of 3m<sup>3</sup>/hr/m<sup>2</sup> @ 50Pa, which is above the standards outlined in the 2021 Part L Building Regulations, therefore, achieving a very low rate of air leakage.
- Optimisation of Solar Gain and Natural daylight, through the use of efficient glazing and rooflights

9.124. '*Mean*' element aims to ensure that building services efficiently use energy. For this development this will be through a metering strategy identifying where major opportunities to reduce energy consumption can be realised. More measures for more efficient use are identified in Section 4.2 of the sustainability statement.

9.125. The '*Green*' element aims for potential use of low carbon technologies to offset carbon emissions and energy usage, if feasible and required to comply with Building Regulations. Section 4.3 outlines that both units shall implement the relevant appropriate technologies derived from a feasibility study outlined in the supporting feasibility report appended to the sustainability statement.

9.126. As per Policy ESD 4, the study also considered the use of decentralised energy sources such as biofuel combined heat and power systems. This was discounted due to lack of space onsite to accommodate this and ongoing maintenance costs.

9.127. The study concluded that the most feasible sources of low carbon energy sources would be roof mounted PV panels and Air-Source Heat Pumps to be installed to office areas within the building for heating/cooling.

9.128. No total area of PV panels proposed for both Units has been proposed however, the proposal is accompanied by indicative roof layouts which highlight that both roofs can accommodate an extensive area of PV panels together with an allowance for rooflights and roof access provisions. No information has also been provided for the

location and specifications of the air source heat pumps. The specific details and locations of the air source heat pumps and PV solar panels will be secured via a planning condition.

- 9.129. The sustainability statement does however conclude that the PV solar panels can achieve an indicative reduction in carbon emissions of -117.3% for Unit E and -113.8% for Unit F (BER) compared to the notional building (TER). Furthermore, the statement outlines that the use of PV panels will reduce carbon emissions of both units by over 90%. The exact details of the energy generation and output will be secured via a planning condition when the quantum/area of PV panels is known.
- 9.130. The development aims to achieve a minimum BREEAM rating of very good. This would align with Policy ESD 3 and a condition will be added to the permission to ensure this can be achieved by the development as per the pre-assessment. In terms of water consumption, the report does not detail this in full, but details of the development's water consumption can be secured via a suitably worded planning condition.
- 9.131. Overall, subject to the imposition of suitable conditions requiring compliance with the submitted Sustainability Statement and further information in line with the statement, Officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy and will therefore, align with Policies ESD 1-5 of the Local Plan. Furthermore, based on the assessment in this section, the development also accords with part (c) of Policy SLE1 which requires employment development on unallocated sites in rural locations to be designed to very high standards using sustainable construction methods.

### ***Flood Risk and Drainage***

#### **Policy Context**

- 9.132. The NPPF states at paragraph 181 that *when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.*
- 9.133. 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**

- 9.134. The site lies within Flood zone 1. A flood risk assessment (FRA) and drainage reports have been submitted with the application which addresses flood risk and drainage matters.
- 9.135. OCC LLFA initially objected to the scheme due to inadequate details related to surface water catchment and surface flood exceedance plans, management of SUDS, SUDS calculations and drainage infrastructure and consent from relevant party to discharge surface water. The applicant provided the additional information required to address the LLFA's concerns. The LLFA were reconsulted to review the additional information provided and offered no objections subject to compliance and implementation conditions.
- 9.136. The FRA outlines measures intended to manage and mitigate flood risk. Such measures include;

- No development in areas of the site modelled to have a higher flood risk
- The FFL of the proposed buildings and some external areas have been raised above design flood levels. The smallest freeboard would amount to 720mm for Unit F, with Unit E's freeboard amounting to 1100mm above the flood design level (mAOD) outlined in Section 5.3.1.2 of the FRA.
- Provision of a culvert to carry the ordinary watercourse beneath the proposed access road to accommodate flood design event flow.
- A lowered area to the southwest of the site that can accommodate a volume of 1,217 m<sup>3</sup>, which ensures that there is no increased risk of flooding offsite. A small reduction in flood risk to the service yard of the Bentley site is noted as a result.
- External ground levels have been designed to slope away from buildings, and to ensure, where applicable, overland surface water flow routes are directed away from and around buildings and entrances.
- Access and egress to the site is proposed via a new connection to Morell Way in the west. The connection route is raised above the design flood level following incorporation of the access road and culvert into the model. Therefore, safe access/egress can be achieved.

9.137. The submitted drainage report outlines that the proposed SUDS features for the development will include rain gardens and bio-retention features and below ground attenuation systems. The full SUDS strategy and further details are included in the appended documents related to the drainage report which were supplemented by a flooding technical response note submitted to address the LLFA's concerns.

9.138. In regard to foul water, both units will treat its foul water via dedicated treatment plants, for which the treated water will be discharged along with the surface water system discharging to the ditch. No objections were raised by the LLFA in regard to this discharge strategy as it would align with the surface water drainage provisions.

### Conclusion

9.139. Overall based on the submitted flood and drainage information submitted it is considered that the development is safe and appropriate and would not increase flood risk from fluvial, tidal, surface water, groundwater, sewer and artificial sources. Therefore, 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.

### **Heritage impact**

#### Policy context

9.140. Paragraph 205 of the NPPF states that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'. The NPPF also states that where a development proposal leads to harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal.

9.141. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that

new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

### Assessment

- 9.142. The site lies in an area of archaeological interest and potential, in a landscape with recorded remains from the early Roman occupation. The site has been subject to a geophysical survey which recorded ditches, pits and other anomalies which may be an extension of a field system which was revealed during evaluation immediately to the west. Archaeological investigation of the remains to the west revealed a landscape dominated by Roman viticulture; this is an important example of early Roman largescale agriculture soon after the invasion. The spread of viticulture in this region is likely to reflect Roman forces asserting their ownership of the land after the establishment of Alchester.
- 9.143. OCC Archaeology were consulted and offered no objections subject to a further phase of archaeological mitigation in relation to an Archaeological Written Scheme of Investigation, relating to the application site area. Conditions are recommended to secure the mitigation, and these will be added to the planning permission.
- 9.144. The development site is also in proximity to other heritage asserts such as the Grade II listed 18th century Blackthorn Hill Windmill, located c.400m east of the Site, Grade II listed early 18th century Wretchwick Farmhouse, located c.660m west of the Site, and Grade II listed early 18th century barn approximately 50m south of Wretchwick Farmhouse, located c.660m west of the Site. However, there is adequate separation distance between the site and the heritage assets outlined above to mitigate the development's impact on the setting surrounding these heritage assets. Furthermore, as already mentioned the development will be well screened and softened by existing mature planting and proposed planting along the site's perimeter and its scale is also relatable to the adjacent Symmetry Park development it will be directly read/viewed alongside.

### Conclusion

- 9.145. Based on the above, officers are confident that that scheme will comply with Policy ESD15 of the CLP 2031 Part 1 and the NPPF, which relate to the preservation of archaeology remains and mitigation of any harm to such heritage assets, together with mitigating harm on other relevant heritage assets related to the historic built environment.

### ***Environmental impacts***

#### Policy context

- 9.146. Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.

### Assessment



- 9.147. The Environmental Protection Team (EP) were consulted on the scheme. In regard to noise, disturbances and environmental pollution during the construction phase of the development, the submitted Construction Environment Management Plan (CEMP) was considered acceptable by them to mitigate any adverse impacts to residential properties adjacent to or surrounding the site. Furthermore, the submitted noise and air quality assessments are also considered acceptable. However, there is several plant machinery equipment proposed with no details on their air and noise emissions. Therefore, a supplementary air and noise assessment condition was recommended and will be added to the permission to ensure appropriate measures will be put in place to mitigate any additional noise and air pollution.
- 9.148. They also recommend the submission of a phase 2 ground investigation report, which will be secured via a planning condition. A further condition will also be added to ensure that 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 have been submitted for approval by the council.
- 9.149. Lastly, a condition to seek a detailed lighting scheme has also been recommended and this is considered a suitable condition to ensure the scheme does not cause harm in environmental terms, this condition will also cover the ecological consideration in relation to light pollution and spill.
- 9.150. Given the above assessment, it is considered that environmental risks can be adequately dealt with via the imposition of conditions. This will ensure compliance with Policies ENV1 and ENV12 and ensure that the amenities of the residential properties in the locality are not unduly affected by environmental pollution.

#### ***Other material considerations***

- 9.151. Given the proximity and potential ease of access to the A41 strategic road network and the resultant risk of the site potentially being at higher risk of targeted crime and ASB, Thames Valley Police recommended some hostile vehicle measures to mitigate against unauthorised entry and rapid exits.
- 9.152. Officers do not consider this to be necessary for this development as such measures are normally associated with crowded public spaces and critical infrastructure to mitigate against vehicle borne attacks as opposed to a commercial premises. Furthermore, the submitted details outline a fencing along the service yard areas where external elements of the scheme will be located such as plant machinery.
- 9.153. Officers are generally confident that the scheme in terms of its layout has been designed in way that does not have empty isolated/enclosed spaces with poor surveillance that encourage criminal activities. Lastly, it will be in the occupiers' interests to ensure that adequate surveillance and security measures are implemented within the units and the site in general to mitigate crime and disturbances. Therefore, Officers are confident that such measures will be implemented at the appropriate stages by the relevant occupiers of the units.
- 9.154. There will be no immediate residential properties close to the site. Therefore, it is not considered that the proposal will impact the amenities of any residential properties. Furthermore, the operational phase of the development will be in line with the current operations at the existing Symmetry Park development. As such, the development will not impact any residential amenities, and it will accord with part (e) of Policy SLE1 which requires employment development on unallocated sites in rural locations to be carried out without undue detriment to residential amenity.

9.155. The development would lead to the loss of Agricultural land, some of which is considered to be the best and most versatile land within part of the site. Whilst this loss cannot be mitigated for, the development's benefits as outlined in the planning balance section will outweigh any harm caused by the loss of this agricultural land.

### ***Planning Obligations***

9.156. A S.106 Legal agreement will be required to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport etc. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

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

9.157. Officers have had regard to the statutory tests in considering the application and recommend that the following items be secured, in the event that planning permission is granted, in order to mitigate the impact of the proposed development;

<b><i>Contribution</i></b>	<b><i>Amount £</i></b>	<b><i>Price base</i></b>	<b><i>Index</i></b>	<b><i>Towards (details)</i></b>
Public transport services	£83,241.26	October 2023	RPI-x	The continued / improved operation of bus services serving Bicester
Travel Plan Monitoring	£6,530	October 2024	RPI-x	To enable the Workplace Travel Plan to be monitored for a period of 5 years following occupation.
Walking and Cycling Improvements	£80,575	March 2025	Baxter	Improvements to cycle/walking facilities along the A41.

9.158. The District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within any S106 agreement and the District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred.

### ***Planning Balance and conclusion***

9.159. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.

9.160. The application proposes development on a site which is not allocated for development and would not be in accordance with the development plan. However, the site is proposed for development through the Council's Emerging Local Plan Review (2042). Furthermore, the development would also lead to the loss of Agricultural land, some of which is considered to be the best and most versatile land within part of the site. However, the scheme has several benefits outlined below;

*Environmental;*

9.161. Sustainable location, easily accessible by various transportation modes including buses, walking and cycling. Furthermore, development will provide contributions towards the improvement of active travel infrastructure, mitigating the overreliance of private cars travelling to the site.

9.162. Sustainable construction methods and the use of low carbon emissions technology beyond what is required by building regulations. Therefore, constituting a proposal that will mitigate against climate change.

*Socio-economic*

9.163. Provision of up to 300+ jobs, some of which will plug the deficit of the total jobs required by the Bicester 12 allocation which were left unmet, therefore, aligning with wider local plan employment creation aspirations and objectives.

- Creation of construction jobs during the construction phase of the development.
- Boost to local economy during operational phase of the development.
- Accommodate an identified demand for employment development.

9.164. The identified benefits above are considered to outweigh the potential harm arising from the proposal's development on an unallocated site and loss of agricultural land. Furthermore, the proposal was also assessed and considered compliant with Policy SLE1 which permits development on unallocated sites in rural areas subject to a specific criteria set out within this policy. Lastly, the land is not currently being utilised for this agricultural purpose, therefore, there are no current benefits arising from the land's existing use. Consideration has also been given to this proposal against the requirements of proposed policy BIC E5 and the proposal aligns with the intentions for this site as set out in that emerging policy, albeit this carries limited weight at this time.

9.165. Overall, based on the above and the assessment in this report as a whole it has been identified that there are other material considerations which on balance outweigh the harm arising from development on an unallocated site and loss of agricultural land. Therefore, the development is considered to be an acceptable development. Approval is thus recommended subject to conditions and planning obligations.

**10. RECOMMENDATION - DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:**

(i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND

(ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING INFRASTRUCTURE PROVISIONS (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY);

- a) Public Transport services - £83,241.26 (index linked)
- b) Walking and Cycling improvement - £80,575 (index linked)
- c) Travel Plan Monitoring - £6,530 (index linked)
- d) Payment of the District Council and County Council monitoring costs – TBC

***Conditions***

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

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

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

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

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

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

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

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

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

5. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within any buildings permitted by this application shall be carried out without the prior planning permission of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

Proposed Office Plan – Unit E, ref; BSP- PHP- 06- ZZ-DR- A- 4036- 201

PL01, dated 16 October 2024

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

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

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

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

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

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

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

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

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

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

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

Detailed Proposed Landscaping Proposals Sheet 1, ref; edp7480\_d021c,  
dated 28 November 2024

Detailed Proposed Landscaping Proposals Sheet 2, ref; edp7480\_d021c,  
dated 28 November 2024

Detailed Proposed Landscaping Proposals Sheet 3, ref; edp7480\_d021c,  
dated 28 November 2024

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

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

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

Arboricultural Impact Assessment, ref; edp7480\_r007, dated; November 2024

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

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

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

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

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

Written Scheme of Investigation for an Archaeological and Heritage Assessment, ref; edp7480\_r002a, dated; November 2024

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

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

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

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

Ecological Appraisal (Parts 1-3), ref; edp7480\_r004c, dated; November 2024

Ecology Response Note, ref; edp7480\_r011, dated; February 2025

Landscape and Ecological Management Plan, ref; edp7480\_r008d, dated; April 2025

Ray Conservation Target Area (CTA) Briefing Note, ref; edp7480\_r012a, dated; March 2025

Biodiversity Net Gain Review, ref; edp7480\_r013a, dated; April 2025

Waste Management and Servicing Strategy, dated; November 2024

Construction Environmental Management Plan, dated; November 2024

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

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

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

7. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (except in service yard areas) hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

8. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, ref; 22281-HYD-XX-XX-RP-WENV-0001 P03, dated; 21 November 2024 and Drainage Strategy Report (including appendix A-D), ref; 22281-HYD-XX-XX-RP-C-0001, dated; 20 November 2024. The development shall thereafter be implemented in accordance with the approved surface and foul water drainage scheme (including flood mitigation measures) and shall not be occupied until the approved surface and foul water drainage scheme and flood mitigation measures have been full laid out and completed.

Reason: In accordance with paragraph 170 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

9. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register to demonstrate the SuDS and site wide drainage scheme has been implemented in accordance with the approved plans referenced in Condition 8. The details shall comprise:

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

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

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

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. No removal of hedgerows, trees or shrubs nor works to, or demolition of



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

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

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

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

13. As a potential risk from contamination was identified in the Phase 1 desk study, ref; 22281-HYD-XX-XX-RP-GE-1003-S2-P01, dated; 18 September 2024, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

14. If contamination is found by undertaking the work carried out under condition [13], prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal by. has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

21. The development hereby permitted shall be carried out and maintained in strict accordance with the Landscape and Ecological Management Plan (LEMP), ref; edp7480\_r008d, dated; April 2025.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

22. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement Management Plan (BEMP) for enhancing biodiversity on the site so that an overall net gain is achieved has been

submitted to and approved in writing by the local planning authority. This shall also include a timetable for provision of measures. Thereafter, the biodiversity enhancement scheme shall be carried out and retained in accordance with the approved details.

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

23. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat

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

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

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

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

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

24. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land Adjacent to Symmetry Park: Impact plan for great crested newt District Licensing (Version 2)", dated 24th April 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

25. No development hereby permitted shall take place unless and until a certificate

from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

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

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

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

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

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works,

including any footpath diversions. The erection and maintenance of security hoarding / scaffolding if required.

- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0345 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

28. Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

29. Prior to the first occupation of the development hereby approved, individual Travel Plans for the three units, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and reflecting the measures set out in the Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

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

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

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

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

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

Reason – To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and Government guidance contained within the National Planning Policy Framework

33. Prior to their installation details and specifications of the Pump Station, PV Inverter, Sprinkler Tanks and Pump House outlined in the approved Proposed Site Plan, ref; 4036-X3-SK030PL02, dated 10 March 2025, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason – To ensure the scale of this ancillary infrastructure is appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

34. Prior to the construction of any building above slab level, details of the exact energy output, materials, specifications, location of the measures outlined in the submitted Sustainability Statement (Part 1-7), dated; 25 November 2024, (including appendix A-C) to increase energy efficiency and thermal performance and reduce carbon emissions including the provision of renewable energy measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of energy output, materials, specifications, and the provision of renewable energy measures shall be installed prior to the first occupation of the buildings.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD1-5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

35. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve the development has been submitted and approved in writing by the Local Planning Authority. The approved electric vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the building it serves.

Reason - To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework

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

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

37. Prior to the first occupation of each unit, details of the measures to be installed in that unit to minimise water consumption shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.

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

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

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

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

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

40. Prior to any demolition and the commencement of the development information



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

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

Agenda Item 11  
**24/0350/F**  
**73 High Street**  
**Kidlington**  
**OX5 2DN**

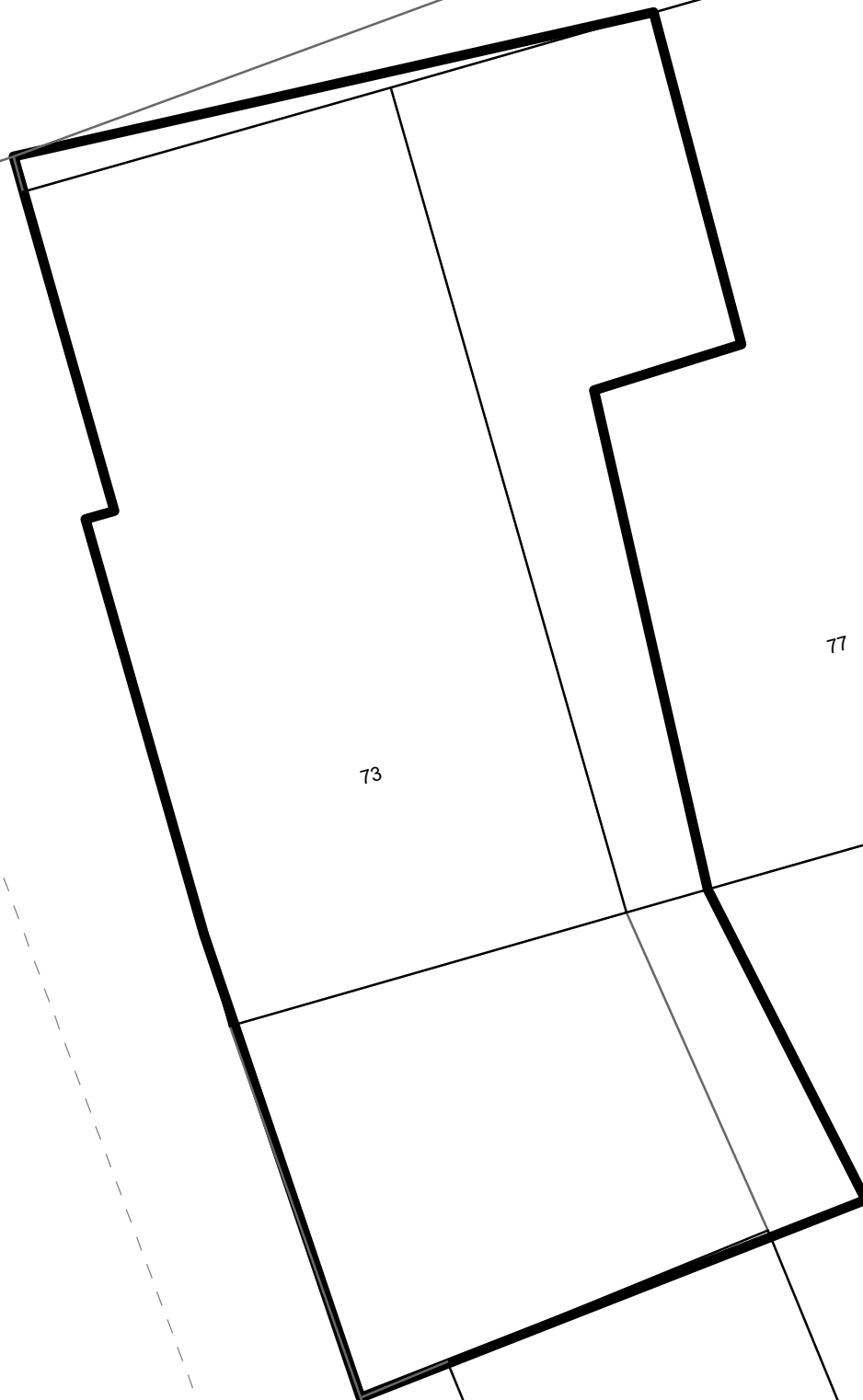


**24/03350/F**

**73 High Street**

**Kidlington**

**OX5 2DN**



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Page 119

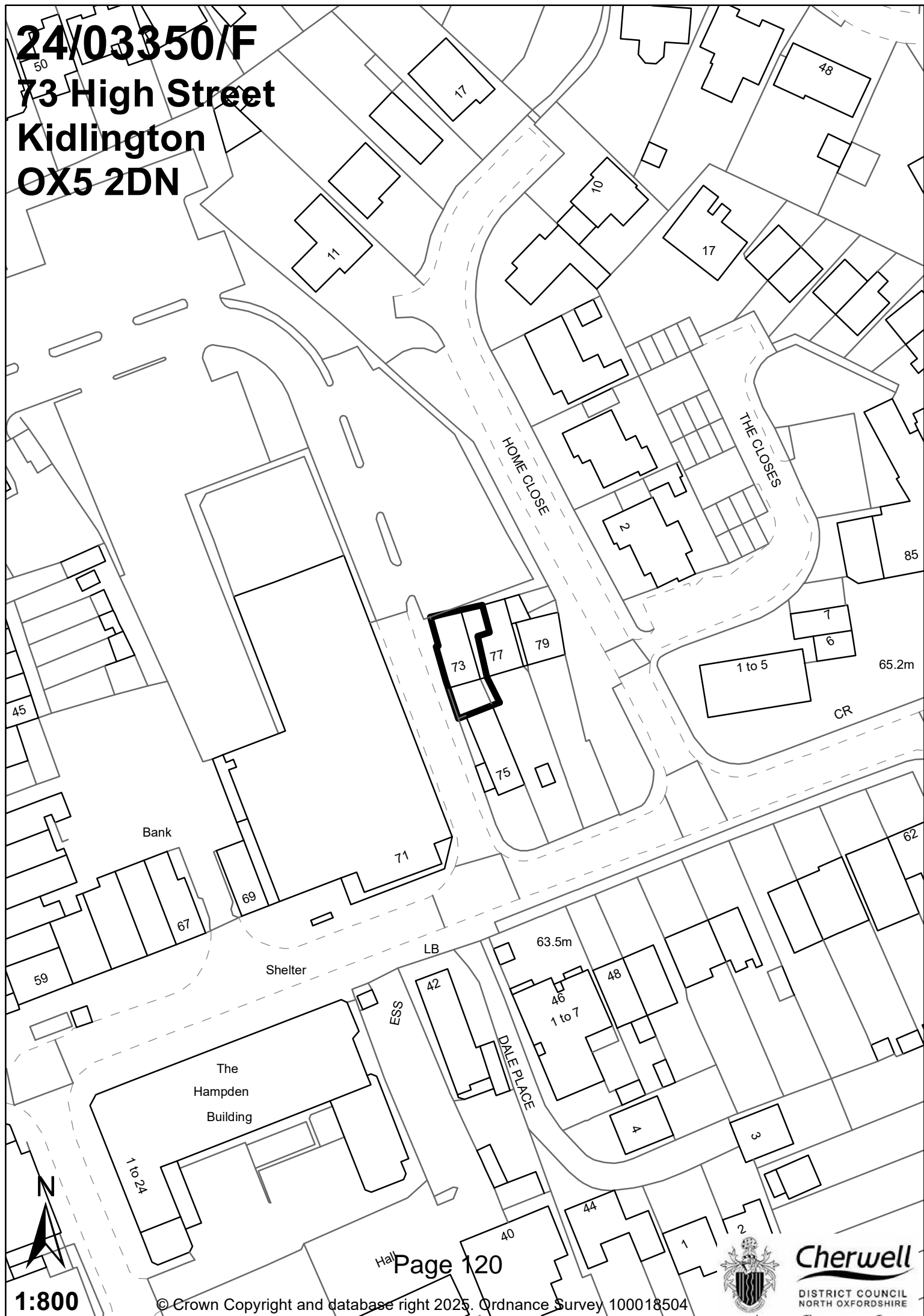
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***Cherwell***  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

24/03350/F

73 High Street  
Kidlington  
OX5 2DN



**Case Officer:** Sophie Browne

**Applicant:** Mr Rajinder Parshad

**Proposal:** RETROSPECTIVE - First floor extension over an existing garage with eaves height increment to accommodate new windows

**Ward:** Kidlington West

**Councillors:** Councillor Walker, Councillor Conway and Councillor McLean

**Reason for Referral:** Called in by Councillor Walker for the following reasons: Second retrospective application for a development that was previously refused by the Planning Committee; inaccuracies in the application details; adverse impact of the development on the host building, which is a non-designated heritage asset.

**Expiry Date:** 13 February 2025      **Committee Date:** 15 May 2025

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

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises a two storey dwellinghouse and small garden located near the centre of Kidlington. The dwellinghouse is sited at one end of a terrace of three cottages, which are understood to have been converted from an historic barn. The row is set some 30m back from the High Street to the south, from which it is separated by gardens and parking areas as well as no.75 High Street, which is located approximately 5m from the southern elevation of no.73 and immediately adjacent to the southern site boundary.
- 1.2. The four dwellinghouses are surrounded by highways on three sides – High Street to the south, Forester’s Way to the west, and Home Close to the east – with Tesco’s car park abutting the northern elevation of nos.73 and 77. A Tesco superstore occupies a large brick building of a functional, commercial character immediately across Forester’s Way from the application site, from which it is approximately 9m distant. Tesco marks the start of the commercial stretch of the High Street, which continues to the west.
- 1.3. The site is surrounded by residential development to the east and south of varied character. Development along the southern side of High Street dates primarily from the inter- and post-war periods according to historic mapping, with Home Close developed in the early 1960s. Older development runs along the northern side of High Street to the east of the application site.
- 1.4. The row made up of nos.73, 77, and 79 comprises a linear, gable-ended building with a dual-pitched roof oriented parallel to High Street. It is constructed of rubble stone with a concrete-tiled roof, although the southern elevation of the centre dwellinghouse (no.77) has been covered with white render. The dwellinghouses all have modern windows and the openings to no.73 have red brick surrounds. A number of rooflights have been inserted to both roofslopes of no.79 and a chimney stack constructed rising



from the centre of the ridge of no.77. To the rear, there is a central, two storey, gabled protrusion from no.77, with a largely red brick northern elevation and concrete-tiled roof. A catslide lean-to of rubble stone extends to the east of this, with the subject extension to no.77 adjoining it to the west.

- 1.5. The front elevation of no.73, insofar as this is where the front door is located, is the western gable end, which fronts directly onto Forester's Way. The northern elevation of the building fronts directly onto Tesco car park, which previously comprised the side elevation of a lean-to garage with doors to the western elevation. The works that are the subject of this retrospective application altered and extended this single-storey lean-to upwards and are detailed in Section 3 of this report.

## **2. CONSTRAINTS**

- 2.1. The application site is within an archaeological alert area related to Kidlington's historic core. It is located approximately 55m west of Kidlington High Street Conservation Area and some 67m west of the Grade II listed no.85 High Street, which is located within the Kidlington High Street Conservation Area. By virtue of its age and historic interest as a surviving – albeit converted – agricultural building associated with the rural history of the settlement, the three-dwelling terrace encompassing the application site is considered to be a non-designated heritage asset.

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

- 3.1. The application is retrospective and seeks to retain a first-floor extension to the existing lean-to garage. There has been no change to the footprint of the original extension. The works to erect the first-floor extension include raising the western eaves from approximately 3m to approximately 4.3m in height and the construction of a dual-pitched roof with a ridge height of approximately 7.2m, creating a north-facing gable. The eastern roofslope is slightly truncated to accommodate the insertion of a gutter between the subject extension and the adjoining construction at no.77, resulting in the eastern eaves standing at approximately 4.5m.
- 3.2. The extension is constructed in materials to match the existing lower floor extension and host dwellinghouse. It has three lower floor and three upper floor windows to the northern gable and the garage door to the eastern elevation has been infilled in matching rubble stone with the brick detailing retained. The infilling of the garage door and insertion of ground floor windows facilitates the conversion of the garage to living accommodation, which could be achieved under permitted development rights.

## **4. RELEVANT PLANNING HISTORY**

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

23/01073/F 'Proposed roof extension with associated internal and external works'. Permitted 19.6.2023.

23/03368/F 'First floor extension with associated internal and external work (follow-up to 23/01073/F)'. Refused 19.7.2024.

- 4.2. On 11.7.2024, Planning Committee resolved to refuse application 23/03368/F for the following reason:

*"The extension, by virtue of its size, scale and form, has an adverse impact on the character, appearance and significance of the application property, which is considered to be a non-designated heritage asset. The proposal therefore runs contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28*

*and C30 of the Cherwell Local Plan 1996, The Kidlington Masterplan 2016 and Government guidance contained within the National Planning Policy Framework.”*

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

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

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **20 March 2025**.

- 6.2. Four objections have been received from third parties, three of which are from the same individual, and are summarised as follows:

- Colour of the roof tiles (to extension and main roof) of no.73 does not match the remainder of the terrace, eroding the character of the area.
- Impact on a non-designated heritage asset dating from 1733 (incongruous form that does not accord with the CDC ‘Guide for the conversion of farm buildings’; loss of historic fabric to create internal connection to the main house).
- The development was refused by the Planning Committee on 11.7.2024, there is no material difference between that application and the current application, and no additional information has been submitted to indicate why a departure should be made from that decision to refuse.
- The comments from the Conservation Officer do not provide any new information that was not previously available to the Planning Committee.
- Failure to accord with local and national policy and guidance and The Town and Country Planning (General Permitted Development) (England) Order 2015 (revised May 21<sup>st</sup> 2024), particularly in relation to barn conversions.
- Inaccuracies in the submitted details.
- Concerns regarding procedural issues including the late serving of the Article 13 Notice to the owner of the adjoining property, the LPA having publicised the application and then accepting amended plans (contrary to guidance requiring the LPA to be satisfied that the description of the development is accurate prior to publicising it), that this is a second retrospective application, and an enforcement notice has been issued

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

## **7. RESPONSE TO CONSULTATION**

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

- 7.2. KIDLINGTON PARISH COUNCIL: **Objects** on the grounds that: this is a second retrospective application; CDC's Conservation Officer has not been consulted.
- 7.3. WARD MEMBER: Cllr Walker **objects** on the grounds that: this is a second retrospective application; there are inaccuracies in the submission documents; the development is a "non-permitted extension" on a non-designated heritage asset that is visually prominent on the High Street, contributes to its historic character, and is adjacent to the High Street Conservation Area; that the development fails to comply with local and national policies, the Council's supplementary planning guidance, and The Town and Country Planning (General Permitted Development) (England) Order 2015 (revised May 21<sup>st</sup> 2024). Further comments additionally note that the Conservation Officer's comments do not include any new factual information, were not sought until a late stage after substantial work had been completed, and that the previous permission was to raise the height of the garage, not to construct a single storey extension. Cllr Walker's second set of comments also contends that much of the diminution of the character of the original barn referred to by the Conservation Officer arises from the subject development, queries why a second retrospective application has been accepted, and notes that the Conservation Officer's comments do not refer to either the Kidlington High Street Conservation Area Appraisal or the Council's design guide for the conversion of historic barns, neither of which the development adheres to.
- 7.4. CONSERVATION OFFICER: **No objection**, comments as follows:

***"Significance:** The building that is the subject of this application is not a Listed Building and is not located within Kidlington Conservation Area. The building is now three dwellings, but the historic maps suggest that historically this was part of a larger barn likely associated with the property known as The Laurels, both of which were possibly part of the larger Manor Farm complex. The Main house that appears on historic maps and so potentially associated with Manor Farm (now believed to be 85 High Street) is late 17th century in origin and the application building has a date stone of 1733, indicating that despite extensive alterations some historic fabric may still remain.*

*The building can therefore be considered as a non-designated heritage asset taking into account the National Planning Policy Framework 2024.*

***Appraisal:** It is accepted that the building contains some historic fabric, and from historic maps it is indicated that this building was potentially part of a larger barn, however the building has been altered substantially and converted to three dwellings probably in the 1930's (prior to the 1947 planning Act and the Planning (Listed Buildings and Conservation Areas) Act 1990). This has resulted in much of the character of the building as an agricultural building being notably diminished. Furthermore the surroundings which include the car park, large supermarket building and housing development have resulted in the erosion of the context of the building and its relationship with surrounding properties including the Listed Building (formerly the farmhouse).*

*In terms of the extension it is accepted that the two-storey gable extension is larger than the small lean to that previously existed and the previously approved single storey extension. However this does not mean that it is harmful to the character of the historic building. The design, siting and materials are considered to be complementary to the building and do not detract from or reduce the legibility of the building further. In short, the extension retains the character of the building as it appears now, which is in the form of three cottages. When considering the potential historic fabric that was removed to accommodate the new extension it is considered that this does not constitute a loss of significant fabric and as the building is not a Listed Building there*



*is limited controls on the demolition of a small part of the building. Overall the works are not considered to be harmful to the non-designated heritage asset.*

*Because of the distances involved the application site is not considered to be within the setting of the designated heritage assets. Therefore extending this building to the rear does not result in harm to the significance of the Listed Building or conservation area.”*

## **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
- ESD15 - The Character of the Built and Historic Environment

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

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- Kidlington Framework Masterplan (2016)
- Oxfordshire Parking Standards for New Developments (2022)

## **9. APPRAISAL**

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

- Design and impact on heritage assets
- Residential amenity
- Highway impacts
- Other matters

### Design and impact on heritage assets

9.2. CLP 2015 Policy ESD15 seeks to secure high quality design that complements and enhances its setting. Amongst other things, it states that “*proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage assets as set out in the NPPF and NPPG*”.

9.3. CLP 1996 Policies C28 and C30 exercise design control over new development including residential extensions, seeking to ensure that layout, design and external appearances, including the choice of external materials, are sympathetic to the

context of the development, and that proposals for extensions are compatible with the scale of the existing dwelling, its curtilage, and the character of the street scene.

- 9.4. The Kidlington Framework Masterplan supports these aims. Theme 1 of the Framework seeks to 'reveal Kidlington's distinctive identity by, *inter alia*, establishing an attractive townscape character through high quality design of new buildings and public spaces. CLP 2015 Policy ESD15 and the Cherwell District Design Guide are referenced in relation to securing high quality design across all new development.
- 9.5. Section 16 of the NPPF relates to the conservation and enhancement of the historic environment. Specifically, paragraph 208 requires the LPA to "*identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise*" and taking this into account in consideration of the impact of a proposal on a heritage asset. Paragraph 216 states that: "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"
- 9.6. Notwithstanding comments received from interested third parties, the application site is considered not to affect the setting of either Kidlington High Street Conservation Area or any nearby listed buildings by virtue of its degree of separation from these heritage assets and the presence of existing intervening development. It is over 50m from the edge of the conservation area, from which it is separated by the twentieth century development along Home Close. Given this, the Kidlington High Street Conservation Area Appraisal is considered not to be of relevance to the assessment of the proposal.
- 9.7. As set out in section 1 of this report, the site context is one of modern development with the twentieth century residential development to the east and south of the site and commercial development to the west and north. The extension proposed for retention is experienced primarily in the context of the large Tesco building located some 9m to the west and the associated car park that abuts the northern elevation of the extension. The site context is therefore of very limited sensitivity in terms of aesthetic merit or heritage interest.
- 9.8. As acknowledged by the Conservation Officer, the host building supporting the extension can be regarded as a non-designated heritage asset by virtue of its age and historic interest in association with the farming history of the area, although it is noted that it is not identified as a locally listed buildings in the Kidlington Framework Masterplan. However, the original building appears to have been converted to housing prior to the introduction of The Town and Country Planning Act 1947, which first brought about the planning system in England as we know it today, and subsequent interventions have severely diminished its character and appearance such that it is no longer readily legible as a converted agricultural building.
- 9.9. Concerns that the subject development does not adhere to the Council's 'Design Guide for the Conversion of Farm Buildings' (2002) and its advice in relation to extensions are noted, however this guidance is considered to be of limited relevance given the degree to which the existing alterations contravene this guidance document, including the following interventions that are not related to the subject development: the building has been sub-divided into three dwellings, with associated internal divisions that are not supported in relation to the conversion of agricultural buildings; numerous new openings have been introduced with distinctly domestic, in appearance, windows fitted; the domesticating feature of a chimney stack has been introduced; render has been applied to the central dwellinghouse; the roof covering

has been replaced; and the grounds of the building have been sub-divided to the detriment of its setting and legibility. Third party comments regarding the retention of the planform of the original agricultural building are noted, however historic mapping indicates that this is less clear-cut than the T-shaped form that is asserted, with some records appearing to indicate an historic structure on a similar footprint as the works proposed for retention.

- 9.10. It is noted that an objection has been raised relating to the loss of historic fabric in the form of part of a wall that is believed to form part of the original building. Non-designated heritage assets are not afforded the same protections in relation to demolition or the loss of historic fabric as are listed buildings, and the PPG states the following:

*“What permissions/prior approvals are required for demolition outside conservation areas?”*

*The position of the demolition of statues, memorials and monuments is set out in paragraph 125.*

*The demolition of any other building, apart from a pub, wine-bar or other drinking establishment, outside conservation areas is permitted development under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. No planning application is required because planning permission for the demolition is granted by the Order, subject to conditions set out in Part 11. For example, the prior approval of the local planning authority may be required as to the method of demolition and the proposed restoration of the site.”*

- 9.9 Whilst the Council is required to undertake a balanced judgement in relation to the impacts of a development proposal on the significance of a non-designated heritage asset, it is noted that in this instance the demolition of the building in its entirety could be achieved under permitted development rights. Given this, the formation of two new doorways within an existing wall is considered not to result in an unacceptable adverse impact on the significance of the non-designated heritage asset. It is also noted that a number of the elements of the works that interested parties have expressed concerns over could also be achieved under permitted development rights, including the replacement of the roofing materials over the whole property, the replacement of the front door, the insertion of opaque glass to the front windows, the conversion of the garage to living accommodation, and the installation of additional ground floor windows
- 9.10 Whilst the two-storey gable extension is larger than either the previously existing or permitted extensions, this increase in size does not automatically result in harm to the character of the building. As noted above, the building no longer retains its original agricultural character and instead has the character and appearance of a row of three cottages.
- 9.11 The Council's 'Home Extensions and Alterations Design Guide' SPD advises that “extensions should normally match the original building in materials, proportions, roof pitch and window detailing. Ideally, the eaves and ridge lines should be lower than those of the main roof to make the extension subservient to the original building” and “should be designed to reflect the character of the original building in the design” (section 5). It is noted that the roof pitch of the extension is slightly shallower than that of the main building, however the overall form, proportions, materials and window detailing are a good match to the host building and the extension is demonstrably subservient by virtue of the stepped down eaves and ridgeline. Given this, the

development is considered to reflect the character of the original building, as required by the Design Guide, in light of which, as noted by the Conservation Officer, *“the design, siting and materials of the extension are considered to be complementary to the building and not to detract from or further reduce the legibility of the building.”*

- 9.12 Interested third parties have raised concerns that the Conservation Officer's comments do not introduce any new factual information that the Planning Committee was not aware of during its consideration of the previous application and further note that the conclusions reached by the Conservation Officer are very similar to those put before the Planning Committee by Planning Officers on 11<sup>th</sup> July 2024. The refusal reason for the previous application hinged on the adverse impacts of the development on a non-designated heritage asset, however, and in this context, it is important to note that at that time the development had not been assessed by one of the Council's heritage experts. The current application was accepted for consideration in order to accommodate this expert assessment of the heritage impacts and, given the contentiousness of the application, the development was discussed amongst members of the Conservation Team prior to the Conservation Officer submitting formal comments. Given this, due weight should be afforded to the assessment provided by the Conservation Officer of the impacts of the development on the significance of the non-designated heritage asset.
- 9.13 Whilst it is acknowledged that the host building and its associated row can be regarded as a non-designated heritage asset, the significance of the asset has been much diminished by extensive alterations that have already been made to the building and are not related to the subject development. As such, its original agricultural character has been lost, and it has the character and appearance of a row of three cottages. The extension to the building accords with the Council's supplementary planning document in relation to the design of householder extensions and, by extension, the requirements of CLP 2015 Policy ESD15 in achieving a high quality design that complements its setting. As detailed above and confirmed by the comments of the Conservation Officer, the works are considered not to be harmful to the significance of the non-designated heritage asset. The extension therefore accords with the relevant requirements of CLP 2015 Policy ESD15, CLP 1996 Policies C28 and C30, and Section 16 of the NPPF.

#### Residential amenity

- 9.14 Amongst other matters, CLP 2015 Policy ESD15 requires that new development should *“consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space”*. Similarly, CLP 1996 Policy C30 seeks to secure acceptable standards of amenity and privacy in relation to new housing development or proposals for extension.
- 9.15 The extension proposed for retention adjoins the side elevation of an existing gabled protrusion from no.77 High Street, the northern gable ends of both structures forming a continuous building line. By virtue of the siting of the subject development, no.77 is the only nearby residential property whose amenity could be affected. Given the positioning of the development in relation to the existing built form and openings, it would not result in adverse impacts on neighbouring residential amenity having regard to privacy, outlook, natural lighting, ventilation, indoor or outdoor space, or any other material considerations in this regard. It is therefore considered to accord with the relevant requirements of CLP 2015 Policy ESD15, CLP 1996 Policy C30, and Section 12 of the NPPF.

#### Highways impact

- 9.16 CLP 2015 Policy ESD15 seeks to secure high quality design that complements and enhances the character of the area, delivering safe and healthy places to live and work in. Amongst other things, it requires new development to integrate with existing streets and patterns of routes and spaces and promotes permeable, accessible places that are well connected and sustainable.
- 9.17 Section 9 of the NPPF promotes sustainable transport. Paragraph 109 requires transport issues including the potential impacts of development on transport networks and the environmental impacts of traffic to be considered from the earliest stages of development proposals. Paragraph 116 states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impacts on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe*”.
- 9.18 The Local Highway Authority raised no objection to the previous application (ref. 23/03368/F), which would have resulted in the same impacts on parking and highway safety as the current proposal, specifically insofar as both applications result in the loss of the garage for parking. A condition was requested to secure details of secure cycle storage provision and it is considered reasonable to attach a similar condition to any forthcoming grant of permission. The application site is very close to local amenities, services, and access to public transport links, by virtue of its position adjacent to the village centre, in light of which it is considered suitable for car-free development. Given this, it is considered to accord with the relevant requirements of CLP 2015 Policy ESD15 and Section 9 of the NPPF.

#### Other matters

- 9.19 Third party concerns have been expressed in relation to the accuracy of the information submitted, particularly in relation to statements within the Design and Access Statement that contradict the submitted drawings. Such inaccuracies have been noted, and the assessment of the proposals has therefore been based on the submitted drawings and observations of the ‘as built’ development. Concerns regarding the accuracy of the plans are also noted and these have since been rectified. Other concerns regarding the site boundaries and their relationship to the title deeds of the subject property and that adjoining it are noted; however, property ownership is civil matter between the parties involved and not a material consideration in the assessment of the proposed development. The submitted plans show the application site, and the development proposed for retention, and this is what they are required to do to enable the assessment and determination of the application.
- 9.20 A number of the concerns raised regarding procedural issues have been addressed through the Council’s formal complaints procedure. In summary, however, given that the Planning Committee refused the previous application on heritage grounds in the absence of technical advice from the Conservation Officer, the current application was accepted for consideration in order to allow a full and proper assessment of the heritage implications of the development. It is considered that this accords with the relevant procedural requirements. In relation to the remaining procedural matters, the Council was satisfied that the description of the proposal (“*RETROSPECTIVE - First floor extension over an existing garage with eaves height increment to accommodate new windows*”) was accurate prior to publicising the application and it is normal practice to accept amended plans during the course of an application if required. The Article 13 Notice was served by the applicant to advise other landowners of an application that will affect land in their ownership and the Council advised the applicant of the necessity of this as soon as it was realised that it had not yet been done. Notwithstanding this, given the site history it is clear that the affected landowner was already fully aware of the application.

- 9.21 Objections from interested parties state that the development is contrary to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This Order sets out development that can be undertaken without the benefit of express planning permission: given that the development under consideration is the subject of an application for express planning permission, its compliance or otherwise with the Order is irrelevant.

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

- 10.1. The upper floor extension that is the subject of this application conforms with the relevant requirements of the Council's supplementary planning document 'Home Extensions and Alterations Design Guide'. Whilst the historic origins of the building as a barn is acknowledged, it no longer has the character and appearance of a converted agricultural building and the 'Design Guide for the Conversion of Farm Buildings' is not, therefore, of relevance to the assessment of this application. The significance of the building as a non-designated heritage asset has been diminished by virtue of its conversion to three dwellinghouses and associated alterations and additions, as well as the erosion of its context with the development of the surrounding car park, supermarket, and housing. The subject development does not further reduce the legibility of the non-designated heritage asset nor detract from its character, and it is therefore considered not to result in harm to the asset.
- 10.2. The proposal does not, therefore, conflict with CLP 2015 Policy ESD15, CLP 1996 Policies C28 and C30, Section 16 of the NPPF, or other material considerations relating to design or the conservation of heritage assets. As set out in section 9 of this report, there is no conflict with any other relevant policies of the Local Plans, the NPPF, or other material considerations and guidance. In accordance with paragraph 11 of the NPPF, permission should therefore be granted.

## **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

1. Except where otherwise stipulated by conditions attached to this permission, the development shall remain strictly in accordance with the application form and following approved plans:

- A101 Rev A, 'Block and Site Plan'
- A106 Rev A, 'Proposed Floors and Roof Plan'
- A107, 'Proposed Elevations'

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.

2. Prior to the first use or occupation of the development hereby permitted, access to 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.

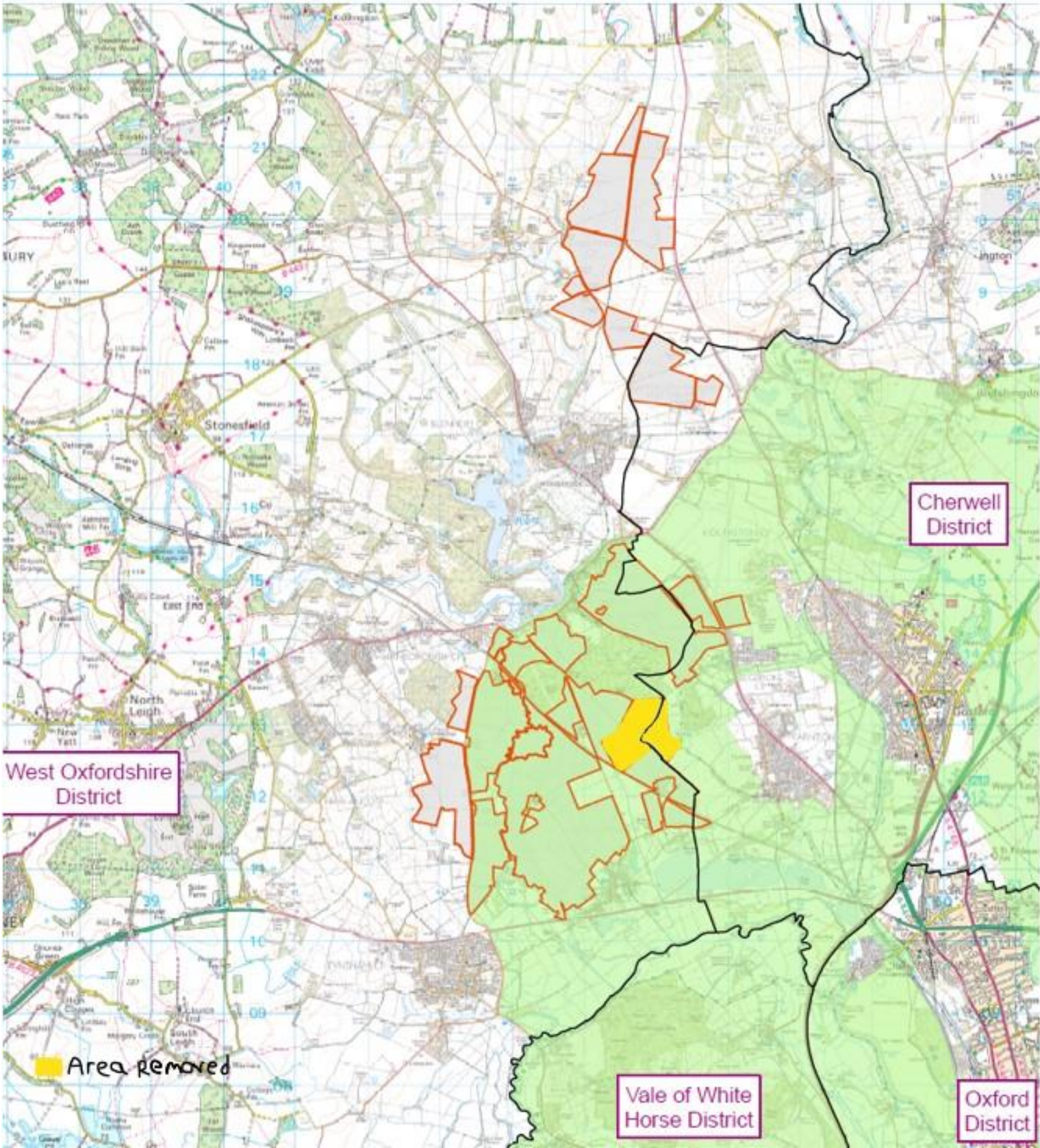
Planning Informative

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

CASE OFFICER: Sophie Browne



Agenda Item 12





**Case Officer:** Suzanne Taylor

**Applicant:** Photovolt Development Partners and SolarFive Ltd

**Proposal:** Solar Farm - Nationally Significant Infrastructure Project (NSIP)

**Wards:** Launton and Otmoor AND Kidlington West

**Councillors:** Councillor Gemma Coton, Councillor Julian Nedelcu, Councillor Alisa Russell - Launton and Otmoor

Councillor Jean Conway, Councillor Lesley McLean, Councillor Dorothy Walker – Kidlington West

**Reason for**

**Referral:** Major development

**Expiry Date:** Not applicable

**Committee Date:** 15 May 2025

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**SUMMARY RECOMMENDATION:** To approve Cherwell District Council's Written Representation / Individual Local Impact Report

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is split into three separate areas; Northern, Central and Southern. The Northern and Central sections lie predominantly within West Oxfordshire District (WODC) and partly within Cherwell District (CDC). The Southern section lies within Vale of the White Horse District (VWHDC).
- 1.2. The site would cover a total area of circa 1,400 hectares with the majority currently in agricultural use (arable and grazing) and with extensive native species hedges at many boundaries.
- 1.3. Botley West Solar Farm (BWSF) will connect into a new National Grid substation, proposed to be built and located west of Botley (within VWHDC) and hence is the reason for the project name 'Botley West'. Electricity will be supplied through a connection to the new National Grid substation, which will link to the existing Walham – Cowley 400kV overhead line.

**2. CONSTRAINTS**

- 2.1. Key constraints within and adjacent to the application site include:
  - Green Belt;
  - Areas of Archaeological Interest;
  - London-Oxford Airport;
  - Proximity to SSSIs;
  - Protected species within and adjacent to site (including bats, great crested newts, badgers, water vole and otters);
  - Public Rights of Way (Footpaths and Bridleways);

- Ancient Woodlands;
- Designated and non-designated heritage assets (including Blenheim Palace World Heritage Site and Registered Park and Garden, a number of Grade II\* and Grade II Listed Buildings in Begbroke, Begbroke Conservation Area).

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

3.1. Of the 1,400ha total site area, approximately 1,000ha would be utilised for solar panels and associated infrastructure. The remaining circa 400ha would be available for mitigation/enhancements for landscape, wildlife and recreation.

3.2. The key proposals for this project are:

- Solar panels of between 1.8m and 2.5m in height - to be kept as low as possible whilst allowing for sheep grazing opportunities;
- Associated infrastructure including cabling, secondary substations, power convertor stations, fencing and security measures (CCTV) and temporary construction compounds and haul roads;
- New substation and connection to west of Botley (within VWHDC);
- 5m to 10m buffers between panels and existing trees/hedges/woodland and 15m buffer between panels and ancient woodland;
- Biodiversity Net Gain of circa 70% including the creation of landscape/biodiversity corridor around a stretch of the River Evenlode (within WODC);
- Creation of new public rights of way and maintenance of existing PRoWs;
- Potential for new cycle routes to improve recreation opportunities and connectivity;
- Potential to manage surface water flows (primarily near Cassington);
- Wildflower planting underneath existing power lines;

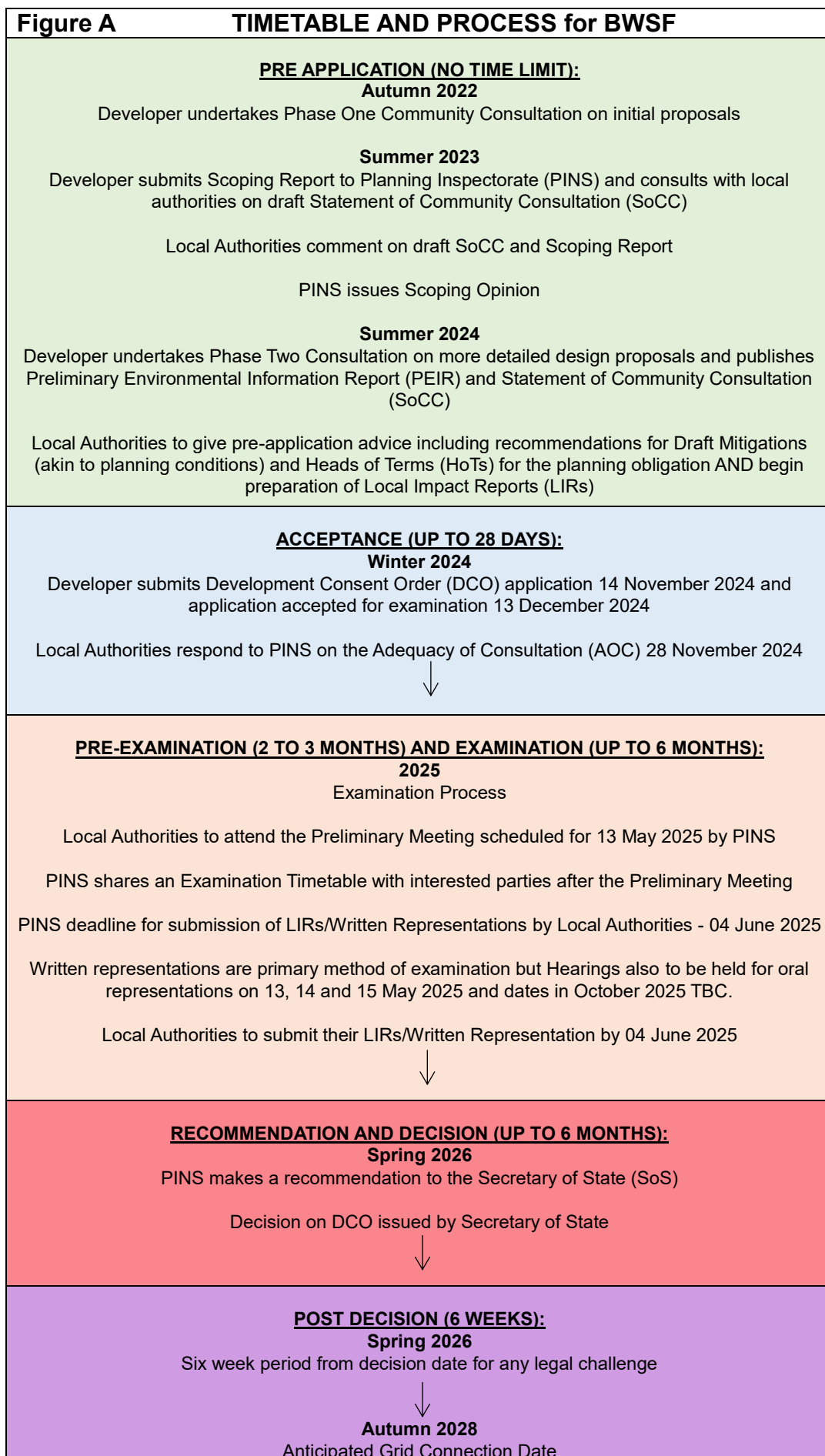
### **4. RELEVANT PLANNING HISTORY**

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

### **5. PROCESS AND TIMELINE**

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

5.2. Figure A below is a table summarising the process so far and going forward for BWSF. The pre-application and acceptance phases have been completed and we are now at the beginning of the examination phase. LAs are invited to take part in the examination and to produce a Local Impact Report along with an opportunity to make other written and verbal representations.



- 5.3. Cherwell District Council have registered as an interested party and have submitted a Relevant Representation drawing on in-house expertise from multiple teams including Development Management, Planning Policy, Environmental Protection, Ecology, Heritage, Economic Growth, Drainage, Landscape Services, Legal Services, Climate Action and Communities. Cherwell have also registered to attend the in-person meetings scheduled for 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> May 2025.
- 5.4. Cherwell is working with the other Local Authorities (Las) (i.e. WODC, VWHDC and Oxfordshire County (OCC)) to produce a joint LIR. This will be a detailed report setting out what the LAs consider the impacts to be on their area. The SoS is required to give the LIR particular regard when deciding the application and therefore it is important for this to be a robust document. Though it will assess whether impacts are positive, negative or neutral it will not offer an opinion on whether we support or object to the project. There is an opportunity to do this in a separate Written Representation/Individual LIR and it is for this document that officers are now seeking the Planning Committee's approval.
- 5.5. Cherwell's Written Representation/Individual LIR is presented below, which will be sent as a letter to the Planning Inspectorate:

*This letter is Cherwell District Council's (CDC) individual **Local Impact Report/Written Representation** and provides our opinion on the acceptability of the proposals. A separate, joint Local Impact Report (LIR) will also be submitted in liaison with the other host Local Authorities (i.e. West Oxfordshire District Council, Vale of the White Horse District Council and Oxfordshire County Council). This LIR is not intended to repeat the information and assessments provided in the joint LIR but is to offer Cherwell's individual view on the application as agreed by its Planning Committee.*

*Cherwell District Council has **NO OBJECTION IN PRINCIPLE SUBJECT TO a robust assessment of impacts, the provision of adequate mitigation measures and the amendment of the site area to exclude part of the Central Site.***

***In the event that these matters are not adequately addressed Cherwell District Council would OBJECT to the application.***

#### PRINCIPLE

*CDC has declared a climate emergency and is committed to tackling climate change. The Council accepts that there is a compelling need, as a matter of principle, to increase renewable energy generation and consumption to support the Government's national agenda to reach net zero carbon by 2050.*

*Therefore, the Council does not raise objection to the principle of large-scale solar photovoltaic generation developments within the District subject to:*

- (i) the appropriate siting of such schemes,*
- (ii) the provision of appropriate mitigation to deal with any significantly harmful impacts that would arise, and*
- (iii) such mitigation being tailored specifically and sensitively to matters of location and related context.*

*This is reflected in policy ESD5 of the CLP which states that renewable energy developments will be supported provided they do not have a significantly adverse impact, including cumulatively, on:*

- Landscape and biodiversity including designations, protected habitats and species, and*
- Conservation Target Areas;*
- Visual impacts on local landscapes;*
- The historic environment including designated and non-designated assets and their settings;*
- The Green Belt, particularly visual impacts on openness;*
- Aviation activities;*
- Highways and access issues, and*
- Residential amenity.*

*The acceptability of the proposal is therefore intrinsically linked with the impacts of the development.*

*Whilst CDC acknowledges that the proposed development would make a positive contribution to reducing carbon emissions over its proposed life span, there will be adverse effects that need to be balanced against the benefits. In order to fairly weigh up the planning balance, CDC consider that it is crucial to independently assess the robustness of the assertion that 840MW per annum (enough to power 330,000 homes) can be achieved. The amount of renewable energy that can be produced should be reflected in the weight that is applied to this key benefit.*

*CDC respectfully requests that the examining authority and the Secretary of State are completely satisfied that the evidence and technical reviews that underpin the various topics in the environmental statement are sufficiently robust to enable an accurate assessment of the relevant impacts prior to making a recommendation or deciding whether to issue the Development Consent Order (DCO).*

*Similarly, CDC respectfully requests that the examining authority and SoS ensure that adequate mitigation measures can be secured to ameliorate or reduce harmful impacts.*

#### **REMOVAL OF PART OF THE CENTRAL SITE FROM THE DCO.**

*CDC objects to the erection of solar panels and associated equipment on part of the Central Site; namely the field south of London-Oxford Airport and east of the A44. The reasons for this are set out in detail in the joint LIR but, in summary, the development of this parcel of land would result in:*

- Unrestricted sprawl of a large urban area into the Green Belt in conflict with the NPPF;*
- The coalescence of Kidlington and Begbroke in conflict with Policy ESD14 of CLP and saved Policy C15 of the CLP 1996;*

- *Harm to aviation activities associated with London-Oxford Airport (namely the need to preserve emergency landing areas in the event of engine failure after take-off) in conflict with Policy ESD5 of the CLP; AND*
- *The loss of land identified as Grade 2 quality agricultural land.*

*Thank you for this opportunity to comment on the application and for your time in considering this representation. CDC looks forward to continuing to engage positively with the examination of BWSF project and working with applicants to progress this scheme.*

**6. RECOMMENDATION**

**APPROVE THE WRITTEN REPRESENTATION / INDIVIDUAL LOCAL IMPACT REPORT LETTER FOR SUBMISSION TO THE PLANNING INSPECTORATE.**

# Planning and Development

David Peckford, Assistant Director – Planning and Development



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

The Planning Inspectorate By e-mail to:

BotleyWestSolar@planninginspectorate.gov.uk

39 Castle Quay,  
Banbury,  
Oxfordshire  
OX16 5FD

[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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Please ask for: **Suzanne Taylor**  
Email: **[suzanne.taylor@cherwell-dc.gov.uk](mailto:suzanne.taylor@cherwell-dc.gov.uk)**

Direct Dial: **01295221656**  
Your Ref: **EN010147**

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DATE TO BE ADDED 2025

## BY EMAIL ONLY

Dear Sir/ Madam

### LOCAL IMPACT REPORT / WRITTEN REPRESENTATION

**Project:** Botley West Solar Farm  
**Applicant's Name:** Photovolt Development Partners and SolarFive Ltd  
**Registration ID number:** 20055053  
**Our ref:** 22/03407/DCO

This letter is Cherwell District Council's (CDC) individual **Local Impact Report/Written Representation** and provides our opinion on the acceptability of the proposals. A separate, joint Local Impact Report (LIR) will also be submitted in liaison with the other host Local Authorities (i.e. West Oxfordshire District Council, Vale of the White Horse District Council and Oxfordshire County Council). This LIR is not intended to repeat the information and assessments provided in the joint LIR but is to offer Cherwell's individual view on the application as agreed by its Planning Committee.

Cherwell District Council has **NO OBJECTION IN PRINCIPLE SUBJECT TO a robust assessment of impacts, the provision of adequate mitigation measures and the amendment of the site area to exclude part of the Central Site.**

**In the event that these matters are not adequately addressed Cherwell District Council would OBJECT to the application.**

### PRINCIPLE

CDC has declared a climate emergency and is committed to tackling climate change. The Council accepts that there is a compelling need, as a matter of principle, to increase renewable energy generation and consumption to support the Government's national agenda to reach net zero carbon by 2050.

Therefore, the Council does not raise objection to the principle of large-scale solar photovoltaic generation developments within the District subject to:

- (i) the appropriate siting of such schemes,
- (ii) the provision of appropriate mitigation to deal with any significantly harmful impacts that would arise, and
- (iii) such mitigation being tailored specifically and sensitively to matters of location and related context.

This is reflected in policy ESD5 of the CLP which states that renewable energy developments will be supported provided they do not have a significantly adverse impact, including cumulatively, on:

- Landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas;
- Visual impacts on local landscapes;
- The historic environment including designated and non-designated assets and their settings;
- The Green Belt, particularly visual impacts on openness;
- Aviation activities;
- Highways and access issues, and
- Residential amenity.

The acceptability of the proposal is therefore intrinsically linked with the impacts of the development.

Whilst CDC acknowledges that the proposed development would make a positive contribution to reducing carbon emissions over its proposed life span, there will be adverse effects that need to be balanced against the benefits. In order to fairly weigh up the planning balance, CDC consider that it is crucial to independently assess the robustness of the assertion that 840MW per annum (enough to power 330,000 homes) can be achieved. The amount of renewable energy that can be produced should be reflected in the weight that is applied to this key benefit.

CDC respectfully requests that the examining authority and the Secretary of State are completely satisfied that the evidence and technical reviews that underpin the various topics in the environmental statement are sufficiently robust to enable an accurate assessment of the relevant impacts prior to making a recommendation or deciding whether to issue the Development Consent Order (DCO).

Similarly, CDC respectfully requests that the examining authority and SoS ensure that adequate mitigation measures can be secured to ameliorate or reduce harmful impacts.

#### REMOVAL OF PART OF THE CENTRAL SITE FROM THE DCO.

CDC objects to the erection of solar panels and associated equipment on part of the Central Site; namely the field south of London-Oxford Airport and east of the A44. The reasons for this are set out in detail in the joint LIR but, in summary, the development of this parcel of land would result in:

- Unrestricted sprawl of a large urban area into the Green Belt in conflict with the NPPF;
- The coalescence of Kidlington and Begbroke in conflict with Policy ESD14 of CLP and saved Policy C15 of the CLP 1996;
- Harm to aviation activities associated with London-Oxford Airport (namely the need to preserve emergency landing areas in the event of engine failure after take-off) in conflict with Policy ESD5 of the CLP; AND
- The loss of land identified as Grade 2 quality agricultural land.

Thank you for this opportunity to comment on the application and for your time in considering this representation. CDC looks forward to continuing to engage positively with the examination of BWSF project and working with applicants to progress this scheme.

Yours faithfully

David Peckford  
Assistant Director – Planning and Development



This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	15 May 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	07 May 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	07 May 2025
Report of	Assistant Director Planning and Development, David Peckford

## Purpose of report

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

## 1. Recommendations

The Planning Committee resolves:

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

## 2. Executive Summary

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

## Implications & Impact Assessments

Implications	Commentary
Finance	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, 1 May 2025</p>		
<b>Legal</b>	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law &amp; Governance Legal Services</p>		
<b>Risk Management</b>	<p>This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader</p>		
<b>Impact Assessments</b>	Positive	Neutral	Negative Commentary
<b>Equality Impact</b>			
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X	<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>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X	Not applicable
<b>Climate &amp; Environmental Impact</b>			Not applicable
<b>ICT &amp; Digital Impact</b>			Not applicable
<b>Data Impact</b>			Not applicable
<b>Procurement &amp; subsidy</b>			Not applicable
<b>Council Priorities</b>	Not applicable		
<b>Human Resources</b>	Not applicable		
<b>Property</b>	Not applicable		

<b>Consultation &amp; Engagement</b>	Not applicable in respect of this report
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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
24/02787/F	The Woodyard, Bainton, Oxon, OX27 8RL.	Conversion to a single dwellinghouse (Self-Build)	Delegated Refusal	01.04.2025
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm Station Road Bletchington	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Delegated Refusal	27.03.2025

	Kidlington OX5 3BQ			
24/00899/OUT	Land Adjoining The Cottage The Green Fringford	OUTLINE application for construction of 9 detached dwellings, formation of new vehicular and pedestrian access, associated landscaping, drainage and associated works with All Matters Reserved except for Access	Delegated Refusal	16.04.2025.

#### 4.2. In Progress/Awaiting Decision

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

21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00779/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
24/01740/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	Delegated Refusal	29.01.2025.

		outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015		
24/00519/F	Manor House, Isip Road, Bletchingdon, Kidlington, OX5 3DP.	Variation of condition 2 (plans) of 22/03088/F – alterations to design of main house and garage to include amended chimney design, the use of different construction materials, removal of porch, provision of fire escapes, installation of doors, erection of external stairs to garage, alteration of garage roof from hipped to pitched style roof, insertion of rooflights and addition of solar panels	Refused Delegated	30.01.2025.
24/02261/F	29 Buckhurst Close Banbury 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	1no D6 internally illuminated (digital	Refused Delegated	26.02.2025

	Station, South Newington Road, Bloxham, Banbury, OX15 4QF	advertisement) screen		
24/02664/PIP	The Pheasant Pluckers Inn Street Through Burdrop OX15 5RQ	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map	Refused Delegated	05.03.2025
23/03366/OUT	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access	Committee Refused	20.03.2025
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  <a href="#">Appellant Costs Application to PINS</a>	20.02.2025

## **Informal Hearings**

### **4.3. New Appeals**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>

None

### **4.4. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
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 designated ecological enhancement areas.	Refused Delegated	12.02.2025



## **Public Inquiries**

### **4.5. New Appeals**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
24/01908/OUT	OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham	Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All Matters Reserved except for means of access - re-submission of 23/01265/OUT	Refused Committee	29.04.2025

### **4.6. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
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**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>

None

### **4.8. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and	Enforcement Notice	10.11.2023  Written Reps

		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'.		
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.**

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	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
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		matters reserved except for access.		
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

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

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.	Refusal at Committee  Against Officers Recommendation	<a href="#">Appellants Cost Award Application</a>
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## **4.10 Appeals Results**

### **24/01810/F – 60 Corncrake Way, Bicester, Oxon, OX26 6UE**

#### **Appeal Dismissed**

The appeal for a two-storey rear extension was dismissed primarily due to its negative impact on the residential amenities of the neighbouring property at 62 Corncrake Way. The Inspector identified a loss of outlook and light, particularly at ground floor level. More significantly, the Inspector considered the extension would create an "oppressive façade" looming over the neighbour's rear outdoor seating area. While the design of the extension was deemed acceptable, the adverse impact on neighbouring residents led to the appeal's dismissal.

### **24/00912/F – 4 The Glades, Launton, Oxfordshire OX26 5ED**

### **Appeal Dismissed**

The appeal for the erection of a front garden building was dismissed due to its unacceptable harm to the character and appearance of the area. The Inspector reasoned that despite garden buildings being common, the proposed structure in front of the dwelling would appear "incongruous and unacceptably disrupt the consistency of the area." Although somewhat concealed, it would be highly noticeable to neighbouring gardens and frontages. The Inspector did not believe alternative colour schemes or amendments could mitigate this harm. The impact on 6 The Glades was considered limited due to sufficient distance.

#### **21/02058/F – Shelswell Inn, Buckingham Road, Newton Purcell, MK18 4AU**

### **Appeal Dismissed**

The appeal for the erection of a building described as "barns" was dismissed due to its inappropriate location and harmful effect on the character and appearance of the area. The Inspector noted it was a single building, not for agricultural use, in the open countryside, representing sporadic development contrary to policy. The appellant failed to justify the need or provide evidence of lawful land use related to the adjacent caravan site, nor was a sequential assessment of alternative sites undertaken. The building's utilitarian appearance and substantial size were considered unsympathetic and discordant with neighbouring brick buildings, harming the rural character and conflicting with multiple local plan policies.

#### **24/01541/F - 7 Cherry Tree House, Evenlode Banbury OX16 1PQ**

### **Appeal Dismissed**

The appeal for a dropped kerb and tarmacing to create rear garden access was dismissed due to the car-dominated appearance it would create in an area characterized by green infrastructure and separation of vehicular and pedestrian movement. The Inspector noted the rear of the dwelling would be used for parking, impacting adjacent "controlled area markings" and tactile paving without any information on the effect on existing road infrastructure. Safety concerns regarding pedestrian visibility were also raised. Allowing the appeal was considered to set a negative precedent for similar parking issues in the area.

#### **24/00917/LB - Village Farm, Blackbull Lane, Fencott, Oxfordshire OX5 2RD**

### **Appeal Dismissed**

The appeal for single-storey front, rear, and end extensions and a carport at a Grade II listed building (Village Farmhouse) was dismissed due to the harmful effect on its special interest and significance. The Inspector found the proposed front extension would be a visually dominant and unsympathetic addition, obscuring the historic front elevation with a complex and non-vernacular roof form. The rear extension was also considered a contrived built form that would jar with the historic plan and roof pitches, involving a loss of historic fabric and creating internal spaces at odds with the original layout. The significant and permanent harm to the listed building outweighed the private benefit to the applicant.

## **24/00249/F - 6 Lake View, Cottisford, NN13 5ST**

### **Appeal Dismissed**

The appeal for a new detached 3-bedroom dwelling was dismissed primarily because the proposed location was not considered a suitable site for housing according to the Council's development strategy. The Inspector found the site did not meet the definition of infilling despite being within settlement limits, as it didn't form part of a continuous built-up frontage. Furthermore, the limited public transport and lack of safe pedestrian/cycle routes to services and employment in Bicester were considered to encourage car-borne travel, conflicting with policies aiming to reduce the need to travel. These adverse impacts significantly outweighed the limited benefits of one dwelling, and the presumption in favour of sustainable development did not apply.

## **23/00150/CLUE – Unit 22 Beaumont Close, Banbury, Oxon.**

### **Appeal Dismissed**

The appeal for a Certificate of Lawfulness for Existing Development was dismissed. The core issue was whether works had lawfully commenced on a planning permission for commercial units. While the Inspector believed foundations were completed within the time limit, they could not determine if these foundations constituted a material start to the *permitted development*. Crucially, there was no clear link established between the dug foundations and the technical specifications of the approved development (location, necessity, type, depth). Without this link, the Inspector could not confirm a lawful material start had occurred.

## **23/01736/F – The Laurels Parts of OS Parcels 1125 And 1621 North And East of Home Farm Close, Ambrosden, OX25 2NP**

### **Appeal Allowed**

The appeal for the erection of 9 dwellings was allowed. The initial refusal was based on overdevelopment/poor design and insufficient biodiversity information. The Inspector acknowledged that a better layout with permeability to an adjacent development was possible but could only consider the submitted application. While the parking layout was not optimal, the overall design and appearance of the dwellings and proposed landscaping were deemed acceptable. Regarding biodiversity, the Inspector noted the development pre-dated mandatory net gain requirements and that the submitted ecological appraisal demonstrated a satisfactory impact and some biodiversity gain, satisfying the relevant policy.

## **23/02701/F - Land to rear of Wheelwright Cottage**

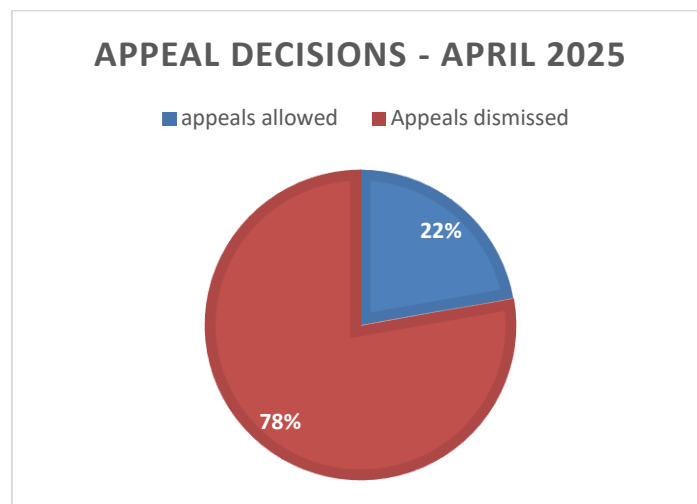
### **Appeal Allowed**

The appeal for a new build dwelling was allowed. The initial refusal cited it not being infill development, harming the Conservation Area's character, impacting neighbouring amenity, and inappropriate access/increased parking. The Inspector concluded that despite not being a gap in continuous frontage, the proposal would infill a small gap within a built-up area given the proximity of other houses. The

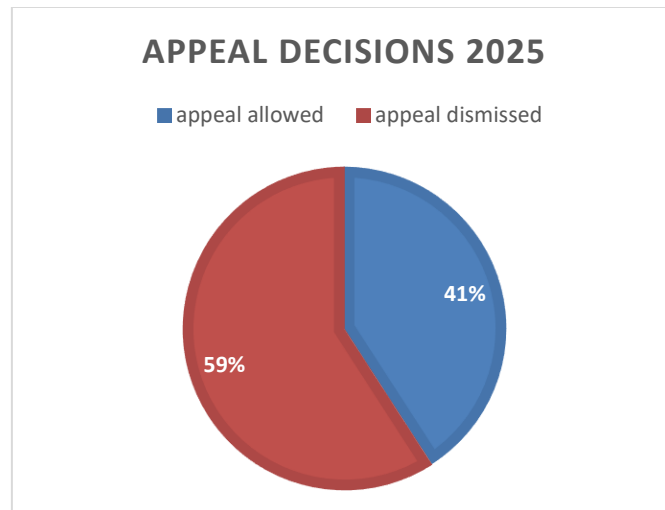
layout and materials were considered to conform to the ad-hoc character of the area and the Conservation Area. Access legality was deemed not a planning matter, and the modest size of the dwelling was unlikely to cause significant harm to safety or amenity.

### **Appeal Decision Data**

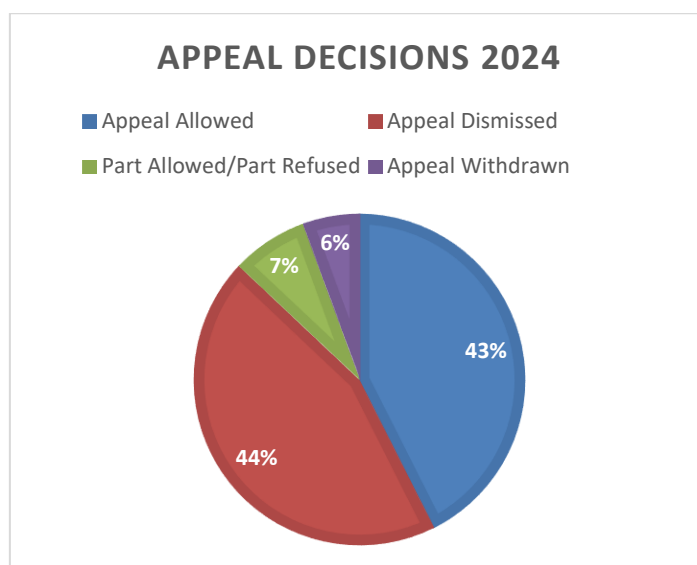
Since last month's appeals report we have received 9 appeal decisions. Seven were dismissed, two were allowed.



So far in 2025 there have been 22 appeal decisions, 9 allowed and 13 dismissed



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



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

## 5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

## 6 Conclusion and Reasons for Recommendations

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

### Decision Information

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

### Document Information

<b>Appendices</b>	
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<b>Appendix 1</b>	None
<b>Background Papers</b>	None
<b>Reference Papers</b>	All documents in respect of the planning appeal
<b>Report Author</b>	Sarah Gevaux, Appeals Administrator Paul Seckington, Head of Development Management
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