

Case Officer: Sophie Browne

Applicant: McCarthy and Stone Retirement Lifestyles Ltd

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

Ward: Kidlington East

Councillors: Councillor Mawson, Councillor Middleton and Councillor Ward

Reason for Referral: Major development

Expiry Date: 3 March 2025

Committee Date: 2 October 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

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

2. CONSTRAINTS

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

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

3. DESCRIPTION OF PROPOSED DEVELOPMENT

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

4. RELEVANT PLANNING HISTORY

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

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

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

5. PRE-APPLICATION DISCUSSIONS

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

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

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **3 September 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties, comprising 10 objections (plus one 'follow up' objection from the same commentator) and 2 supportive comments, are summarised as follows:

Objections:

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

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

Support:

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

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

7. RESPONSE TO CONSULTATION

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

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

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

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

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

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

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

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

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

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

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

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Heritage impact
- Residential amenity
- Affordable housing
- Ecology impact
- Highways impact
- Flood risk and drainage
- Arboricultural impact
- Other matters

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. CLP 2015 Policy BSC2 expects housing development to make effective and efficient use of land, encouraging the re-use of previously developed land in sustainable locations at a net density of at least 30 dwellings per hectare.

- 9.5. CLP 2015 Policy BSC4 sets out expectations regarding the housing mix of new development and states that opportunities for the provision of specialist housing for older people will be encouraged in suitable locations close to services and facilities.
- 9.6. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.7. CLP 2015 Policy ESD1 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.8. CLP 2015 Policy Villages 1 (PV1) categorises the villages in Cherwell. Kidlington is categorised by PV1 as being a Category A Village. These are the most sustainable villages, as stated by the supporting text at paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Kidlington is categorised as a Category A Village by PV1, it is identified by the Local Plan as being a suitable settlement for minor development, infilling and conversions.
- 9.9. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District.
- 9.10. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.11. The latest published Cherwell District Council Annual Monitoring Report, dated February 2024, confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell Local Plan and paragraph 11 (d) of the NPPF, which set out the presumption in favour of sustainable development, are therefore engaged.
- 9.12. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 9.13. Paragraph 11 (d) of the NPPF states that *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, [planning permission should be granted] unless:*
- i) *The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*“

- 9.14. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.15. The recently published National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
- 9.16. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the 'Building the Homes We Need' Written Ministerial Statement, dated December 2024. In order to achieve this objective, it is clear that sites in sustainable locations should be considered for development.
- 9.17. The PPG provides guidance regarding planning for the housing needs of older people, stating that *"the need to provide housing for older people is critical"* and that *"offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems"* (Paragraph: 001 Reference ID: 63-001-20190626). It goes on to identify different types of specialist housing for older people, including *"Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently."* (Paragraph: 010 Reference ID: 63-010-20190626). In addition to this, the MHCLG 'Older People's Housing Taskforce' published a report in November 2024 that identified a national need to build an estimated 30-50,000 new later living homes per annum to meet the needs of an aging and increasingly diverse older population, compared to current delivery (at the time of publication) of around 7,000 per annum.

Assessment

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

Conclusion

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

Design and impact on the character of the area

Policy Context

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

Assessment

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

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

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

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

Conclusion

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

Heritage Impact

Legislative and policy context

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

Assessment

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

Conclusion

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

Residential amenity

Policy Context

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

Assessment

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

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

Conclusion

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

Affordable housing

Policy Context

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

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

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

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

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

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

Assessment

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

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

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

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

Proposal: Housing development of 38 dwellings

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

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

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

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

Conclusion

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

Ecology Impact

Legislative context

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

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

(2) That there is no satisfactory alternative.

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

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

Policy Context

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

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

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

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

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

Assessment

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

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

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

Conclusion

- 9.70. Officers are satisfied, on the basis of the advice from the Council's Ecologist, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of

Habitats & Species Regulations 2017, have been met and discharged. Similarly, no unacceptable adverse impacts will result to trees proposed for retention that cannot be mitigated for by condition. Given this, the proposed development is considered to accord with the relevant ecological requirements of CLP 2015 Policies ESD10 and ESD15 and guidance within Section 15 of the NPPF.

Highways impact

Policy Context

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

Assessment

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

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

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

Conclusion

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

Flood risk and drainage

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

Arboricultural impact

- 9.82. CLP 2015 Policy ESD10 seeks to protect and enhance biodiversity and the natural environment. Amongst other things, it encourages the protection of trees and states that *“existing ecological networks should be identified and maintained to avoid habitat fragmentation.”*.
- 9.83. CLP 2015 Policy ESD15 seeks, amongst other things, to ensure that new development proposals contribute positively to an area’s character and identity by reinforcing local distinctiveness and features, and integrating and enhancing green infrastructure, with well-designed landscape schemes supporting biodiversity and providing attractive places that improve people’s health and sense of vitality.
- 9.84. CLP 2015 Policy ESD17 relates to green infrastructure and sets out measures through which this will be maintained and enhanced within the District. These include “protecting and enhancing existing sites and features forming part of the green infrastructure network and improving sustainable connectivity between sites” and requiring development proposals to maintain and extend green infrastructure links.
- 9.85. Section 12 of the NPPF relates to design and recognises at paragraph 136 that “trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change”, going on to encourage the retention of existing trees where possible and the incorporation of trees within developments.
- 9.86. Section 15 of the NPPF seeks to conserve and enhance the natural environment. Specifically, paragraph 187 (b) requires planning decisions inter alia to contribute to and enhance the natural and local environment by recognising the intrinsic character, beauty, and benefits of trees and woodland.
- 9.87. The application is supported by a tree survey and impact assessment, tree constraints plan, and tree protection plan. The concerns expressed by Kidlington Parish Council that insufficient information has been provided regarding the retention of mature trees are acknowledged, however these comments were made prior to the receipt of the Arboricultural Officer’s comments and subsequent provision of further information by the applicant. The majority of the existing trees on the site are to be retained, with the proposals for the ash trees suffering from ash dieback clarified insofar as these trees are outside the application site and likely within the ownership of the County Council. A mitigation strategy has been provided for areas where there will be some encroachment into the root protection areas of retained trees, which the Arboricultural Officer is content can be satisfactorily secured by condition. New tree planting of a variety of species is incorporated into the landscaping proposals, including the introduction of new specimens to the front parking area, which will help to soften the expanse of hardstanding and contribute to the characteristic greenery of the streetscene. Given this, the proposed development is considered to accord with the relevant requirements of CLP 2015 Policies ESD10, ESD15, and ESD17, and Sections 12 and 15 of the NPPF.

Other matters

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

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

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

10. PLANNING BALANCE AND CONCLUSION

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

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

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

11. RECOMMENDATION

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

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

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

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

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

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

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

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

4. If the development hereby approved does not commence by 22nd October 2025, a revised bat roost assessment and survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on bats. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details.

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

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

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

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

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

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

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";

- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems
- CCTV survey to confirm the existing drainage and identify the remedial works required as part of the overall drainage strategy.

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

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

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

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

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

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

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

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

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

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

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

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

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

9. No development shall commence until the existing trees to be retained as shown on approved plan ref. MI-2991-03-LA-001 P2 have been protected in accordance with the approved Tree Protection Plan, ref. 2305-KC-XX-YTREE-TTP01 0 and an Arboricultural Method Statement that shall first be submitted to and approved in writing by the local planning authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development or demolition and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

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

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

details shown on approved drawing no.MI-2991-03-AC-0003 B, the boundary treatment fronting Mill Street shall be a 1.4m railing over a 0.6m masonry dwarf wall and access-controlled gates shall be installed at the vehicular entrance. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area, and in the interests of preventing crime and creating a safe environment for future occupiers, in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

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

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

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

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. Prior to first occupation, full details of the highway works required to implement the alterations to the site access, including construction, drainage and a layout that enables pedestrian priority and tactile paving, shall be submitted to and approved by the Local Planning Authority. The means of access shall be constructed in strict accordance with full details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

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

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

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

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

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

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

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

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

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

18. The development hereby approved shall be carried out in strict accordance with the approved landscaping scheme (drawing number MI-2991-03-LA-001 P2) and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

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

and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

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

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

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

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

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

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

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

22. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

Informatives:

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

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

CASE OFFICER: Sophie Browne

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

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

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

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

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