

**Land West of Denbigh Close Adjacent to Broughton  
Road Banbury**

**25/02174/OUT**

**Case Officer:** Lewis Knox

**Applicant:** Lone Star Land Limited

**Proposal:** Erection of up to 58 dwellings, associated public open space, sustainable urban drainage systems, other infrastructure and access from Broughton Road

**Ward:** Banbury Calthorpe And Easington, Banbury Ruscote

**Councillors:** Councillor Ian Harwood, Councillor Kieron Mallon, Councillor Lynne Parsons (Banbury Calthorpe And Easington) and Councillor Mark Cherry, Councillor Isabel Creed Councillor Amanda Watkins (Banbury Ruscote)

**Reason for Referral:** Major development and Significant departure from adopted development plan or other CDC approved policies/strategies

**Expiry Date:** 21 November 2025

**Committee Date:** 19 March 2026

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**SUMMARY RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located on the western edge of Banbury, on the north side of Broughton Road. It lies just outside the current built up limits of the town but adjoins existing built residential form to both the east and north.
- 1.2. The site comprises just under 5 hectares and is located south of two previous planning permissions for housing (each of 49 dwellings) which are presently under construction off Balmoral Avenue (Refs: 20/01643/OUT and 21/03644/OUT). Broughton Road lies immediately adjacent the southern site boundary.
- 1.3. Open countryside extends beyond the western boundary of the application site and on the opposite (south) side of Broughton Road.

**2. CONSTRAINTS**

- 2.1. There are no major constraints existing on the site but there are several protected and notable species within the locality. The land is classified as Grade 3b in the agricultural land classification, i.e., not best and most versatile (BMV).
- 2.2. The sloping topography of the site is such that its gradient increases the further north from Broughton Road you travel and as such the proposed built form has been limited to the flatter and less visually intrusive southern end of the field, behind the mature roadside hedgerow.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**



extensive range of service and facilities. On balance and subject to examination of any supporting documentation, the advice given was that it was considered likely that the Council could support a scheme of around 57 dwellings in this location.

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

6.2. The comments raised by eight (8) third-parties are summarised as follows:

- Lack of infrastructure to support additional housing
- Increased Traffic, lack of sustainable travel options
- Impact on ecology
- Drainage and sewage issues
- Impact on character and appearance of locality
- Unsustainable development

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

## 7. RESPONSE TO CONSULTATION

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

7.2. BANBURY TOWN COUNCIL: **Object** on the grounds that the development proposed is in open countryside beyond the built-up limits of Banbury and is therefore contrary to the existing and emerging Local Plan policy. If the LPA was to recommend approval, then a S106 should be completed to ensure necessary funding for infrastructure.

7.3. BANBURY CIVIC SOCIETY: **Object**, impact on traffic and congestion, detailed suggestions for internal road layout and access from Broughton Road. Comments made regarding public transport, schools, health care, employment etc.

7.4. WARD COUNCILLORS: **Object**. Conflict with development plan, unallocated site, overdevelopment and density, traffic and highway safety, noise and amenity, ecological and landscape impact, residential amenity, lack of integration with existing built form.

7.5. CDC PLANNING POLICY: **No objections**.

7.6. OCC HIGHWAYS: **No objections** subject to conditions and requirement for S106 contributions towards public transport enhancement.

- 7.7. OCC ARCHAEOLOGY: **No objections**, subject to conditions.
- 7.8. OCC as LEAD LOCAL FLOOD AUTHORITY: **No objections**, subject to conditions.
- 7.9. OCC WASTE MANAGEMENT: **No objections**, subject to S106 contributions.
- 7.10. CDC ECOLOGY: **No objections**, subject to conditions.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions.
- 7.12. CDC BUILDING CONTROL: **No objections**.
- 7.13. CDC RECREATION AND LEISURE: **No objections**, subject to S106 contributions.
- 7.14. CDC LANDSCAPE OFFICER: **No objections**.
- 7.15. CDC PUBLIC ART: S106 contributions requested.
- 7.16. CDC URBAN DESIGN: General comments made about site layout and parameters plan, which can be addressed through conditions.
- 7.17. CDC HOUSING STANDARDS: No comments received.
- 7.18. CDC STRATEGIC HOUSING: No comments received.
- 7.19. CDC WASTE AND RECYCLING: No comments received.
- 7.20. THAMES VALLEY POLICE: Comments made regarding designing out crime, which can also be addressed through conditions.
- 7.21. CPRE: Commented that housing should be delivered through a plan led system but recognise the current housing land supply shortfall in Cherwell. Welcome much of the detail within the submission. Requested a shorter conditioned period for the submission of reserved matters applications.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

- Policy SLE4: Improved Transport and Connections
- Policy PSD1 – Presumption in favour of Sustainable Development
- Policy BSC1: District Wide Housing Distribution
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing mix
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision

- Policy BSC11: Local Standards of Provision – Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policies ESD1-5: Mitigating and Adapting to Climate Change
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF1: Infrastructure

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

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

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

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

8.4. Other Material Planning Considerations:

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

## **9. APPRAISAL**

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

- Principle of development
- Landscape Impact
- Ecology Impact
- Highways and Vehicular Access
- Layout and Design Principles
- Archaeology
- Flood Risk and Drainage
- Obligations

### Principle of Development

#### *Policy Context*

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise
- 9.3. The Development Plan for this area currently comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and saved policies of the Cherwell Local Plan 1996 (CLP 1996). The 2042 Review Local Plan has been submitted for Examination and is due, upon final adoption following Examination, to replace the 1996 and 2015 Local Plans. Whilst some weight may now be afforded to the policies and proposals within the new Review Local Plan, including its maintenance of the general strategy approach to concentrate most District development needs at the two principal towns of Banbury and Bicester and thereafter to accommodate the bulk of remaining needs at Kidlington, Heyford Park and the ten largest villages that act as service centres for their immediate environs, numerous objections have been lodged in respect to its policies and proposals, which reduces the relevant weight that may be attributable.
- 9.4. Policy PSD1 of the adopted CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.8. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.9. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the

present without compromising the ability of future generations to meet their own needs.

9.10. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (Para.10). Paragraph 11 states that *applying the presumption to decision-making means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:*
  - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
  - ii. *or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.11. The position in which the most important policies are considered out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

9.12. The Council's latest published Annual Monitoring Report, (December 2025), confirms that Cherwell District can only demonstrate a housing land supply of 3.1 years.

9.13. This figure accounts for the land supply calculations for deliverable housing sites measured against identified need, including that for the overspill of Oxford's unmet need, as outlined in the Cherwell Partial Review Plan (2020). The land supply calculations reflect the revised NPPF (December 2024) and appeal decision Ref: APP/C3105/W/23/3326761 (March 2024) and the subsequent High Court decision for that appeal, where the judge ruled that a single housing land supply calculation for the whole district must be used, incorporating both Cherwell's own need within the CLP (2015) and Oxford's unmet need (PR Plan 2020).

9.14. 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;*
- ii. *or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*

9.15. The policies which are most important for determining this application are out of date, as per footnote 8 of the NPPF. This relates to applications involving the provision of

housing in situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

- 9.16. The Council cannot presently demonstrate a 5-year housing land supply. On this basis, Development Plan housing policies BSC1, PV1, PV2 and H18, cannot be deemed up to date and NPPF, paragraph 11d) is engaged, which sets out the presumption in favour of sustainable development.
- 9.17. Policy PSD 1 of the CLP 2015 sets out the Plan's presumption in favour of sustainable development, stating that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, thereby echoing paragraph 11 (d) of the Framework.
- 9.18. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the substantial benefit afforded to the provision of housing at a sustainable settlement.
- 9.19. The NPPF (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of those 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.
- 9.20. The reference to the need to significantly boost the supply of housing aligns with the Government's objective of building 1.5 million new homes over the next 5 years, as set out in the 'Building the Homes we Need' Written Ministerial Statement, dated December 2024. To achieve this objective, it is clear that sites in sustainable locations should be considered favourably for development.
- 9.21. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development on climate change within the District. This includes distributing growth to the most sustainable locations as defined in the Local Plan.

#### *Assessment*

- 9.22. The application seeks outline consent for a scheme of up to 58 dwellings on existing agricultural land. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is beyond the existing built-up form of Banbury and surrounding Bretch Hill development sites and is therefore in open countryside. It is however noted that the parcels of land adjoining the site to the north have already been granted outline and reserved matters consents for 98 (2 x 49) dwellings, with various pre-commencement conditions subsequently discharged and development commenced. Given this, it is considered that the site would adjoin the built form of Banbury on two sides (north and east) and would not appear as a standalone or sporadic development within the open countryside.
- 9.23. As the potential application site is located beyond the existing built-up limits of Banbury, any proposal must also be assessed against saved Policies C8 and H18 of the CLP 1996. Policy C8 seeks to avoid sporadic development in the open countryside and applies to all new development proposals beyond the built-up limits of settlements. Policy H18 states that planning permission will only be granted for new residential development beyond the existing built-up limits of a settlement where the

development is essential for agriculture or other existing undertakings, or where development would not conflict with other saved policies in the CLP 1996. Whilst the site would not be a sporadic location, this proposal is for a development of up to 57 dwellings, none of which would be for essential agricultural need or any identified undertaking in open countryside beyond the existing built-up limits of Banbury. The development proposed would not therefore accord with Policy H18 of the CLP 1996.

- 9.24. The application site was identified as part of a larger area within the Housing and Economic Land Availability Assessment (HELAA) 2025 and is referenced HELAA469. This assessment took account of the two 49-dwelling schemes which had already received permission on the northern end of the field. The HELAA concluded that *“there is additional capacity in the southern parcel of the site”* and this was in respect of additional residential development. It is therefore considered that the site is suitable, available and achievable in terms of continued residential development.
- 9.25. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly and would generate increased local spending from new residents. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement, which is close to a wide range of local community facilities and served by regular public transport services. Environmentally, it could potentially provide new planting and some enhancement for a range of habitats available for wildlife and the setting of the site.
- 9.26. Conversely, it would inevitably be a prominent development in the landscape, given the natural slope of the land and the site’s prominence when viewed from the south at nearby Crouch Hill. Views from the west, in the approach from Broughton would be less prominent given that development would be restricted to the lower southern portion and would be viewed against the backdrop of existing residential development to the east and north. Such negative environmental impacts would need to be balanced against the positive economic and social benefits and where the ‘tilted balance’ applies, as it does in this instance, any negative impact would need to substantially and demonstrably outweigh any benefit in order to justify a refusal. It is considered that the proposed development would likely fulfil the requirements of paragraph 8 of the Framework and could therefore be considered sustainable.

### *Conclusion*

- 9.27. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing, meeting Policy BSC1 housing requirements to 2031. Substantial weight would be afforded to such benefits.
- 9.28. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years at 3.1 years. As such, the ‘tilted balance’ is engaged triggering a presumption in favour of sustainable development. The site is located on the edge of one of the most sustainable settlements within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there would be some negative impact upon the character and appearance of the open countryside and locality through development of this greenfield site, particularly when viewed from Crouch Hill, Officers accept that suitable landscape mitigation would, in time, be acceptable and sufficiently reduce any identified landscape harm. It is considered that the harmful impact could be largely mitigated and would be outweighed by the substantial benefits of the additional housing. The provision of affordable housing, the sustainability of the location and the long-term socio-economic benefits which additional housing and population would bring would, on balance, render this proposal acceptable.

- 9.29. Overall, it is considered that the development would boost the local housing supply in a sustainable way and therefore would comply with the goals of both the Local Plan and NPPF.

### Landscape Impact

#### *Policy context*

- 9.30. Policy ESD13 of the adopted CLP 2015 requires landscape protection and enhancement opportunities to secure enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.
- 9.31. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity.
- 9.32. Accompanying paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton.
- 9.33. The site is located within the proposed Ironstone Downs Local Landscape Designation, albeit on the very edge and viewed against the backdrop of neighbouring residential development on two sides and as such is not as much of a sensitive area within this designation.

#### *Assessment*

- 9.34. The site is located on the western edge of Banbury to the northern side of Broughton Road with Denbeigh Close and Balmoral Avenue to the east. Open countryside extends to the west of the parcel.
- 9.35. The site is currently divided into three separate fields with mature trees and hedging dissecting the fields. The application site is not completely devoid of development with some drainage ponds already existing at the southern edges which are associated with the existing development on the plateau at the north end of the land parcel.
- 9.36. The most impactful view of the development site would be from the south of Broughton Road, from Crouch Hill, and given the inconsistent topography of the field, some locations would be more visible than others with the highest ground being set along the northern and eastern edges, though it does fall away to the south west corner.
- 9.37. The highest areas of land would be seen within context of other residential properties along Denbeigh Close, Balmoral Avenue and the new development to the north of the site. These sites are all on a similar or higher topography to the proposed development site and as such given their proximity it is considered that the landscape sensitivity would be greatly reduced and to some extent would form a natural continuation of the existing urban form within the locality.

- 9.38. As one travels further west within or along its southern edge, the site has a greater relationship to the open countryside, as it is further away from the built environment to the east and north, but there is still a link to the urban environment through the existence of the metalled footpath which leads someway along Broughton Road and as such it still retains a connection to the existing urban form and therefore is not a completely rural landscape when viewed from the south.
- 9.39. Much of the view from the west of the site from the neighbouring Milestone Farm and beyond is shielded from view through the mature vegetation which bounds the site to its western and southern edges. As such, the immediate landscape when viewed from neighbouring fields or from Broughton Road would not be significantly impacted by the proposed development. Any views could be further mitigated by an enhancement of the vegetation along this rural edge and thus would further reduce the immediate landscape impacts.
- 9.40. The site is considered unremarkable in terms of its distinctiveness. The main landscape features include hedgerows, mature trees and occasional small blocks of woodland found at the boundaries of field parcels, which in combination with sloping topography provide some containment to the Site and contribute to the vegetated appearance of the landscape. There are few features within the main body of the Site itself to contribute to the wider landscape structure. From PRoWs other than at Crouch Hill and from local road corridors, the Site is of limited interest. Where views are possible, it is perceived as open agricultural land adjacent to a suburban settlement edge.
- 9.41. CDC Landscape Officers are satisfied with the landscape approach proposed by the applicants and are supportive of the conclusions of the submitted Landscape and Visual Impact Assessment (LVIA). As such, there are no objections to the scheme on landscape impact terms.
- 9.42. It is nonetheless considered important that the recommendations included within the applicant's LVIA are adhered to at any Reserved Matters stage. It is suggested that further landscape and visual impact assessment work is undertaken in line with the next design stage. A condition has been recommended that would secure this.

### Ecology Impact

#### *Legislative context*

- 9.43. 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.
- 9.44. 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.
- 9.45. 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.

9.46. 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 three 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.

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

#### *Policy Context*

9.48. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.49. Paragraph 186 states, inter alia, 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.

9.50. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.51. 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.
- 9.52. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.53. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.54. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

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

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.56. The Standing Advice sets out habitats that may have the potential for protected species, and there are several mature trees and hedgerows within and adjacent the site and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates. The site is also a possible Priority Grassland Habitat.
- 9.57. For the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017, when considering a planning application where EPS are likely or found to be present at the site or surrounding area, Local Planning Authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the Local Planning Authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing, the Authority has to consider itself whether the development would meet the three derogation tests listed above.

- 9.58. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.
- 9.59. The application is supported by a detailed Ecological Appraisal prepared by The Environmental Dimension Partnership Ltd referenced edp7856\_r006b, dated May 2025.
- 9.60. Following consultation, CDC Ecology Officers were content that the proposal meets the 10% Biodiversity Net Gain requirement for area habitats but would have fallen below the 10% target for hedgerow units. The Ecological Appraisal suggested off-site provision for the hedgerow units and it was confirmed that the applicants would purchase the necessary units off-site rather than within the blue line land. CDC Ecology Officers considered that this would be acceptable and they will need to provide a Biodiversity Gain plan showing the units have been purchased and registered on the Biodiversity Gains Register to discharge the BNG condition.
- 9.61. Some concerns were raised regarding the feasibility of delivering a 50/50 mix of modified/other neutral grassland within areas of public open space; whilst there were no objections to this in practice, further details were required to confirm how this would be implemented and maintained. The applicants confirmed that the area of public open space will be seeded early on and completely closed off to the public whilst the Site was under construction. This would allow for Other Neutral Grassland (ONG) to establish and become mature (rougher grassland), which would in turn discourage the public from using the land for recreational purposes. Measures including post-rope fencing along the footpath can also be used to discourage public access from these areas. The Council's ecologist was content with this approach and advised that further details could be submitted within a conditioned Habitat Management and Monitoring Plan (HMMP).
- 9.62. The inclusion of a lot of mixed scrub in some areas also raised concerns, as lack of scrub encroachment is a factor in condition assessments for achieving a higher condition. The HMMP would also provide details of scrub encroachment, discussing monitoring and remediation measures to ensure the grassland's target condition was met.
- 9.63. The report suggested that there was potential for bat roosts within some of the trees on site. The applicant confirmed that three tree climbing surveys were undertaken between May and September 2025 and those surveys confirmed that there were no roosts present. In terms of further mitigation prior to works being undertaken following any consent, the applicants have proposed pre-felling checks, soft felling, buffers, and sensitive lighting design at Reserved Matters stage. This aligns with best practice and therefore there are no objections to this approach.
- 9.64. Badger monitoring surveys were proposed for setts B1 and B2 closer to development stage. It is argued that the identified setts were low value outliers and that updated activity surveys should be done closer to construction due to the changeable nature of badger use. This is acceptable but pre-commencement conditions will need to be included in any permission for surveys and a mitigation plan.
- 9.65. The provided surveys confirmed that Great Crested Newts (GCN) are not present at the site. Protocols for unexpected encounters would need to be conditioned within a Construction Environmental Management Plan.

### *Conclusion*

- 9.66. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.67. The submitted documents show that Biodiversity Requirements can be achieved within the site along with some off-site provision. Officers are content with the information provided and the proposals are considered acceptable in respect of their impact on the ecology within the site.

#### Highways and Vehicular Access

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

#### *Assessment*

- 9.72. Vehicular access is proposed from the B4035 Broughton Road via a simple new priority junction. The access would be 5.5m-wide with a partial 3m-wide pedestrian footway/cycleway on the eastern side and a 2m-wide footway on the western side of the junction.
- 9.73. A swept path analysis has been carried out for a 11.6m refuse vehicle entering and exiting the proposed site entrance from both directions. The LHA is satisfied that a refuse vehicle can safely access and egress the site. Therefore, the geometry of the access is deemed satisfactory to serve the proposed development.
- 9.74. Broughton Road is currently subject to a 50mph speed limit in the vicinity of the site, however this transitions to a 30mph zone approximately 27m east of the proposed site access. The submitted Travel Statement proposes the relocation of the 30mph

limit further west to enhance safety at the site access. Oxfordshire County Council as the Local Highways Authority would welcome this to incorporate the site into the town.

- 9.75. The applicant has proposed on the eastern side of the site access a partial 3m footway/cycleway which is then to join onto the existing 2m footway. Whilst on the western side the applicant has proposed to widen the existing footway to 2m. These footways will link into a continuous footway which currently exists on the northern side of Broughton Road, linking the site ultimately with Banbury town centre. This would therefore facilitate pedestrian and cycle access towards the centre of the town and would increase the sustainability of the site.
- 9.76. The existing pedestrian infrastructure in the vicinity of the site comprises a continuous footway on the northern side of Broughton Road, connecting eastwards toward Banbury and the established residential areas at Bretch Hill and Queensway. However, the southern side of Broughton Road offers only intermittent footway provision, limiting safe pedestrian movement for those approaching from the west or wishing to cross the carriageway.
- 9.77. The development proposes to improve this by widening the existing footway on the northern side of Broughton Road to 2m between the main site access and Balmoral Avenue whilst also putting in the provision of a short section of 3m shared footway/cycleway. A 'jug handle' arrangement has been proposed in the verge on the opposing side of Broughton Road, which will provide pedestrians and cyclists with a safe off-carriageway crossing point.
- 9.78. The site is within walking distance of bus stops located along Broughton Road and Burns Road, approximately 350m to 450m from the proposed access. These stops are currently served by routes 75, 75A, and B7B, providing connections to Banbury town centre and surrounding areas. However, the existing level of service is limited, with only a small number of weekday and Saturday journeys and no Sunday service. This restricts the potential for regular commuting and reduces the attractiveness of public transport as a viable mode for residents.
- 9.79. To mitigate this, the development proposes the installation of two new bus stops with shelters along the site frontage, to be delivered through a Section 278 agreement with OCC, prior to first occupation. The stops will need to consist of the following:
- A pole/flag/timetable case to OCC specification;
  - Shelter (minimum 3 bay, needed in direction towards Banbury only);
  - Waiting areas at least 12sqm, minimum 2.5m deep if highway boundary permits, (absolute minimum 2m). For the Banbury direction, this space can include the shelter;
  - For the stop from Banbury, an appropriate crossing point is needed.
- 9.80. In addition, the eastbound bus stop should be clear of the site access' visibility splay. The location of the bus stop will therefore need to be relocated slightly further west, which can be secured by condition.
- 9.81. OCC would seek a financial contribution towards enhancing local bus services to increase service frequency and long-term sustainability. Banbury's bus network is currently financially supported to run at higher frequency using S106 contributions from developments that benefit, to provide a level of service to make the developments acceptable. The required S106 contribution from this development toward public transport services is £79,112.

- 9.82. OCC Highways have therefore raised no objections to the scheme subject to conditions and appropriate S106 contributions to improve local public transport services.

### Site Layout and Design Principles

#### *Policy Context*

- 9.83. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is fundamental to what the planning and development process should achieve.
- 9.84. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

#### *Assessment*

- 9.85. The application is submitted in outline with an illustrative site plan. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.
- 9.86. The indicative landscaping, with retention of the existing trees and proposals for a green buffer along the western edges allowing for a transition to the rural landscape would be acceptable in principle as well as a green northern edge given the difficulties in the topography of this edge of the site in terms of building in this more prominent location. The effect of the development on the landscape is considered earlier in this appraisal.
- 9.87. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition(s) attached to any such permission.

#### *Conclusion*

- 9.88. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 58 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

### Archaeology

- 9.89. The site lies in an area of archaeological interest and potential, as demonstrated in the submitted Archaeology and Heritage Assessment (edp 2025), and the results of the pre-determination archaeological evaluation which was undertaken on the site (Cotswold Archaeology 2025). The site lies to the immediate south of a Saxon cemetery (Border Archaeology forthcoming), and in a general area of Bronze Age – early Medieval activity which has been recorded as development takes place to the

west of Banbury. The archaeological evaluation recorded archaeological remains in the northern field of the proposal site; these were substantial, though undated. A further phase of archaeological investigation will be required ahead of any landscaping or planting in this area.

- 9.90. It is considered that the further phase of archaeological investigation can be submitted through appropriately worded conditions and as such there is no objection in principle to the scheme in terms of archaeological constraints.

### Flood Risk and drainage

#### *Policy Context*

- 9.91. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.92. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in Cherwell.

#### *Assessment*

- 9.93. A site-specific Flood Risk Assessment (FRA) prepared by MEC Consulting Group has been submitted in support of the application. The Environment Agency's flood maps indicate that site is not within a higher risk flood zone and is within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere because of the proposal.
- 9.94. OCC as LLFA have raised no objections to the proposal, subject to the impositions of appropriate conditions.

#### *Conclusion*

- 9.95. Officers consider that the current proposals can be considered acceptable in terms of flood-risk and drainage, in accord with local and national planning policy in this regard.

### Planning Obligations

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

#### *Assessment*

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

- 9.98. CDC Obligations:

30% affordable housing to NDSS and CDC requirements and standards;

a £63,911.50 contribution to the provision of enhanced facilities at The Hill, Sunshine Centre or community facilities at Woodgreen Leisure Centre;  
a £162,804.00 contribution towards outdoor sport provision;  
a £61,655.00 contribution towards indoor sport, at Woodgreen Leisure Centre or a new indoor sport facility in the locality;  
a £6,750.00 contribution towards initiatives to support groups for residents;  
a £16,290.00 contribution towards public art within the vicinity; and  
a £5,000 monitoring fee.

OCC Obligations:

£79,112 – public transport;  
£583,478 – secondary education;  
£56,364 – secondary education land contribution;  
£47,215 – special education;  
£6,003 – household waste and recycling centres.

Other obligations:

Health Care - £TBC  
Thames Valley Police - £TBC

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

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The Council cannot currently demonstrate a 5-year housing land supply and as such a tilted balance assessment must be applied. It is considered that the proposal would represent a sustainable development with the proposed application site being located adjacent to existing built development and close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The development would not cause harm to the local highway network or flood risk. Housing developments of this kind should be located close to the most sustainable locations within the district. Banbury is the most sustainable town and as such can accommodate a development of this size thus helping boost the district's overall housing supply.
- 10.3. The indicative plans demonstrate the site can accommodate the level of development suggested within the application and through careful design, the proposal would integrate well with the existing residential development. The development proposes 30% affordable housing and an acceptable mix.

## **11. RECOMMENDATION**

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

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE**

**CONDITIONS AS DEEMED NECESSARY) AND**  
**ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a) Provision of 30% affordable housing on site
- b) contribution to CDC for the provision or enhanced facilities at The Hill, Sunshine Centre or community facilities at Woodgreen Leisure Centre - £63,911.50
- c) contribution to CDC towards outdoor sport provision - £162,804
- d) contribution to CDC towards indoor sport at Woodgreen Leisure Centre or a new indoor sport facility in the locality - £61,655
- e) contribution to CDC towards initiatives to support groups for residents - £6,750
- f) contribution to CDC towards public art within the vicinity - £16,290
- g) payment of the District Council's monitoring costs of £5,000
- h) contribution to OCC of £79,112 for enhanced public transport
- i) contribution to OCC of £583,478 for secondary education provision
- j) contribution to OCC of £56,364 for secondary education land
- k) contribution to OCC of £47,215 for special education needs
- l) contribution to OCC of £6,003 for household waste and recycling centres
- m) payment of the County Council's monitoring costs – TBC
- n) contribution to BOBICB for health care enhancements – TBC and
- o) contribution to Thames Valley Police for enhanced policing resource - TBC

**FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRED ON 21 NOVEMBER 2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY AN AGREED DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate mitigation required as a result of the development and necessary to make the ecological, landscape and highway impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to development plan policies SLE4, ESD10, ESD13, INF1, C7, C8 and C28 and national guidance contained in the National Planning Policy Framework.

#### CONDITIONS OF APPROVAL

##### **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.

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

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

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

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

#### **Compliance with Plans**

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

Site Location Plan – RL01

Parameter Plan – 04

Parameter Plan Green Infrastructure – 05

Site Access Connection (included within Transport Statement) – 27014-01

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

5. Prior to the first use or occupation of the development hereby approved, details of the revised position of the northbound bus stop should be submitted and approved in writing by the Local Planning Authority. Thereafter the bus stop shall be implemented in accordance with the approved details.

Reason: To promote sustainable travel modes.

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

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

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

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and the residential amenities of neighbouring occupiers.

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

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

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

- Discharge rates based on 1:1 year greenfield run off rate
- Discharge Volumes
- SUDS
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers.
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a

flood exceedance route plan)

- A detailed maintenance regime for all proposed drainage features and SuDS features.
- A detailed surface water catchment plan.

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

10. As part of any reserved matters application including layout, a noise assessment shall be submitted and approved in writing by the Local Planning Authority demonstrate how acceptable internal and external noise levels will be achieved for the proposed dwellings and amenity spaces. If the proposal includes the use of background ventilation, then a ventilation and overheating assessment should be carried out and submitted to be approved. The development shall thereafter be carried out in accordance with the approved details and any mitigation retained thereafter.

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

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

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

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

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

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

14. If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

15. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

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

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

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

17. Following the approval of the Written Scheme of Investigation referred to in

condition 16, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

18. Construction shall not begin until/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 be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change
- A Flood Exceedance Conveyance Plan
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and
- Details of how water quality will be managed during construction and post development in perpetuity
- Confirmation of any outfall details
- Consent for any connections into third party drainage systems.

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

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

- a) As built plans in both .pdf and .shp file format
- b) Photographs to document each key stage of the drainage system when installed on site
- c) Photographs to document the completed installation of the drainage

structures on site

- d) The name and contact details of any appointed management company information.

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

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

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

21. 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.

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

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

23. No development shall commence, including any demolition and any works of site clearance, unless and until a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

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

24. No development shall commence until a wildlife-sensitive lighting scheme, in line with Bat Conservation Trust guidance on bats and artificial lighting at night (GN08/23) has been submitted to and approved in writing by the LPA. Thereafter, the development shall not be carried out other than in accordance with the approved lighting scheme.

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.

25. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall detail proposed site security measures, to include (but not be limited to):

- Perimeter fencing and hoarding details
- Access control measures for personnel and vehicles
- Lighting, surveillance, and alarm provisions during construction
- Measures to prevent unauthorised access outside of working hours
- Security protocols for storage of tools, materials, and plant machinery.

The approved CMP, including the site security measures, shall be implemented in full for the duration of the construction works and adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the security of the site, protect public safety, and prevent crime and anti-social behaviour during the construction phase, in accordance with DES1 of the South Oxfordshire Local plan and the aims of the National Planning Policy Framework (NPPF).

26. As part of any reserved matters application an LVA shall be submitted, the LVA shall include:

- 3D modelling, wirelines, or rendered photomontages (LI Visualisation Types 2-3) to show how the scheme responds positively to the underlying topography and its landscape context. The visualisations must be supported by narrative that identifies the mitigation measures inherent to the scheme and how these are necessary to protect landscape character.

The LVA must conform to best practice and guidance including demonstration that alternative layouts have been considered and the mitigation hierarchy has been followed as part of an iterative and coordinated design process.

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.

