

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee:** Planning Committee  
**Date:** Thursday 4 June 2020  
**Time:** 2.00 pm  
**Venue:** Virtual meeting, details will be available ahead of the meeting

## Membership

### **Councillor James Macnamara (Chairman)**

Councillor Andrew Beere  
Councillor Phil Chapman  
Councillor Conrad Copeland  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Cassi Perry  
Councillor George Reynolds  
Councillor Les Sibley

### **Councillor Maurice Billington (Vice-Chairman)**

Councillor Hugo Brown  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Lynn Pratt  
Councillor Barry Richards  
Councillor Katherine Tyson

## Substitutes

Councillor Mike Bishop  
Councillor Nick Cotter  
Councillor Timothy Hallchurch MBE  
Councillor Tony Mephram  
Councillor Richard Mould  
Councillor Bryn Williams  
Councillor Sean Woodcock

Councillor John Broad  
Councillor Surinder Dhesi  
Councillor Tony Ilott  
Councillor Ian Middleton  
Councillor Douglas Webb  
Councillor Barry Wood

## AGENDA

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

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

### **3. Requests to Address the Meeting**

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

### **4. Minutes (Pages 1 - 61)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 21 May 2020.

### **5. Chairman's Announcements**

To receive communications from the Chairman.

### **6. Urgent Business**

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

## **Planning Applications**

### **7. Kidlington Green Social Club, 1 Green Road, Kidlington, OX5 2EU**

(Pages 64 - 100)

**19/02341/F**

### **8. OS Parcels 3309 And 4319, Adjoining And North of Milton Road, Adderbury**

(Pages 101 - 126)

**19/02796/F**

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 221591 prior to the start of the meeting.

### **Declarations of Interest**

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

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

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

## **Access to Meetings**

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

## **Queries Regarding this Agenda**

Please contact Lesley Farrell, Democratic and Elections  
democracy@cherwellandsouthnorthants.gov.uk, 01295 221591

**Yvonne Rees**  
**Chief Executive**

Published on Wednesday 27 May 2020

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held as a virtual meeting on 21 May 2020 at 2.00 pm

- Present: Councillor James Macnamara (Chairman)  
Councillor Maurice Billington (Vice-Chairman)
- Councillor Hugo Brown  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Conrad Copeland  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor George Reynolds  
Councillor Barry Richards  
Councillor Les Sibley
- Substitute Members: Councillor Barry Wood (In place of Councillor Ian Corkin)  
Councillor Ian Middleton (In place of Councillor Katherine Tyson)  
Councillor Sean Woodcock (In place of Councillor Andrew Beere)
- Also Present: Councillor Nick Cotter, local ward member for Bicester South and Ambrosden for agenda item 11  
Councillor Dan Sames, local ward member for Bicester South and Ambrosden for agenda item 11
- Apologies for absence: Councillor Andrew Beere  
Councillor Ian Corkin  
Councillor Katherine Tyson
- Officers: Sarah Stevens, Interim Senior Manager – Development Management  
James Kirkham, Principal Planning Officer  
Nat Stock, Minors Team Leader  
Lewis Knox, Planning Officer  
Caroline Ford, Principal Planning Officer  
Alex Keen, Major Projects Manager and Deputy Senior Manager  
Jennifer Crouch, Solicitor

1 **Welcome**

The Chairman welcomed Councillors, officers, members of the public and the press to Cherwell District Council's first virtual Planning Committee meeting and reminded Members of some key virtual meeting protocols to ensure the efficient and effective running of the meeting.

2 **Declarations of Interest**

**7. Rope Walk, 106 Church Street, Kidlington, OX5 2BB.**

Councillor Maurice Billington, Declaration, as the applicant was a fellow ward councillor.

**9. Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1740).**

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

**10. Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1746).**

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

**11. Symmetry Park Phase 2, Morrell Way, Ambrosden.**

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application

**13. Land Adj to Bullmarsh Close off Middleton Park, Middleton Stoney (0624).**

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the meeting for the duration of the item

Councillor George Reynolds, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

**14. Land Adj to Bullmarsh Close Off Middleton Park, Middleton Stoney (0979).**

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

**3 Requests to Address the Meeting**

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

The Chairman explained that the speakers would join the virtual meeting prior to the application they are speaking on and requested that Members did not admit the public speakers from the lobby. The Democratic and Elections Officer would admit speakers at the appropriate time.

The Chairman further explained that the 5 minute speaking time limit for objectors and supporters still applied. As there wasn't a suitable countdown clock to display, he would time 5 minutes and give a 30 second warning to speakers. Once speakers had addressed the meeting, they would leave the meeting and be able to continue watching the broadcast online.

**4 Minutes**

The Minutes of the meeting held on 12 March 2020 were agreed as a correct record and the Chairman confirmed he would sign them in due course.

**5 Chairman's Announcements**

The Chairman made the following announcements:

**Site Visits**

The Chairman explained that the usual standing agenda item "Proposed Pre-Committee Site Visits (if any)" had not been included on the agenda. In light of the current Government restrictions and measures to minimise the spread of Covid-19, the Committee would need to give serious consideration to the necessity of site visits and Planning Officers were considering on a case by case basis if a site visit is essential or if there is an alternative to a site visit.

At the request of the Chairman, the Interim Senior Manager – Development Management, updated the Committee on application 19/02708/F, Bicester Heritage, Buckingham Road, Bicester, which Members had agreed at their February 2020 meeting to have hold a pre-committee site visit.

The Interim Senior Manager – Development Management explained that officers had been liaising with the applicant about suitable alternatives to a site visit. The applicant had offered to use drones to record across the site thereby enabling a virtual site visit.

The Committee endorsed the approach and agreed to advise Planning Officers if there was anything in particular, they would like to see on the site visit drone footage.

### **Adjournment**

The Chairman advised that due to the length of the agenda, he would call a short adjournment after around two hours at a suitable time in proceedings.

## **6 Urgent Business**

There were no items of urgent business.

## **7 Rope Walk, 106 Church Street, Kidlington, OX5 2BB**

The Committee considered application 20/00377/F, for the conversion of a garage to habitable accommodation at Rope Walk, 106 Church Street, Kidlington, OX5 2BB for Mrs Carmen Griffiths.

In reaching its decision the Committee considered the officers' report and presentation.

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/00377/F, subject to the conditions set out below (and any amendments to those conditions as deemed necessary)

### **CONDITIONS**

#### **Time Limit**

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

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

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing Number 983:01, 983:02 and the application form submitted with the application.

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.

#### **Natural Stone to Match Existing**

3. The natural stone to be used to fill in the garage entrance shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality 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.

#### **8 OS Parcel 6086 Adjacent and North West of Railway Line, Ploughley Road, Arccott**

The Committee considered application 20/00285/F for the construction and operation of a solar photovoltaic ('PV') farm, with battery storage and other associated infrastructure including inverters, security cameras, fencing, access tracks and landscaping at OS Parcel 6086 Adjacent and North West of Railway Line, Ploughley Road, Arccott for Birkett Solar Farm Limited

Richard Taylor, local resident, addressed the Committee in objection to the applicant.

James Hartley-Bond, agent for the applicant, addressed the meeting in support of the application.

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

#### **Resolved**

- (1) That authority be delegate to the Assistant Director for Planning and Economy to grant permission for application 20/00285/F, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

#### CONDITIONS



### **Time Limit**

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

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

### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Drawing Nos PAP 001 rev 6, PAP 003 rev 07, PAP 004 rev 11, PAP 005 rev 01, PAP 006 rev 01, PAP 007 rev 01, PAP 008 rev 01, PAP 009 rev 01, PAP 010 rev 01, PAP 011 rev 01, PAP 013 rev 01, PAP 014 rev 01, PAP 015 rev 01, PAP 016 rev 01, PAP 017 rev 01, PSS 027 003 001.1, PSS 027 003 001.2, PSS 027 003 001.3, and PSS 027 003 001.4.
  - Planning Design and Access Statement, Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019, Ecological Assessment prepared by Landscape Science Consultancy Ltd dated January 2020, Historic Environment Desk Based Assessment prepared by AECOM Infrastructure & Environment UK Limited dated January 2020, Flood Risk Assessment prepared by Kaya Consulting Ltd dated January 2020, Geophysical Survey Report prepared by Sumo Survey dated February 2020, Transport Report prepared by Mott MacDonald dated January 2020.

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

### **Temporary Permission**

3. The permission shall expire no later than 40 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies ESD 13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

#### **Landscaping, mitigation and maintenance**

5. The development shall be carried out in accordance with the landscape mitigation and maintenance details set out at figure 6 (a-d) of the Landscape and Visual Impact Assessment Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019 and the landscape mitigation works shall be completed prior to the first use of the development for exporting electricity to the grid except where alternative timescales are set out in the aforesaid landscape mitigation and maintenance details.

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

6. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

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

#### **Construction Management Plan**

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. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- 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. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Booking system for HGV deliveries
- Details for the provision of Banksmen

Contact details of the Project Manager and Site Supervisor shall be submitted to the LPA prior to the commencement of any works on site.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

### **Drainage**

8. Prior to the levelling of the site or construction of the access and internal tracks whichever is the earliest a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out and completed prior to the commencement of any construction works on the site and shall be retained as such thereafter.

Reason - To protect the development and its occupants from the increased risk of flooding and in order to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Archaeology**

9. 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.

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

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

### **Ecology**

11. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 and 7 of the Ecological Assessment carried out by Landscape Science Consultancy Ltd dated January 2020.

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.

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, 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, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved 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.

13. No development shall take place (including demolition, ground works, vegetation clearance) 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:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs

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

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

### **Lighting**

14. No external lighting shall be installed within the site area.

Reason - To safeguard the amenities of the area and 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

### **Environmental Protection**

15. 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 Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

## **9 Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1740)**

The Committee considered application 19/01740/HYBRID, a 'Hybrid' planning application comprising outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works and full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping at land adjacent to Promised Land Farm, Wendlebury Road, Chesterton (1740) for Mr Kelvin Pearce.

Paul Troop, Bicester Bike Users Group, and Richard Cutler, local resident, addressed the Committee in objection to the application.

Mike Pollard, Banbury Ornithological Society, Emma Lancaster, agent for the applicant and Simon Parfitt, David Tucker Associates, addressed the Committee in support of the application.

Councillor Wood proposed that consideration of application 19/01740/HYBRID be deferred as the application should be considered alongside the recently submitted new application for Phase 1 of the Bicester 10 allocation and the highway works and obligations were not sufficient to mitigate the impact of the development. Councillor Sibley seconded the proposal.

At the request of the Chairman the Principal Planning Officer, Caroline Ford, and Joy White, Transport Development Control Lead at Oxfordshire County Council, addressed the Committee to explain the proposed development must be considered on its own merits and consideration of the two schemes together was not necessary or justified by Policy Bicester 10, which does not require a comprehensive approach to development of this allocation. The highway works and obligations requested were what has been considered necessary by Oxfordshire County Council as Local Highways Authority, to mitigate the impact of the development proposed.

Councillor Wood subsequently advised he was withdrawing his proposal to defer consideration of the application.

Councillor Sibley proposed that consideration of application 19/01740/HYBRID be deferred as the application should be considered alongside the recently submitted new application for Phase 1 of the Bicester 10 allocation and the highway works and obligations were not sufficient to mitigate the impact of the development. Councillor Middleton seconded the proposal.

The motion to defer the application was debated and on being put to the vote was lost and subsequently fell.

It was proposed by Councillor Clarke and seconded by Councillor Reynolds that application 19/01740/HYBRID be approved in line with the officer recommendation.

In reaching its decision the Committee considered the officers' report and presentation, the addresses of the public speakers and the written update.

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/01740/HYB, subject to:
  - (i) 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) Highway Works (1) - £598,404.24 (index linked)
    - b) Highway Works (2) - £50,000 (index linked)
    - c) Public Transport services - £375,000 (index linked)
    - d) Public Transport infrastructure - £10,000 (index linked)
    - e) Travel Plan Monitoring - £3,280 (index linked)
    - f) Payment of the District Council and County Council monitoring costs – (TBC)
    - g) That the developer commits to enter into a s278 highway agreement
  - (ii) the conditions set out below (and any amendments to those conditions as deemed necessary) and

## **CONDITIONS AND REASONS RELATING TO THE FULL PLANNING PERMISSION**

### **TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

#### **1 Statutory Time Limit**

The development to which this planning 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 Compliance with plans**

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

A-PL-04-010xP01\_Proposed Ground GA Plan  
A-PL-04-011xP01\_Proposed First GA Plan  
A-PL-04-012xP01\_Proposed Roof GA Plan

A-PL-05-010xP01\_Proposed GA Elevations  
A-PL-05-020xP01\_Proposed Air Dome Elevations  
A-PL-05-030\_Proposed Sauna Elevations

A-PL-06-001\_Proposed GA Sections  
A-PL-06-010\_Proposed Site Sections

A-PL-09-000\_Existing Site Plan  
A-PL-09-010xP05\_Proposed Site Plan  
A-PL-09-020xP04\_Proposed Site Tracking Layout  
A-PL-09-100\_Proposed Tree Pit Detail  
A-PL-09-101\_Proposed Entrance Barrier Detail  
A-PL-09-102xP02\_Proposed Bike Shelter Detail

A-PL-95-010xP04\_Proposed Surfacing Plan  
A-PL-97-010xP04\_Proposed Boundary Treatment

Bicester Design and Access Statement Rev02  
Bicester Material Samples\_P02

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 Site Clearance (nesting season)**



The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

#### **4 BREEAM/Energy Strategy**

The development hereby permitted shall be implemented in accordance with the DLL Bicester Energy Strategy (ref. 41602/JT dated December 2019) and shall be constructed to at least a BREEAM 'Very Good' standard.

Reason - To ensure exemplary energy and resource efficiency practices are incorporated into the development in accordance with Policy Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

#### **5 Travel Plan**

The development hereby permitted shall be implemented and operated in accordance with the David Lloyd Leisure Ltd Health and Racquets Club Travel Plan (ref SKP/RJM/19539-08a dated 22<sup>nd</sup> July 2019).

Reason: In the interests of highway safety and to promote sustainable transport, to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF.

#### **6 Flood Risk**

The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:

- Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and
- 7878m<sup>3</sup> of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

## **7 Maintenance of planting**

All planting, seeding or turfing comprised 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 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, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with 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.

## **8 Land Contamination not Previously Identified**

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

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

## **PRE-COMMENCEMENT CONDITIONS**

### **9 Construction Management Plan (CMP)**

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;

- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

#### 10 Construction Environmental Management Plan (CEMP) for Biodiversity

No development shall take place (including demolition, ground works, or vegetation clearance) 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:

- a) Risk assessment of potentially damaging construction activities;

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

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

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

#### 11 Landscaping Scheme

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**12 Arboricultural Method Statement (AMS)**

No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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 built environment and to comply with Policy C28 of the adopted 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.

**13 Sustainable Drainage**

No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.

- S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout
- FRA (Issue 3) - Main Body Text (PART 1 OF 11)
- Appendix A (PART 2 OF 11)
- Appendix B (PART 3 OF 11)
- Appendix C (PART 4 OF 11)
- Appendix D (PART 5 OF 11)
- Appendix E (PART 6 OF 11)
- Appendix F (PART 7 OF 11)
- Appendix G (PART 8 OF 11)
- Appendix H (PART 9 OF 11)
- Appendix J (PART 10 OF 11)
- Appendix K (PART 11 OF 11)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 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.

**THAMES WATER CONDITIONS** – awaiting response from TW to confirm recommended conditions

**14 Land Contamination: Desk Study/Site Walk Over**

No development shall take place 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **15 Land contamination: Intrusive Investigation**

If a potential risk from contamination is identified as a result of the work carried out under condition 14 no development shall take place until 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 has been 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 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **16 Land Contamination: Remediation Scheme**

If contamination is found by undertaking the work carried out under condition 15 no development shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been 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 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **17 Archaeological WSI**

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 (2019).

#### **18 Archaeological Evaluation and Mitigation**

Following the approval of the Written Scheme of Investigation referred to in condition 17 and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

### **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE**

#### **19 Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme

for the works) has been submitted to and approved in writing by the Local Planning. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure and so this condition is necessary to protect that infrastructure, in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF.

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION**

### **20 Landscape and Ecological Management Plan (LEMP)**

Prior to the first occupation of the development hereby permitted, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

### **21 Details of Lighting**

Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

### **22 Electric Vehicle Charging**

The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

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



## **23 Land Contamination: Carry out Remediation**

If remedial works have been identified in condition 16 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. 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 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.

## **CONDITIONS AND REASONS RELATING TO THE OUTLINE PLANNING PERMISSION**

### **TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

## **24 Quantum of Development**

The development hereby permitted shall comprise a maximum floorspace of 16,800sqm and shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 35% (5,880sqm) shall be developed for purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the transport impacts of the development are mitigated, as set out in the Environmental Statement and in accordance with Policy SLE4, Bicester 10 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

## **25 Reserved Matters**

No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.

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

## **26 Phasing Plan**

No development shall take place until a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason - To ensure the proper phased implementation of the development in accordance with Government guidance contained within the National Planning Policy Framework.

## **27 Development Framework Plan**

Prior to the submission of any reserved matters application, a Development Framework Plan to include landscaped spaces, the distribution of land uses, form of buildings including height parameters, street frontage, key movement corridors and the creation of attractive and well-defined streetscapes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Development Framework Plan.

Reason - To ensure a coherent and high quality development of the Bicester 10 strategic allocation as a whole in accordance with policy Bicester 10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

## **28 Statutory Time Limit**

Application for approval of all the reserved matters for the first Phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission.

Application for approval of all the reserved matters for the remaining phases of the development shall be made to the Local Planning Authority not later than five years from the date of this permission.

The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

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

## **29 Compliance with plans**

Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s) the development shall not be carried out otherwise than in complete accordance with the approved plans

18022/TP/101 Rev B, Site location plan  
18022/TP/102 Rev B, Parameters plan 01  
18022/TP/103 Rev C, Parameters plan 02  
18022/TP/104 Rev B, Parameters plan 03  
18022/TP/105 Rev B. Parameters plan 04

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.

**30 Site Clearance (nesting season)**

The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

**31 Prohibition of Outside Storage**

No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

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

**32 BREEAM/Energy Strategy**

The development hereby permitted shall be implemented in accordance with the Outline Energy Strategy (ref. 1463/ESC/00/ZZ/RP/Z/0014 dated February 2020) and shall be constructed to at least a BREEAM 'Very Good' standard.

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

**33 Flood Risk**

The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:

- Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and
- 7878m<sup>3</sup> of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently to be agreed in writing by the local planning authority.

Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

#### **34 Maintenance of planting**

All planting, seeding or turfing comprised 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 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, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with 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.

#### **35 Land Contamination not Previously Identified**

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **PRE COMMENCEMENT CONDITIONS**

### **36 Construction Management Plan (CMP)**

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

### **37 Construction Environmental Management Plan (CEMP) for Biodiversity**

No development shall take place (including demolition, ground works, vegetation clearance) 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:

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

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

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

### **38 Arboricultural Method Statement (AMS)**

No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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 built environment and to comply with Policy C28 of the adopted 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.

### **39 Training and Employment Plan**

No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

### **40 Sustainable Drainage**

No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.

- S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout
- FRA (Issue 3) - Main Body Text (PART 1 OF 11)
- Appendix A (PART 2 OF 11)
- Appendix B (PART 3 OF 11)
- Appendix C (PART 4 OF 11)
- Appendix D (PART 5 OF 11)
- Appendix E (PART 6 OF 11)
- Appendix F (PART 7 OF 11)
- Appendix G (PART 8 OF 11)
- Appendix H (PART 9 OF 11)
- Appendix J (PART 10 OF 11)
- Appendix K (PART 11 OF 11)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 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.

**THAMES WATER CONDITIONS** – awaiting response from TW to confirm recommended conditions

**41 Land Contamination: Desk Study/Site Walk Over**

Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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.

**42 Land contamination: Intrusive Investigation**

If a potential risk from contamination is identified as a result of the work carried out under condition 41, 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 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**43 Land Contamination: Remediation Scheme**



If contamination is found by undertaking the work carried out under condition 42, 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 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **44 Archaeological WSI**

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

#### **45 Archaeological Evaluation and Mitigation**

Following the approval of the Written Scheme of Investigation referred to in condition 44, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

#### **46 Estate Roads, parking and turning areas**

Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning

areas to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting, drainage and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

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.

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE**

### **47 Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

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

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION**

### **48 Framework Travel Plan**

Prior to the occupation of any unit within the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. This Framework Travel Plan to be based on the draft document 19539-07a dated 22nd July 2019. The travel plan shall be implemented in accordance with the details approved.

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

### **49 Landscape and Ecological Management Plan (LEMP)**

Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be

carried out in accordance with the approved details.

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

## **50 Electric Vehicle Charging**

The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

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

## **51 Scheduled Ancient Monument Public Information**

Prior to the first occupation of the development hereby permitted, details of a Public Information Scheme relating to the Scheduled Ancient Monument and to be provided on the site, including arrangements for members of the public to access the information and a timings for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason – To increase public awareness of the Schedule Ancient Monument and assist in revealing its significance as part of the development in accordance with Policy ESD 15 and Policy Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **52 Land Contamination: Carry out Remediation**

If remedial works have been identified in condition 43, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 43. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance

contained within the National Planning Policy Framework.

10 **Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1746)**

The Committee considered application 19/01746/OUT, an outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c) and access and associated landscaping and infrastructure works at land adjacent to Promised Land Farm, Wendlebury Road, Chesterton (1746) for Mr Kelvin Pearce.

Richard Cutler, local resident, addressed the Committee in objection to the application.

Emma Lancaster, agent for the applicant addressed the Committee in support of the application.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/01746/OUT, subject to:
  - (i) 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) Highway Works (1) - £598,404.24 (index linked)
    - b) Highway Works (2) - £50,000 (index linked)
    - c) Public Transport services - £375,000 (index linked)
    - d) Public Transport infrastructure - £10,000 (index linked)
    - e) Travel Plan Monitoring - £3,280 (index linked)
    - f) Payment of the District Council and County Council monitoring costs – (TBC)
    - g) That the developer commits to enter into a s278 highway agreement
  - (ii) the conditions set out below (and any amendments to those conditions as deemed necessary):

**TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

**1 Quantum of Development**

The development hereby permitted shall comprise a maximum floorspace of 10,200sqm and shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 35% (3,570sqm) shall be utilised for purposes falling within Class B1(a) (including ancillary uses) of the Town and Country

Planning (Use Classes) Order 1987 (as amended).

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

## **2 Reserved Matters**

No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.

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

## **3 Phasing Plan**

No development shall take place until a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason - To ensure the proper phased implementation of the development in accordance with Government guidance contained within the National Planning Policy Framework.

## **4 Development Framework Plan**

Prior to the submission of any reserved matters application, a Development Framework Plan to include landscaped spaces, the distribution of land uses, form of buildings including height parameters, street frontage, key movement corridors and the creation of attractive and well-defined streetscapes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Development Framework Plan.

Reason - To ensure a coherent and high quality development of the Bicester 10 strategic allocation as a whole in accordance with policy Bicester 10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

## **5 Statutory Time Limit**

Application for approval of all the reserved matters shall be made to the Local

Planning Authority before the expiration of five years from the date of this permission and the outline development hereby permitted shall be begun either before the expiration of seven years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

## **6 Compliance with plans**

Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s) the development shall not be carried out otherwise than in complete accordance with the approved plans

18022/TP/111 Rev B, Site location plan  
18022/TP/112 Rev B, Parameters plan 01  
18022/TP/113 Rev C, Parameters plan 02  
18022/TP/114 Rev B, Parameters plan 03  
18022/TP/115 Rev B. Parameters plan 04

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

## **7 Site Clearance (nesting season)**

The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

## **8 Prohibition of Outside Storage**

No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

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

## **9 BREEAM/Energy Strategy**

The development hereby permitted shall be implemented in accordance with the Outline Energy Strategy (ref. 1463/ESC/00/ZZ/RP/Z/0014 dated February 2020) and shall be constructed to at least a BREEAM 'Very Good' standard

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

## **10 Flood Risk**

The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020) and the following mitigation measures it details:

- Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and
- 7878m<sup>3</sup> of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason - In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

## **11 Maintenance of planting**

All planting, seeding or turfing comprised 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 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, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with 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 Land Contamination not Previously Identified**

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

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

## **13 Bat Licence**

Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

## **PRE COMMENCEMENT CONDITIONS**

### **14 Construction Management Plan (CMP)**

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;



- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

## **15 Construction Environmental Management Plan (CEMP) for Biodiversity**

No development shall take place (including demolition, ground works, vegetation clearance) 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:

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

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

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

## **16 Arboricultural Method Statement (AMS)**

No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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 built environment and to comply with Policy C28 of the adopted 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.

## **17 Training and Employment Plan**

No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

## **18 Sustainable Drainage**

No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.

- S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout
- FRA (Issue 3) - Main Body Text (PART 1 OF 11)
- Appendix A (PART 2 OF 11)
- Appendix B (PART 3 OF 11)
- Appendix C (PART 4 OF 11)
- Appendix D (PART 5 OF 11)
- Appendix E (PART 6 OF 11)
- Appendix F (PART 7 OF 11)
- Appendix G (PART 8 OF 11)
- Appendix H (PART 9 OF 11)
- Appendix J (PART 10 OF 11)
- Appendix K (PART 11 OF 11)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 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.

**THAMES WATER CONDITIONS** – awaiting response from TW to confirm recommended conditions

## **19 Land Contamination: Desk Study/Site Walk Over**

Unless already discharged under the Detailed Permission, prior to the commencement of the development of any phase hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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.

## **20 Land contamination: Intrusive Investigation**

If a potential risk from contamination is identified as a result of the work carried out under condition 19, 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 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

## **21 Land Contamination: Remediation Scheme**

If contamination is found by undertaking the work carried out under condition 20, 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 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

## **22 Archaeological WSI**

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

### **23 Archaeological Evaluation and Mitigation**

Following the approval of the Written Scheme of Investigation referred to in condition 22, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

### **24 Estate Roads, parking and turning areas**

Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning areas to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting, drainage and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

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.

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE**

### **25 Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

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

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION**

### **26 Framework Travel Plan**

Prior to the occupation of any unit within the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. This Framework Travel Plan to be based on the draft document 19539-07a dated 22nd July 2019. The travel plan shall be implemented in accordance with the details approved.

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

### **27 Landscape and Ecological Management Plan (LEMP)**

Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

### **28 Close Existing Access**

Prior to the first occupation of the development hereby permitted, the existing access onto Wendlebury Road shall be permanently stopped up in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority and shall not thereafter be used by any vehicular traffic whatsoever.

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

### **29 Electric Vehicle Charging**

The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities

for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

### **30 Land Contamination: Carry out Remediation**

If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21, of the Detailed Permission. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **11 Symmetry Park Phase 2, Morrell Way, Ambrosden**

The Committee considered application 20/00530/F, a full planning application for 4,635sq. m of logistics floor space, within Class B8, including ancillary Class B1 (a) office, (592sq.m), a customer collection facility (112 sq.m), staff mess pod (142 sq.m), and associated infrastructure including external service yard, lorry, van and staff car parking, re-fuelling facility, fencing, landscaping, storm water drainage and private sewage treatment plant, with an access road off Morrell Way at Symmetry Park Phase 2, Morrell Way, Ambrosden for Tritax Symmetry Bicester 2 Ltd.

Councillor Dan Sames and Councillor Nick Cotter addressed the Committee as local ward members .

Mark Wilkes Director of Infrastructure and Sustainability, DPD Group UK Ltd. and Peter Frampton, agent for the applicant addressed the Committee in support of the application.

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

#### **Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00530/F subject to:
  - (i) 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) Strategic Transport Contribution - £91,932 (index linked)

- b) Public Transport services - £14,637 (index linked)
- c) Travel Plan Monitoring - £2,346 (index linked)
- d) Highway Works - £148,000 (index linked)
- e) Payment of the District Council and County Council monitoring costs – TBC

- (ii) an undertaking that development will not commence until DPD have signed the lease for the site
- (iii) the conditions set out below (and any amendments to those conditions as deemed necessary):

## CONDITIONS

### **Time Limit**

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

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

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

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

### **Compliance with Plans**

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

4036-X01-006 P5 Red Line Plan  
4036-X01-007 P9 Estate Plan  
4036-X01-008 P6 GA - Plans – Areas  
4036-X01-010 P6 GA - Elevations & Section  
4036-X01-011 P3 GA - Plans - Offices & Mess Pod  
4036-X01-012 P4 GA - Roof plan  
4036-X01-013 P7 Proposed Site Layout – Planning  
4036-X01-014 P8 External finishes plan  
4036-X01-015 P7 Parking Details Plan  
4036-X01-016 P8 Fencing Details Plan  
4036-X01-017 P7 Site Sections

### **Vehicle Tracking Drawings**

10942-HYD-XX-XX-DR-TP-0001-P02



10942-HYD-XX-XX-DR-TP-0002-P02  
10942-HYD-XX-XX-DR-TP-0003-P02  
10942-HYD-XX-XX-DR-TP-0004-P01  
10942-HYD-XX-XX-DR-TP-0005-P02  
10942-HYD-XX-XX-DR-TP-0006-P02

**Lighting**

Dwg no 180971-E-011 P02 External Lighting Layout  
Symmetry Park Bicester Warehouse External Luminaire Schedule (version 1)

**Landscape and Ecology**

edp4813\_r001-C-LVA  
edp4813\_r002-A-Arbicultural Technical Note  
edp4813\_r008-C-Arbicultural Impact Assessment  
edp4813\_r007-D-Ecology Appraisal

edp4813\_d022-H-Detailed Landscape Design.  
edp4813 - BIA 19032020-1.4-  
edp4813\_d027c Illustrative Landscape Strategy

**Sustainability**

Sustainability Statement for Planning - Rev C 180971  
PV report P03 CPW-ME-180971-P01

**Surface Water Drainage**

Flood Risk Assessment 10942-HYD-XXX-XXX-RP-FR-0002.  
C-10942-RP-001\_ 4 Symmetry Park Bicester Drainage Strategy Report-  
[FINAL]

Pump Failure surface Water Storage C-10942-TN-001 P1  
C-10942-HYD-00-ZZ-DR-C-7012 – P3 Surface water flood extents  
C-10942-HYD-00-ZZ-DR-C-7016 – P1 Surface water flood extents during  
pump failure  
C-10942-HYD-00-ZZ-DR-C-7017 – P1 Additional surface water storage in  
case of pump failure

C10942-HYD-00-ZZ-DR-C-7005\_External Levels\_P6

**Ground Conditions**

10942-HYD-XX-XX-RP-GE-0001-P02-  
S2\_Land\_adj\_Symmetry\_Park\_Unit\_D (1)

**Air Quality**

BID-HYD-XX-ZZ-RP-Y-2101\_P01 Air Quality Report

**Noise Assessment**

DPD-HYD-ZZ-XX-RP-Y-1001-P02 DPD Bicester Noise Assessment

**Transport**

Transport Statement 10942-HYD-XX-XX-RP-TP-4001-P03

**Archaeology**

edp4813\_r004-A-Archaeological and Heritage Assessment  
Archaeology Evaluation WFBO3\_EV\_MK202\_20\_V3

Design and Access Statement

Planning Statement

unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Reason – To clarify the permission and for the avoidance of doubt.

**Conditions with which the development must comply**

4. No development shall take place until the existing trees and hedgerows to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;

a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.

b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. All planting, seeding or turfing comprised in the approved details of

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

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

6. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

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

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

8. The development hereby permitted shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) Rev 2 (A&H Construction Development. Plc.) May 2020.

Reason – In the interests of highway safety and to ensure that the environment is protected during construction and protect habitats of

importance to biodiversity conservation from any loss or damage in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated 14<sup>th</sup> February 2020 10942-HYD-XXX-XXX-RP-FR-0002 and the Drainage Strategy report C-010942-HYD-XX-XX-RP-001 dated 14<sup>th</sup> February 2020.

Limiting the surface water run-off to 14l/s (QBAR) for all storm events up to 1 in 100 year +40% climate change event. With the use of below ground attenuation, swales, hydrocarbon interceptor and pumped discharge as described in the Drainage Strategy.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason – To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government advice in Section 14 of the National Planning Policy Framework.

10. The development hereby permitted shall be carried out in strict accordance with the detailed C-10942-RP-001\_Symmetry Park Bicester Drainage Strategy Report-[FINAL] dated 14<sup>th</sup> February 2020 and the Technical Note C-10942-TN-001-Pump failure surface water storage dated 4<sup>th</sup> April 2020.

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 advice in the National Planning Policy Framework.

11. The building hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

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

### **Conditions which must be complied with prior to the commencement of development**

The applicant is keen to secure a permission without the need to discharge pre-commencement conditions. The application has been supported by detailed plans and by a number of assessments and reports to achieve this. Further reports and additional information are awaited to

resolve the following conditions. However, if this information is not received prior to determination of the application, the following pre-commencement conditions will be required.

- Apprenticeship and Training Strategy
- Archaeological Written Scheme of Investigation

If information is submitted to satisfy the above, compliance conditions may be required to be imposed to ensure the development complies with the submitted and approved information.

### **Conditions which must be complied with prior to occupation**

12. Prior to the first use or occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport including the provision by the occupier of 10no. bicycles for use of staff employed on the site, and means of implementation and methods of monitoring. Thereafter the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

13. 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 the approved plan no. 4036-X01-015 P7. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
14. Prior to the first occupation of the development hereby approved, the footpath/cycleway link to the adjacent Bicester 12 site as indicated on the approved plan no. 4036-X01-013 P7 shall be constructed up to the boundary of the site and thereafter be maintained and remain open for public use without restriction.

Reason – To make provision for future links to the adjacent Bicester 12 development site in the interests of sustainability and cohesive development through the provision of suitable footpath/cycle connections in accordance with Policies ESD 15 and Bicester 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the

LEMP shall be carried out in accordance with the approved details.

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

12 **Land South and Adj to Cascade Road, Hook Norton**

The Committee considered application 20/00286/F for the erection of 12no Passivhaus homes along with associated works including community building, landscaping, parking, vehicular and pedestrian accesses at land south and adjacent to Cascade Road, Hook Norton for Hook Norton Community Land Trust.

Charlie Luxton and Cathy Ryan, Hook Norton Low Carbon Limited, addressed the meeting in support of the application.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to:
  - (i) the receipt of satisfactory further information/discussion in regard to drainage and financial contribution (school and public transport) 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 8 affordable home including local connection criteria
    - b) Provision of open space and details of management and maintenance arrangements
    - c) Provision of community centre
    - d) £106 per dwelling for bins
    - e) contributions towards expansion of Hook Norton Primary (TBC)
    - f) contributions towards bus service (TBC)
  - (iii) the following conditions (and any amendments to those conditions as deemed necessary) and

**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.

### **Plans**

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

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

### **Levels**

3. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Land Investigation**

4. 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. If contamination is found by undertaking the work carried out under

condition 4, 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

### **Tree Method Statement**

7. The development shall be undertaken in accordance with the Sylva Consultancy Arboricultural Report (ref: 20002). Prior to the commencement of the development an Arboricultural Method Statement including the location of the tree protection fencing shall be submitted 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 protect the trees which are retained on site in accordance with Policy BSC10 and ESD15 of Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework.

### **Footpath connections**

8. Prior to the commencement of development above slab level full details of the proposed footpath connections to the sports and social club and Bourne View and Cascade Road shall be submitted and approved in writing by the Local Planning Authority. The approved footpath connections shall be provided in accordance with the approved details prior to the first occupation of any building on the site and shall be retained as such thereafter.

Reason: To ensure the development is adequately connected to the surrounding parcels of land in accordance with Policies SLE4 and ESD15 of



the Cherwell Local Plan (2011 - 2031) Part 1, the Hook Norton Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework.

### **Stone sample panel**

9. Prior to any construction of any building above slab level, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwellings shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality 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.

### **Timber cladding**

10. Prior to the installation of any external timber cladding, sample of the proposed timber cladding, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used in 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.

### **Slate samples**

11. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

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

### **Detailing**

12. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, together with the eaves and verge treatment, and details of the balconies and shades shall

be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. This shall also include details of privacy screens on the most easterly first floor balconies on northern and southern terrace. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and achieve a high quality design and protect the amenity of neighbouring properties 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.

13. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and provide a high quality design 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.

### **Hard and soft landscaping**

14. Notwithstanding the details on the approved plans prior to any works above slab level, a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - b) details of the boundary treatments including their materials, appearance and height
- a) Detail of the hard surface areas including finish and appearance

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

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and

shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to protect the amenity of properties 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.

### **Management plan**

15. Prior to the occupation of any part of the site a management plan for the use and operation of the community laundry and guest rooms demonstrating how they will remain ancillary to the proposed housing on the application site only and not separately let or sold shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved management plan.

Reason: To ensure the uses remain ancillary to the housing development and to retain control over the use of these areas in the future in the interests of amenity and parking.

### **Parking and access**

16. The proposed access and parking, turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

17. Prior to the first occupation of any building a car parking management plan shall be submitted and approved in writing by the Local Planning Authority demonstrating that the parking serving the development will be retained on an unallocated basis for residents and not conveyed to separate individual properties. Thereafter the parking areas shall be managed in accordance with the approved details.

Reason: To ensure the parking provision on the site is adequate to serve the needs of the development.

### **Cycle and bin stores**

18. Prior to the first occupation of any building on the site the bin store enclosures and cycle stores shall be provided on site in accordance with the approved details and permanently retained as ancillary to development and used for no other purpose whatsoever.

Reason: In the interest of well planned development and visual amenity of the area and in order to encourage sustainable forms of travel in accordance with Policies SLE4 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.

### **Ecological protection and enhancement**

19. The proposed development shall be carried out in accordance with the recommendations outlined at Section 4.2 of the Cotswold Wildlife Surveys Preliminary Ecological Appraisal (Ref 3000-CWS-01) and in accordance with the biodiversity enhancements outlined in the Cotswold Wildlife Surveys letter dated 7th February 2020 submitted with the application. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and secure 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.

### **Sustainable construction**

20. The development shall be carried out in accordance with the principles and incorporate the technologies outlined in the approved 'Sustainability and Energy Statement – Hook Norton Housing' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD2, 3 and 5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Water efficiency**

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.

### **Electric vehicle charging points**

22. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve each dwelling or a scheme showing the provision of electrical vehicle charging points for each parking space has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of any building.

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

13 **Land Adj to Bullmarsh Close off Middleton Park, Middleton Stoney (0624)**

The Committee considered application 20/00624/DISC for the discharge of Conditions 3 (Archaeological Written Scheme of Investigation) and 5 (Arboricultural Impact Assessment and Method Statement) of the previously approved application 19/01709/CDC at land adjacent to Bullmarsh Close off Middleton Park, Middleton Stoney (0624) for David Scrimgeour on behalf of Cherwell District Council.

In reaching its decision the Committee considered the officers' report and presentation.

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to approve the details submitted in order to satisfy the condition.

**Condition 3 – Written Scheme of Investigation**

The submitted Oxford Archaeology report titled 'Bullmarsh Close, Middleton Stoney, Oxfordshire – Written Scheme of Investigation Archaeological Evaluation Feb 2020 (Issue 2, OA Reference: CRGAFA19, NGR: SP 55778 35141)

**Condition 5 – Hedgerow Protection**

The details outlined in the Sylva Consultancy – Arboricultural Method Statement (Ref: 20025/AMS, Issued: 27.2.2020) submitted with this application, subject to the proviso that prior to commencement of development the hedgerow protection shall be put in place and retained for the length of the construction period.

14 **Land Adj to Bullmarsh Close Off Middleton Park, Middleton Stoney (0979)**

The Committee considered application 20/00979/DISC for the discharge of Condition 8 (duct routes for electric vehicle charging) and 9 (boundary & site enclosures) of the previously approved application 19/01709/CDC at land adjacent to Bullmarsh Close off Middleton Park, Middleton Stoney (0979) for Anna Wareham for Cherwell District Council.

In reaching its decision, the Committee considered the officers' report and presentation.

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to approve the details submitted in order to satisfy the condition.

**Condition 8 - Electric vehicle ducting**

Prior to the first occupation of any of the dwellings hereby permitted the ducting for electric vehicle charging points shall be provided in accordance with the details on drawing number 9497-CBG-XX-EX-DR-E-15001 Rev 0

15 **Appeals Progress Report**

The Assistant Director for Planning and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

16 **Exclusion of Public and Press**

**Resolved**

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph(s) 6a, 6b and 7 of Schedule 12A of that Act.

17 **Revocation of Lawful Development Certificate**

The Assistant Director Planning and Development submitted an exempt report for the revocation of Lawful Development Certificate.

**Resolved**

- (1) As set out in the exempt minutes.

The meeting ended at 7.00 pm

Chairman:

Date:

By virtue of paragraph(s) 6a, 6b, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



# Agenda Annex

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

4 June 2020

#### PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

#### **Human Rights Implications**

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

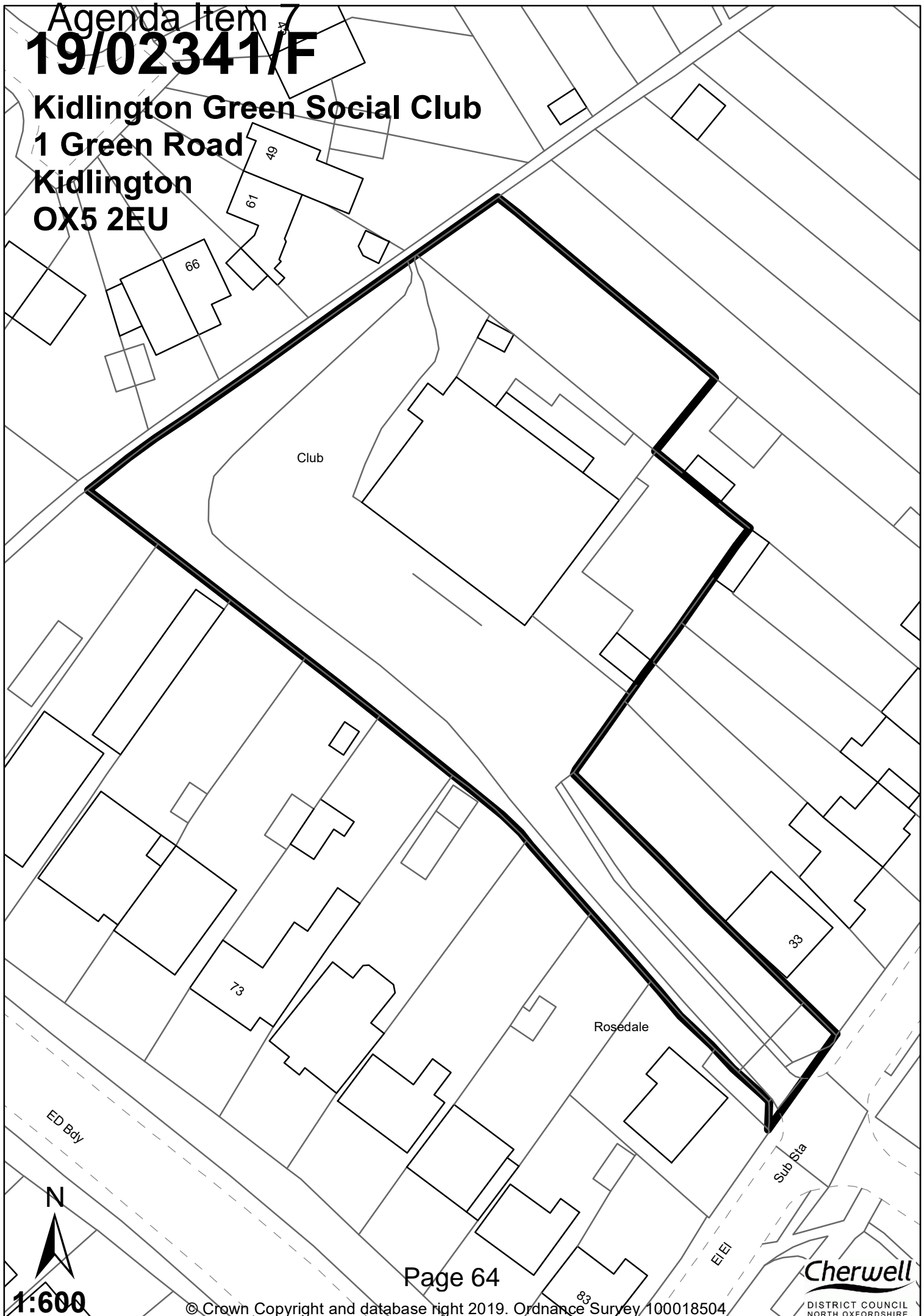
#### **Background Papers**

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

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	Kidlington Green Social Club 1 Green Road Kidlington OX5 2EU	19/02341/F	Kidlington East	Approval	Clare Whitehead
8	OS Parcels 3309 And 4319 Adjoining And North Of Milton Road Adderbury	19/02796/F	Adderbury, Bloxham And Bodicote	Approval	Matthew Chadwick

Agenda Item 7  
**19/02341/F**

**Kidlington Green Social Club**  
**1 Green Road**  
**Kidlington**  
**OX5 2EU**



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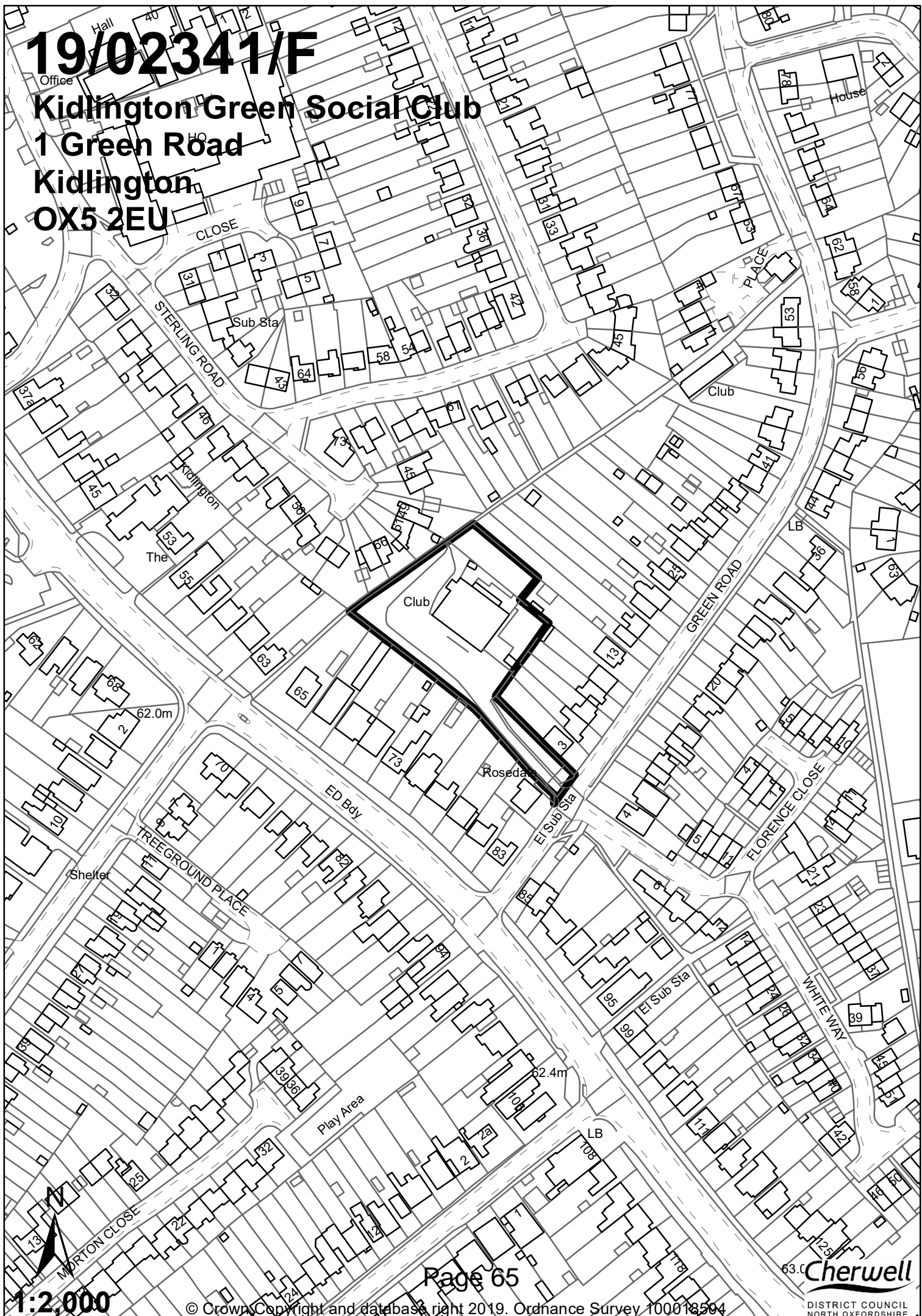
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19/02341/F

Kidlington Green Social Club  
1 Green Road  
Kidlington  
OX5 2EU



**Case Officer:** Clare Whitehead

**Applicant:** Churchill Retirement Living

**Proposal:** Redevelopment to form 30 No apartments for older people (60 years of age and/or partner over 55 years of age), guest apartment, communal facilities, access, car parking and landscaping

**Ward:** Kidlington East

**Councillors:** Cllr Maurice Billington; Cllr Carmen Griffiths; Cllr Ian Middleton

**Reason for Referral:** Major development

**Expiry Date:** 19 June 2020                      **Committee Date:** 4<sup>th</sup> June 2020

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**EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

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

**Proposal**

Full planning permission is sought for the redevelopment of the Kidlington Green Social Club site to create 30 apartments for older people (60 years of age and/or partner over 55 years of age) to replace an existing social club building. The proposal of 30 apartments comprises 19 x 1 bedroom units and 11 x 2 bedroom units. The development will also include a guest apartment, communal facilities, access, car parking and landscaping.

**Consultations**

The following consultees have raised **objections** to the application:

- Kidlington Parish Council

The following consultees have raised **no objections** to the application:

- CDC Arboricultural Officer, CDC Building Control, CDC Ecology, CDC Economic Development, CDC Environmental Protection, CDC Health Protection, CDC Landscape Officer, CDC Legal Rights of Way Officer, CDC Planning Policy, CDC Recreation and Leisure, NATS Safeguarding, OCC Local Lead Flood Authority, OCC Highways, Thames Valley Police, Thames Water

7 letters have been received from third parties. Of these 2 are letters of objection, 1 is a letter of support and 5 offer comments only with no expression of objection or support

**Planning Policy and Constraints**

The site is not allocated but is an existing community facility within the built-up limits of Kidlington, a Category A village. There is a public right of way running along the full length of the northwest boundary of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

## **Conclusion**

The key issues arising from the application details are:

- Principle of development and loss of the social club
- Visual amenity, design/layout and impact on the character of the area
- Residential amenity
- Highway safety, access and parking
- Trees and landscaping
- Ecological/biodiversity issues
- Flood risk and drainage
- Crime prevention and security measures
- Sustainability and energy efficiency
- Developer contributions and affordable housing

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a satisfactory S106 agreement including recreation and leisure, affordable housing and waste and recycling contributions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located in the centre of Kidlington and is currently occupied by the Kidlington Green Social Club with a small area forming part of the garden to 13 Green Road. The site measures approximately 0.43ha and is surrounded by residential properties on all sides.
- 1.2. It is accessed off Green Road to the south of the site and lies to the east of the busy Oxford Road and main thoroughfare through Kidlington.
- 1.3. To the southwest boundary are a number of mature and well established cypress trees. There are a number of existing trees on or adjacent to the site, some of which provide screening on the boundaries. To the northwest of the site public footpath no. 265/4/10 runs the full length of the boundary. It is separated from the site by fencing and some planting.
- 1.4. The site is largely flat and level with no unusual topographic constraints to development.

### **2. CONSTRAINTS**

- 2.1. The application site is within the confines of Kidlington. A public right of way runs along the northwest boundary for its full length. The site is not located in a conservation area or any specially designated area. None of the trees are covered by preservation orders. There is an electricity sub-station adjacent to the access.

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

- 3.1. The application seeks full planning permission for the demolition of the existing social club building and the redevelopment of the site to provide apartments for

older people. The proposal provides 30 apartments for older persons aged 60 years plus (and partners aged 55 years plus). Of these apartments 19 are proposed to be 1 bedroom units and 11 to be 2 bedroom units.

- 3.2. The apartments would be sold by the applicant (Churchill Retirement Living) with a lease containing an age restriction which ensures that only people of 60 years or over (or those with a partner of at least 55 years) can live in the development. The applicant has stated that the average age of purchasers of their apartments is 80 years old and typically 70% of the apartments are single occupancy, more often occupied by a widow.
- 3.3. In addition to the apartments themselves a guest apartment is included, communal facilities including a lounge and outside space, refuse storage facilities, an area for mobility scooters and bicycles to be stored and charged, access off Green Road and parking for 15 vehicles including 1 disabled space.
- 3.4. The apartment building itself is designed to be mostly 2 to 2.5 storeys in height with the third floor accommodated in the roof. A secure gate is proposed to connect to the public right of way to the rear of the site. The existing cypress trees along the boundary of the site are to be retained.

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

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

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

- 5.1. A pre-application submission was made by Kidlington Green Social Club for redevelopment of the site to form 9 dwellings and a social club (ref: 17/00301/PREAPP). Officer's considered that the two uses proposed on the site would not be compatible and the scheme was not pursued further.
- 5.2. In July 2019 another pre-application enquiry was submitted (ref: 19/01329/PREAPP) for the redevelopment of the site with apartments for older people. In summary, the officer stated that, subject to addressing the loss of the social club, it was considered that the site was suitable for the use proposed. The pre-application advice did however, raise a number of concerns regarding the scale and design of the building and the impact on visual and residential amenity which required more careful consideration.
- 5.3. In addition, comments were given about the relationship with the public footpath and the need to utilise this to provide links to the village centre and Oxford Road. The applicant was advised to enter discussions with the County Council as to whether any enhancements could be made (such as lighting, CCTV etc). It was also advised that the proposed flats themselves should provide surveillance through orientation and positioning of the building which may result in the building providing an active frontage to the public footpath.
- 5.4. In terms of the design concept, the advice given was that officers would be willing to consider something more contemporary in this location where the local vernacular is less well defined. The applicant wanted to pursue a more traditional approach and officers advised that this can sometimes be difficult to authentically achieve in a more suburban environment. It was commented that the current design (at pre-app stage) appeared a little confused and changes were required to window proportions, roof design, dormer design, more contemporary balconies alongside traditional features and materials. Advice was given during a pre-application meeting on how to refine this and the applicant was advised to consider the design further and provide

an explanation as to its concept within any submission for planning permission. Advice was also given on crime prevention and design.

## **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 **03 December 2019**, although comments received after this date and before finalising this report have also been taken into account.

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

- Overall the redevelopment of the site as a retirement complex is positive and would be beneficial to the local community.
- Provision of 15 parking spaces seems inadequate for 30 flats to include residents, visitors, staff and visiting services.
- Green Road has on street parking issues already and any likely additional on-street parking would cause a significant safety concern as well as being inconvenient for blocking driveways of local residents. Additional car park spaces within the complex should be provided.
- Contractors should not park on Green Road or leave mud and mess on the road during the construction phase.
- Working hours during construction should be restricted so as not to affect the neighbours.
- The height of the building is a concern. 2.5 storey high development would be out of character compared to the rest of Green Road.
- Reduction in neighbour amenity in terms of privacy and increased overlooking to gardens and rear facing windows due to the height of the new building.
- Request a reduction in height of the building.
- Additional information requested as to how contractors will minimise noise and disruption during the construction phase.
- Questions about maintenance of fencing and screening plans.
- Request that the conifer trees remain in situ.
- Swift bricks should be incorporated within the structure of the building (approximately 10 as recommended by Cherwell Swifts).

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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIDLINGTON PARISH COUNCIL: No objection in principle but **object** on the grounds of insufficient car parking spaces on site. The Parish Council also request that any off-site financial contributions should be retained to be used within Kidlington Parish Council.

### CONSULTEES

- 7.3. CDC ARBORICULTURE: **Comments.** From Desk based assessment the Arboricultural plans appear to be considerate to trees on site. Removal of T1/T2 will not be detrimental to the sites amenity. Appropriate measures to protect retained trees during development appear to have been considered.
- 7.4. CDC BUILDING CONTROL: **Comments.** A building regulation application with an access statement and fire engineers design will be required.
- 7.5. CDC ECOLOGY: **Comments.** The ecological report is sufficient in scope and depth however it has insufficient detail in terms of any biodiversity enhancements.
- 7.6. Suggestions made for biodiversity enhancements include bat and bird boxes/bricks, invertebrate "hotels", swift bricks and hedgehog highways. A method statement for enhancing biodiversity on site should be submitted and approved prior to the construction reaching slab level. A condition is recommended to secure this.
- 7.7. The suggested landscaping is fine although the inclusion of some species rich/flowering grassland areas would be preferable to amenity grass alone. A full landscaping and management scheme is required to ensure future management is appropriate and this can be secured by condition.
- 7.8. The net gain for biodiversity in terms of habitats is achievable at a reasonable level. An external lighting strategy will be needed.
- 7.9. CDC ECONOMIC DEVELOPMENT: **Comments.** Whilst the fabric of the building is now dated, the Kidlington Green Social Club and Institute Ltd has clearly provided a highly-valued community facility over many decades – supporting events and activities that contribute to society. The impact upon the wider local economy and community is unclear from the documents submitted. However, the content of the letter (Appendix C) from the Club's Agent illustrating the changing membership pattern and reduced viability of the operation/service is generally accepted. The desire to seek alternative premises locally to support the membership and, in so doing, to enhance the viability of this and potentially other such facilities is noted.

In terms of the long-term economic benefits of the proposed sheltered home development, it is expected that the development will - via its residents - generate additional expenditure in nearby shops and facilities as briefly indicated in the Design and Access Statement. It is unclear whether or not a limited number of employment opportunities on site may possibly also arise.

#### 7.10. CDC ENVIRONMENT PROTECTION:

- Noise: **No comments**
- Contaminated Land: **Comments.** Due to the size and sensitive nature of the development (residential) the standard contaminated land conditions are recommended to be applied to any forthcoming consent.
- Air Quality: **Comments.** Measures should be in place to encourage the uptake of low emission transport including the provision of Electric Vehicle (EV) charging infrastructure. Ideally we would like to see EV charging points in place to allow for the uptake of EV's by visitors and residents to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.
- Odour: **No comments**
- Light: **No comments**

7.11. CDC HEALTH PROTECTION: **Comments.** The plans show a 'coffee bar' on the ground floor and if this is to be operated as a food business then the applicant must ensure compliance with relevant food safety and health and safety legislation.

7.12. CDC LANDSCAPE OFFICER: **Comments.** Landscape visual mitigation of this development is important for surrounding residences. The existing boundary hedges (SW and NW boundaries) will contribute to this goal. These hedges must be retained and protected during the construction period (under BS5837) and incorporated in with the landscape masterplan proposal. A minim maintenance height of 3 m will provide reassurance that resident's ground floor level/eyeline will be shielded. Obviously the development will be seen from 1st floor windows.

7.13. The building is somewhat out of scale with the surrounding residencies. The building footprint, the 'L'-shape, and orientation means that the northerly elevations will cause an uncomfortable cold, shady experience for residents using the garden. The 'L' should be rotated 180 degrees, and the build footprint reduced, to ensure a sunny aspect courtyard for the retired residents, a reduced visual impact, and an appropriate 'fit' for the site.

7.14. Multifunctional garden spaces are proposed that include fruit, vegetation and herb growing in sunny areas, seating areas, and a water feature. The trees and shrubs proposed on the JBA plan Sept 2019 are generally acceptable. Once the layout is revised hard and soft landscape proposals are required for our consideration.

7.15. CDC LEGAL RIGHTS OF WAY OFFICER: **Comments.** The proposal will not require any diversion to the public footpath (265/4) which extends along the rear of the development site and which is being retained along its current alignment.

7.16. CDC PLANNING POLICY: **No objection** in principle. However, detailed consideration of the impact on surrounding residential properties, affordable housing provision and the loss of the social club is required.

7.17. CDC RECREATION AND LEISURE: **Comments.** As the new residents will not benefit hugely from using off-site outdoor sports provision no contribution for this is being sought. With regards to other contributions please refer to paragraph 9.110 of this report for details.

7.18. NATS SAFEGUARDING: **No objection** to the proposal.

- 7.19. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of width of the access, surfacing, drainage and visibility splays and an obligation to enter into a S278 agreement.
- 7.20. OCC LOCAL LEAD FLOOD AUTHORITY: **Objection.** Insufficient drainage, flood risk, SuDS usage data provided to enable a full technical assessment and audit of the proposal.
- 7.21. On receipt of further information the LLFA confirmed **no objection subject to conditions.**
- 7.22. THAMES VALLEY POLICE DESIGN ADVISOR: **No objection.** Offered advice on designing out crime and requires a standard condition for an application to be made for Secure by Design accreditation.
- 7.23. THAMES WATER: With regards to foul water **no objection.** As the application indicates that surface water will not be discharged to the public network Thames Water has no objection. However approval should be sought from the Lead Local Flood Authority. In regards to the water network and water treatment infrastructure capacity there is no objection.
- 7.24. CDC STRATEGIC HOUSING: **No objection.** Require a financial contribution in lieu of on-site affordable housing provision, recognising the proposed development is not suitable to accommodate affordable housing on site.

## **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 (CLPP1)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- 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
- ESD1-4: Relating to Sustainable Development
- ESD7: Sustainable Drainage System (SuDS)
- ESD13: Local Landscape Protection
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth Across Rural Areas

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP1996)

- C28 – Layout, design and external appearance of new development
- C30: Design control
- S29: Loss of existing village services

### 8.3. Other Material Planning Considerations

- Kidlington Masterplan
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2019)
- Developer Contributions Supplementary Planning Document (SPD) (Feb 2018)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

## **9. APPRAISAL**

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

- Principle of development and loss of the social club
- Visual amenity, design/layout and impact on the character of the area
- Residential amenity
- Highway safety, access and parking
- Trees and landscaping
- Ecological/biodiversity issues
- Flood risk and drainage
- Crime prevention and security measures
- Sustainability and energy efficiency
- Developer contributions and affordable housing

#### Principle of Development (including loss of the social club)

- 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. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However, the NPPF is a significant material consideration.

#### *Housing - Policy Context*

#### **The Development Plan**

- 9.3. The development plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP1996) and the 2015 adopted Cherwell Local Plan 2011-2031 – Part 1 (CLPP1). The Cherwell Local Plan was formally adopted by Cherwell District Council on 20<sup>th</sup> July 2015 and provides the strategic planning policy framework for

the District to 2031. The policies important for determining this application are referenced above.

- 9.4. Policy BSC2 of the CLPP1 encourages the re-use of previously developed land in sustainable locations.
- 9.5. Policy BSC4 of the CLPP1 encourages the provision of extra care, specialist housing for older and/or disabled people and other supported housing for those with specific living needs in suitable locations close to services and facilities. Para B.121 states that there is a need to provide a mix of housing in Cherwell that reflects the needs of an ageing population.
- 9.6. Theme 2 of the Kidlington Adopted Masterplan is 'Creating a sustainable community' with an objective to "build a sustainable community with opportunities for all and access to housing, jobs and high quality community facilities". Opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.
- 9.7. Kidlington is classified as a Category A village in Policy Villages 1 of the CLPP1. The development proposed is within the village's built up limits. Paragraph C. 262 of the CLPP1 assists in gauging whether development can be considered to be minor. Criteria to be considered include the size of the village and level of service provision, the site context and the scale of development. Generally, Policy Villages 1 seeks to manage small-scale developments (usually of fewer than 10 homes). The current proposal does not comply with the type of development identified as being appropriate under this policy as it does not represent minor development being significantly over 10 dwellings.
- 9.8. Policy Villages 2 is therefore also of relevance. Policy Villages 2 identifies the Category A villages as being where planned development to meet District housing requirements to help meet local needs should be directed, subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question (given the category A settlements vary in size and sustainability) and an assessment of the suitability of the specific site proposed.
- 9.9. The intention of this approach is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas whilst recognising the need for some development. Policy Villages 2 advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and particular regard must be had to these criteria when considering sites, whether through plan making or the planning application process.

### **National Policy**

- 9.10. The NPPF confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to sustainable development; economic, social and environmental. With regard to housing, the NPPF supports the need to boost significantly the supply of housing to meet the full, objectively assessed need for housing.
- 9.11. The Council's 2019 Annual Monitoring Report (AMR), approved by Members at the Executive meeting on the 6 January 2020, confirms that the District can

demonstrate a 4.6 year housing land supply (for the current period 2019-2024) with a 5% buffer and a 4.4 year housing land supply for the next 5 year period (2020-2025).

- 9.12. In the circumstances that a LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and ordinarily the circumstances at paragraph 11d of the NPPF are engaged – in short development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 9.13. However, in respect of the Oxfordshire Authorities including Cherwell there is a Written Ministerial Statement (“WMS”) made in September 2018 concerning the Housing and Growth Deal, which is a significant material consideration. This sets out the requirement for a 3 year supply of deliverable housing sites (with the appropriate buffer) from the date it was made (12/09/2018) until the adoption of the Joint Statutory Spatial Plan in each area, providing the timescales in the Housing and Growth Deal are adhered to.
- 9.14. Therefore in this case, the tilted balance set out by Paragraph 11d is not engaged because the Housing Supply requirement for the District should be taken to be 3 years in accordance with the WMS.

*Housing - Monitoring and recent appeal decisions*

- 9.15. The Council’s most recent AMR (December 2019) sets out that 953 dwellings have been identified for meeting the Policy Villages 2 requirement which are sites with either planning permission or a resolution to approve and are identified, developable sites. This is made up of 582 dwellings either complete or under construction, 333 dwellings with planning permission and 38 dwellings that are considered developable (this 38 is made up of two sites – one with a resolution for approval and one for which the planning permission has lapsed).
- 9.16. In recognition that not all sites will necessarily be developed or will not necessarily deliver the full number of dwellings granted, a 10% non-implementation rate has been applied to sites with permission but on which development has not yet started. This reduces the 333 dwellings (i.e. those with planning permission but not implemented) reported in paragraph 9.15 to 300 dwellings. This would give the number of dwellings identified under Policy Villages 2 either completed, under construction, with planning permission or developable as 920 dwellings. There was also a further resolution for approval granted for a site at Fritwell at the December 2019 Planning Committee for 28 dwellings, which would be additional to the 920 dwellings.
- 9.17. Five appeal decisions have been received over the past year which have considered the application of Policy Villages 2. These are for sites at Launton, Ambrosden, Bodicote, Sibford Ferris and Weston on the Green. The first four were allowed, and the numbers approved at those four sites are included within the figures. The key conclusions resulting from the Launton, Bodicote, Weston on the Green and Sibford Ferris appeals can be summarised as:
- The Policy Villages 2 number of 750 dwellings has not been ‘delivered’ yet.
  - The number of 750 has development management significance in terms of the Local Plan strategy.

- Not all dwellings approved might be delivered (hence the Council's inclusion of a 10% non-implementation rate in the most recent AMR)
- The number of dwellings proposed must be considered as to whether that number would undermine the strategy of the Local Plan
- There is no spatial strategy to the distribution of the 750 houses allocated in the rural areas under Policy Villages 2 beyond distribution to the Category A villages.
- Assessment of the sustainability of the settlement in question is required, and indeed this has been a primary consideration in a number of appeals relating to major housing development at Category A villages, with appeals at Finmere, Fringford and Weston on the Green having been dismissed, in each case the sustainability of the settlement being a key issue.

9.18. The Government aims to “significantly boost the supply of housing”; with there being a “critical” need to address the housing needs of older people. The recent update to the PPG (June 2019) states “where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need”.

#### *Housing needs*

9.19. The Council's Housing Strategy 2019-2024 notes that the life expectancy of people in Cherwell is higher than the national average and that the District is expected to see a substantial increase in the older person population. The age group that will see the greatest increase is people over 85, with an increase of 142%, resulting in a significant increase in the demand for accommodation that is suited to an older population and the need for associated care and support services. Oxfordshire as a whole is expected to see a substantial increase in the population of older people with the total number of people aged 55 and over expected to increase by 49% over 20 years.

9.20. The 2014 Oxfordshire SHMAA suggests that in Cherwell the 55+ population will increase by 58% - the highest of the Oxfordshire districts. Whilst the SHMAA suggests that one of the implications of this demographic change is likely to be a growing need for specialist older persons housing, such as sheltered or extra care provision, it is not specific about the types of specialist housing needed. It also recognises that there may be an option to substitute some of this specialist provision with a mix of one and two bedroomed housing aimed to attract ‘early retired’ older people which could be designated as age specific or not. Such housing could be part of the general mix of one and two bedroomed homes but built to Lifetime Homes standards in order to attract retired older people looking to ‘down size’ but perhaps not wanting to live in specialist retirement housing.

#### *Housing Assessment*

9.21. The proposed development falls to be considered in the above context. Kidlington is recognised as a ‘Category A’ village and is the largest settlement in the district after the towns of Banbury and Bicester. The application site is previously developed, surrounded by existing residential development and lies close to the village centre. There is a public right of way immediately to the rear which affords pedestrian access in either direction towards the village centre. This is a relatively short work on flat terrain. There are some local services (including the Parish Council offices and doctor's surgery) within a reasonable distance along Oxford Road. In addition,

there are bus stops nearby on Oxford Road affording travel both locally and further afield into Oxford.

- 9.22. Overall, Kidlington is considered to be the most sustainable of the Category A villages. The acceptability of the proposal therefore needs to be tested against the criteria listed in Policy Villages 2 of the CLP 2015, as well as other material planning considerations.
- 9.23. The position with regards to the Council's Housing Land Supply and progress against Policy Villages 2 is outlined above. The proposal would add to the number of dwellings that have been granted planning permission at Category A villages in exceedance of the 750 specified in Policy Villages 2. However, officers do not consider in this particular instance, given the scale of the development and its specific type of end user (i.e. it provides suitable accommodation for the elderly in the form of retirement apartments), and the sustainability of Kidlington, that the proposal could be regarded as a departure from the Council's housing strategy.
- 9.24. The criteria in Policy Villages 2 include consideration of whether the site is well located to services and facilities and also whether satisfactory pedestrian access/egress can be provided. The application site is located to the south of the village centre but within the existing built up area. It is close to a variety of local services and facilities as well as bus stops. It has good pedestrian connections with a public right of way running to the northern boundary. Improvements are proposed to the public right of way which are discussed in later sections of the report. The site is sustainably located within the built up area for the use proposed and the proposal assists with meeting overall Local Plan housing requirements.

#### *Loss of the social club – Context*

- 9.25. The site is occupied by a (currently) active social club and is therefore a brownfield site. The NPPF identifies at Paragraph 118(c) that decision makers should give "substantial weight to the value of using suitable brownfield land within settlements for homes". It is in this context in which it is considered that the proposal complies with Policy Villages 2. The proposal is appropriate in relation to the size of the settlement and the level of service provision.
- 9.26. However, the loss of a community facility is also a consideration. Policy BSC12 of the CLPP1 recognises the importance of community facilities and states that the Council will encourage the provision of community facilities to enhance the sustainability of communities and will seek to protect and enhance existing facilities. Policy S29 of the CLP 1996 states that "Proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted". In addition, paragraph 83 of the NPPF seeks to retain accessible local services and community facilities and paragraph 92 seeks to guard against the unnecessary loss of valued services and facilities.
- 9.27. The planning application is supported by a Planning Statement which includes information regarding the social club, its finances and its future. According to the planning statement the social club is facing significant financial difficulty which means it is facing closure. According to the planning statement there are less than 1500 similar clubs across the UK with approximately 2 to 3 closures per month. At its peak the Kidlington Green Social Club had 700 members however in the current age the club has a membership level of approximately 200 members of which 30 are actively regular. This is not sufficient to support the financial demands of running the club from the current premises.



- 9.28. In 2013 the club was forced to close for a short period of time in order to sort out its indebtedness and it has lived “hand to mouth” ever since. The club has recently lost its Brewery Company because it was no longer fulfilling the barrelage commitments it gave in return for financial support and provision of equipment. The club cannot fulfil the barrelage commitments simply because of the drop-off in membership and attendance.
- 9.29. In addition, the premises are in a poor state of repair and are too large for the current membership. The club used to be used for weddings, birthdays and anniversary celebrations which all provided extra income. However, there is no longer such a demand, in part because the premises are no longer considered “fit for purpose” and also because of different venue choices and different aspirations from those who may have historically used such premises. The Planning Statement claims that the club is facing imminent and permanent closure at its current location.
- 9.30. The club aims to continue in premises more appropriate to the size of the current membership. However, no details of alternative premises have been put forward as part of the planning application as the applicants have not yet been able to secure such premises with no funds or a timescale to offer anyone any certainty at this stage. The proposal seeks to facilitate the future of the club by enabling its move to alternative premises by selling its existing asset; the land.

#### *Loss of the social club – Assessment*

- 9.31. Kidlington has a thriving town centre with many existing and well-established services and facilities for the community. It also has excellent connections to Oxford with regular bus services, cycle route connections and access via private motor vehicle. There are many more services and facilities in Oxford in addition to those provided in Kidlington. Considering the contents of the planning statement, including the letter from the social club’s representatives at Appendix C, officers are of the opinion that although the loss of the social club is regrettable, the intention to set up elsewhere is relevant and to enable this the applicant requires the land to be sold to be developed. Given the existing services and facilities available locally and the good access to further services and facilities in neighbouring areas, the loss of the social club does not outweigh the benefits the proposed development brings.

#### *Conclusion*

- 9.32. Overall, on balance, and having regard to the factors above it is considered that the principle of this scale of growth for retirement apartments could be acceptable in Kidlington in the context of the Council’s housing strategy. Regard also must be had to the proposal being assessed against the other relevant criteria of Policy Villages 2 and the other relevant policies and guidance, which is discussed below.

#### Visual amenity, design/layout and impact on the character of the area

##### *Policy Context*

- 9.33. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.34. Policy ESD15 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.

- 9.35. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.36. The Framework highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The Framework also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.

#### *Assessment*

- 9.37. The building has been designed to be 2-2.5 storeys in height with the second floor accommodated in the roof and the roof height kept as low as possible whilst complying with Building Regulations. The proposed building is at its highest points between 500mm to 800mm higher than the existing dwellings on Green Road. This is detailed on drawing no. 10105KT/PA09. Around the edges of the building the heights have been reduced to single storey in order to successfully reduce the scale, mass and bulk of the building overall. The landscaping officer has commented that the building is out of scale with the surrounding residences. However, it has been demonstrated (as stated above) that the careful design of the building mitigates the overall impact with a considered balance between the footprint and the overall height of the buildings. Reducing the build footprint would likely lead to an increase in height which would increase its impact in the surrounding area overall. The surrounding buildings are of a domestic scale where this is clearly not yet the visual impact from outside the site is not significant due to its positioning, orientation and screening from existing development and boundary trees. In addition, there is a requirement for a minimum number of units to make the scheme work. Considering the need for the communal lounge and spaces, the lodge managers office and back office spaces there needs to be around 30 units for the scheme to be deliverable.
- 9.38. A reasonable amount of screening of the site from Oxford Road is provided by the existing trees on the southern boundary. The trees are in the control of the landowners/developers and are proposed to be retained to ensure continued screening. A condition is recommended to retain the trees and to ensure a management and maintenance plan. This is not necessarily to ensure provision of screening of the building as its impact when viewed from Oxford Road is not considered significant, but more in relation to protection of residential amenity of neighbouring properties which is discussed in greater detail in following sections.
- 9.39. The landscape officer has recommended the building be rotated 180 degrees as the 'L' shape and proposed orientation means that the northerly elevations will cause an uncomfortable cold, shady experience for residents using the garden. The landscape officer comments that the rotation as well as reduction in build footprint, would ensure a sunny aspect courtyard for the retired residents, reduced visual impact and an appropriate fit for the site. Planning officers do not share the same concerns and are satisfied with the proposal as it currently stands. The reorientation of the building would likely cause unacceptable levels of overlooking to the private amenity space of properties on both Green Road and Sterling Road. Furthermore, the provision of shade is also considered a benefit given that residents are most likely to want to utilise the garden in warmer, sunnier weather. The outside space is sufficient for different aspects of sun and shade and the provision of a south facing garden is not considered necessary in this instance.

- 9.40. In terms of the detailed design and style, this is considered appropriate considering the backland site and surrounding development. This is a suburban area with a mix of ages, styles and design of development included more contemporary and more suburban buildings. Since the preapplication proposal the detailed design has been improved by way of a more holistic approach, changes as follows:
- More symmetrical front elevation with centrally positioned main entrance emphasized by a projecting stone portico.
  - Feature gabled bays are now rendered and help to break up the elevation by adding vertical emphasis.
  - Elevation facing towards Oxford Road has also been broken up by projecting bays so it appears as 3 “detached” buildings.
  - The palette of materials has been reduced and the previously proposed boarding has been removed.
  - Flat roof dormers are proposed rather than pitch roof which reduces the size and visual impact.
  - Where possible the dormers have been replaced with roof lights.
  - Matching brick window heads and cills are used throughout.
- 9.41. The scheme as currently presented reflects the local distinctiveness by reflecting detailing, ridge and eaves heights and the existing palette of materials used in the area.
- 9.42. The majority of the proposed building is predominantly brick with render and orange brick accents. Dorset Red Stock is proposed as the main facing brick with Leicester Orange Stock used for the window head, cills and banding to create contrast and emphasise proposed detailing and help break up the elevations between floors. In terms of the roofing, the main roof will be Marley Ashmore Old English Dark Red and Marley Ashmore Smooth Grey to the lower roofs at either end of the development. Windows will be white UPVC throughout. Dormer window cheeks and roofs will be grey and white GRP with white UPVC windows. Render will be ivory. Balconies will be black painted metal with blue grey toughened glazing. The proposed materials throughout are acceptable and compatible with the surrounding development. The materials will be conditioned as per the submitted design and access statement.
- 9.43. The pre-application advice given requested that improvements to the public right of way to the north of the site be investigated and included in the proposal. The proposed building has been orientated as such to provide active surveillance from the majority of the rear elevation of the building from ground floor and upper floor windows and some external balconies. Amended plans were received during the course of the application to include a pedestrian door and a ground floor window facing northwest to improve the active surveillance to the public right of way and its access gate.
- 9.44. In addition, the communal outside space has been designed and laid out so it is on the northern side of the proposed building again to provide some surveillance to the public right of way. A balance needs to be achieved by the proposed landscaping and planting in providing privacy and security to the future occupants of the development whilst not creating an increased sense of enclosure to users of the public footpath. This is discussed further at paragraphs 9.61 and 9.67.

### *Conclusion*

- 9.45. Whilst the proposed building is large and occupies the majority of the site, it has been sensitively designed and orientated to reduce its visual impact on the site and when viewed from the wider area. The detailed design and materials palette is appropriate for the backland suburban location. In summary, officers consider that the proposed development complies with the relevant plan policies as listed above.

### Residential amenity

#### *Policy Context*

- 9.46. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.

#### *Assessment*

- 9.47. The building has been orientated and window openings located so as to minimise the impact on the residential amenity of neighbours. The proposed building is large and does cover the majority of the land available to it but where it is closer to shared boundaries with residential properties the building steps down in height to one and two stories with hipped roofs to reduce the impact. Window openings have been arranged so they are set away from boundaries and where elevations are closer to the private rear gardens they do not have clear window openings at the upper levels. In addition, the flat roof dormer windows have been kept away from the boundaries to reduce overlooking and the roof design reduces their size and visual impact. Where possible dormers have been removed and rooflights used instead.
- 9.48. The separation distances between the proposed building and surrounding existing residential properties meet the requirements of the Cherwell Design SPD with a minimum distance of 22 metres provided back to back between properties. There is a separation distance of around 28 metres to 30 metres between the very rear of the properties on Sterling Road to the north and the proposed windows facing them. The north-western side elevation is 16.8 metres away from the rear properties on Sterling Road which is greater than the minimum 14m required by the SPD. In addition, no upper floor windows are within 7 metres of any neighbouring property.
- 9.49. The private gardens to the dwellings on Green Road are all in excess of 28 metres in length. Although there are facing windows at the upper levels it is considered that due to the offset to the boundaries (19.5metres) and the length of the private rear gardens that residential amenity in terms of reduction in privacy and overlooking is not significantly adversely affected. The separation distances are approximately 47 metres or more elevation to elevation. This also applies in terms of the buildings size and scale and it is not considered to be overbearing to neighbouring occupiers due to the separation distances and size of private rear gardens to properties along Green Road. The closest section of the proposed building to a boundary is the north eastern elevation which faces the private rear garden of no. 13 Green Road. The dwelling itself is over 38 metres from the built development but the elevation is 2.6metres from the side boundary to the private rear garden. This elevation has been designed to minimise the impact upon this section of garden by reducing its height to two storey and then one storey in a gradual fashion as it moves closer to the boundary, no upper floor windows facing the direction of the garden and a hipped roof design. As such there is no significant adverse impact on the amenity of no. 13 Green Road as a result of the proposed development.

- 9.50. The properties to the north on Sterling Avenue are orientated so as to be slightly offset to the proposed building and in conjunction with the set back of the development from the boundary there will be no significant adverse impact upon the enjoyment of the private rear gardens or internal living spaces from overlooking.
- 9.51. The properties to the south and southwest are along Oxford Road. These also have reasonably large rear gardens over 25 metres in length. The separation distances between the dwellings and proposed building are around 40 metres which is almost double the requirement of the SPD. More so they are protected from overlooking and other amenity issues by the presence of the existing bank of trees on the site which are proposed to be retained and managed as part of the sites overall landscaping scheme. A planning condition is recommended to ensure the trees are retained and maintained and should they die be replaced with mature or semi mature native species to retain the screening element of the trees. There are no significant issues in terms of overlooking or reduction in privacy to the neighbouring residential properties on Oxford Road.
- 9.52. In respect of noise impact upon existing residents it is considered that the proposed use would have less of an impact than the existing use. Being a social club and having hosted celebrations and gatherings previously there is an increased potential for anti-social noise disturbance than with a residential scheme. There are no concerns about noise impact on residential amenity once the development is operational and the flats occupied.
- 9.53. A condition is recommended for the submission and agreement of a lighting scheme prior to the development being occupied in order to minimise light disruption to neighbours and contribution to further light pollution.
- 9.54. To minimise the impacts during the construction phase a condition is recommended for a construction management plan to include details of dust management during construction and demolition of the existing building, hours of operation, contractor parking and delivery hours. In addition, a standard condition restricting the hours of construction is recommended with no working on Sundays or bank holidays to protect the amenity of existing residents.

#### *Conclusion*

- 9.55. Overall it is considered that the proposal complies with policy ESD15 and no significant detrimental harm is caused to neighbour amenity by the proposed development. Furthermore, the amenity of future residents has been considered and is also safeguarded.

#### Highway safety, access and parking

#### *Policy Context*

- 9.56. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by a transport statement if the development would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2, both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.

## *Assessment*

- 9.57. The application is accompanied by a Transport Statement which has considered the existing use of the site as a social club. In order to do this the TRICS database has been reviewed for community centre uses in similar locations and when adjusting for the size of the Social Club building estimates vehicle trips as up to 10 two-way movements in the network peak hours and approximately 80 two-way movements daily. In comparison the same methodology has been used to estimate the number of vehicle movements associated with the proposed development which results in estimates of approximately 6 two-way movements in network peak hours and 60 daily movements. The Transport Statement further states that research suggests that Churchill developments have lower trip generation than suggested by the TRICS estimates. The proposed land use could have a different end user and so the future TRICS is considered more appropriate.
- 9.58. The Local Highways Authority (LHA) have assessed the submitted Transport Statement and are content with the conclusion that the proposed land use would generate a similar or slightly lower number of vehicle movements than the existing social club use.
- 9.59. Vehicle and pedestrian access is gained from Green Road. It is proposed for the access to be a shared surface and widened to a total of 6 metres with 1.2 metres provided as a footpath. The LHA has commented that the facilities for pedestrians are considered inadequate given this location. Pedestrians should be prioritised over other modes and a minimum of 1.8m should be provided to allow for wheelchair users. The LHA officer suggests that this could be accommodated with minimal amendments and be secured by planning condition.
- 9.60. As the proposed access is intended to be a shared surface all one level with no kerbing to separate vehicles and pedestrian, planning officers do not consider the widening to be strictly necessary. The use of the access will be lower and this is demonstrated by the submitted TRICS data. The likelihood of both pedestrians/wheelchair users and vehicles using the shared surface at the same time is lower because of the lower amount of hourly and daily movements along the access. In addition, there is a stretch of additional hard surfacing proposed as a passing place should the need arise. The grass verge as currently proposed is 0.9m in width and by widening the shared surface to provide 1.8metres of pedestrian access the grass verge will be reduced to 0.3metres. This is not an amount that is easily manageable for maintenance and would not likely survive or be retained as such the entire width of the access would be hard surfaced. This would have a detrimental impact upon the visual quality of the main entrance to the development which is not supported by officers. As such and on balance it is not deemed appropriate to request the widening of the access via condition and the proposal is satisfactory without causing detriment to highway safety as is currently presented.
- 9.61. A secondary pedestrian access is made from the public right of way to the North West which will be padlocked and opened on request for residents. Pre-application discussions were undertaken between the agent and the County Rights of Way Officer surrounding the public right of way. County Officers were approached by the agent as to potential improvements to the public right of way but no feedback was offered other than the suggestions were positive. These suggestions included designing the building to provide active surveillance and reducing the amount of hedgerow screening the length of the boundary. County Officers have made no other requests via the planning consultation period save for a recommended informative by the Local Highways Officer that the barriers be removed at either end of the public right of way as part of the highways works. This would come under a Section 278 agreement separate from the planning process.

- 9.62. In terms of parking, there are currently no parking standards for this particular type of use and so reference has been made to parking surveys undertaken at a number of other properties run by the developer which indicate a demand of 0.28 spaces per apartment. The proposed provision is higher than this with 15 non-allocated parking spaces (including 1 disabled space) allowing for 0.5 spaces per dwelling and so catering for staff, visitors and carers in addition. There is also a proposal for 6 electric mobility buggies and 2 external cycle spaces. The Local Highways Authority agree with the amount of parking provided given that the nature of this particular development means the level of car ownership is unlikely to be significant. A similar methodology has been used for the number of cycle parking spaces which has found a very low demand. Two spaces are to be provided which allows use by staff and residents. The likelihood of use of the electric buggies is considered higher on a site with this use and end user and so the provision for storage on site is welcomed.
- 9.63. Local residents have expressed concern about the quantity of parking provision on site and that this could lead to an increase in on-street parking which in this location could be problematic for highway safety. However, in the absence of an objection from the Local Highways Authority it is difficult for the planning authority to refuse the application on this basis. The Local Highways Officer comments that there is no evidence to suggest that the parking is likely to impact on local streets. Parking provision has primarily been based on surveys of other sites and the proposed figures fit with similar evidence from elsewhere. Given the location of this particular proposal is close to regular bus services, in walking distance of shops and other services then the requirement for additional onsite parking would be difficult to maintain and moving away from other wider strategies promoting sustainable travel options and reducing the reliance on the private motor vehicle.
- 9.64. In addition, strategies are in place to promote sustainable travel options and reduce the dependency on the private motor vehicle. Residents will be provided with a Travel Information Pack when they move in to the development which outlines the sustainable travel options for residents living in Kidlington. The Travel Plan provides details of local bus stops and routes as well as information on how to apply for a concessionary bus pass. In addition, the pack contains details on local train routes, senior railcards, taxi companies, walking routes as well as community transport options including Oxfordshire Comet, Bus Bartons and the Volunteer Community Connect Transport.
- 9.65. The Local Highways Authority do not object to the planning application on the grounds of parking provision, access arrangements or highway safety. The LHA request conditions for a Construction traffic Management Plan, pedestrian and vehicle visibility splays, provision of cycle parking and vehicle parking to be provided prior to occupation of the new development and that the development be restricted to retirement living only.

### *Conclusion*

- 9.66. In respect of the issues discussed above, officers consider that the proposal as presented is acceptable on balance. The proposed use of the site and the nature and circumstances of the end user mean the requirements in terms of access and parking are slightly adjusted. Whilst the LHA requests the access be widened to better accommodate pedestrians, in this instance due to the low traffic rates, the proposed shared surface of the access and the impact that would have on the visual quality of the main entrance planning officers do not consider this necessary on the basis of highway safety. In terms of parking, the requirements are reduced due to the village centre location, access to services and the likely reduced car ownership rate due to the circumstances of the prospective residents.

- 9.67. The improvements to the public right of way to the rear of the site are welcomed and increase the likelihood of residents using walking as a mode to and from the development.
- 9.68. In summary, the proposed development complies with the relevant planning policies and there are no sustainable reasons for refusal on highway safety, access or parking grounds.

#### Trees and Landscaping

- 9.69. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.
- 9.70. The proposal will result in the loss of two small trees located on the eastern side of the existing access driveway. The arboricultural report advises that all the significant boundary tree cover will remain intact and no moderate quality trees need to be removed. The report outlines the precautions taken to protect retained trees during the construction period. The Arboricultural Officer confirms that the report and plans are considerate of the trees on site and that the removal of the two small trees will not be detrimental to the sites amenity.
- 9.71. For these reasons officers conclude that the proposed development would not cause an unacceptable impact on tree health or the contribution of tree character to the wider setting. Provided the adequate precautions to protect the retained trees as specified in the report are implemented then the development proposed will not cause an unacceptable or adverse impact on the long-term viability of the retained trees and therefore the character and appearance of the area.
- 9.72. Policy BSC11 states that development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and the size of development proposed and the community needs likely to be generated by it. The policy guidance requires the provision of open space for a development of the scale proposed (over 10 urban dwellings). The site provides a small area of open space in the form of the private amenity space for the retirement flats. However, given the nature of the proposed use and the potential end user it is considered that the community needs for this publicly accessible open space is not high and so the provision of the private amenity space is sufficient. The development of 30 residential units triggers the requirement for on-site play space however, once again, considering the nature of the proposal and the potential end user it is not deemed appropriate nor necessary to request this. The site does not exceed the threshold for the onsite provision of formal outdoor sports facilities or for allotments.
- 9.73. A Landscape Strategy Plan has been submitted as part of the planning application which is broadly acceptable. Officer's requested that the northern hedgerow bordering the public right of way be reduced in length and height to allow for active surveillance and this can be secured by condition. Details of the planting and maintenance of any shrubs and hedgerow along this boundary will be required by condition to ensure it remains well managed and the public right of way remains visible, open and appealing to potential users.



## Ecological/biodiversity issues

### *Legislative context*

- 9.74. 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.
- 9.75. 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.
- 9.76. 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.
- 9.77. 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.
- 9.78. 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*

- 9.79. Paragraph 170 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.

- 9.80. Paragraph 175 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.
- 9.81. Paragraph 180 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.
- 9.82. Policy ESD10 of the Cherwell Local Plan 2011-2031 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.
- 9.83. 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.
- 9.84. 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.
- 9.85. 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*

- 9.86. In this case the site is brownfield with an existing building in current use. There are a number of trees and hedgerow within and to the boundaries of the site. There are few ecological constraints on site in terms of protected species and habitats. The application was supported by an Ecological Assessment (report no. 12532\_R02\_SB\_MM) prepared by Tyler Grange. The Council's Ecologist has confirmed that the surveys within the assessment that have been carried out to date are satisfactory and permission should be granted.
- 9.87. However, whilst it appears a net gain for biodiversity in terms of habitats is achievable at a reasonable level there is insufficient detail contained within the

report to show where and what type of enhancements will be installed. The Council would expect at least some of the provisions to be integrated into the fabric of the new buildings which assists in their retention. In this location, swift bricks would be an ideal option given local records and the type of building proposed. Cherwell DC currently seek an equivalent of 1 integrated brick or box per residence. This should inform the Biodiversity Enhancement Plan which is required by condition.

- 9.88. In addition, the landscaping is generally acceptable although the Council's ecologist has suggested the inclusion of some species rich/flowering grassland areas would be preferable to amenity grass alone to increase biodiversity rates. A full landscaping and management scheme is required by condition.
- 9.89. The Council's ecologist has recommended conditions to ensure the development is undertaken in line with the recommendations set out in the submitted Ecological Assessment.

#### *Conclusion*

- 9.90. Officers are satisfied, on the basis of the advice from the Council's Ecologist 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. As such, there are no objections to the proposal on the grounds of ecology and biodiversity.

#### Flood Risk and drainage

- 9.91. A drainage statement is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework. Given that the site is less than 1ha in area and is in Flood Zone 1 a Flood Risk Assessment is not required. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.92. Oxfordshire County Council have been consulted and once further information was submitted the LLFA confirmed no objections subject to conditions. On this basis Officers are satisfied that flood risk and drainage will be suitably addressed and there are no sustainable reasons for refusal on this basis.

#### Crime prevention and security measures

- 9.93. The National Planning Policy Framework 2019, Section 12 'Achieving well-designed places', point 127 (part f), states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.94. HMCLG's Planning Practice Guidance on 'Design', states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.'
- 9.95. The application is supported by a Design and Access Statement which contains a section headed 'Security, Boundaries' but this does not adequately address all of

the crime prevention and security measures discussed with the applicant at pre-application state. Nor does it provide a commitment to achieving Secured By Design accreditation as recommended previously.

- 9.96. The Crime Prevention Design Advisor has not objected to the application but, to ensure that the opportunity to design out crime is not missed, has offered advice on how to achieve SBD accreditation and a condition requiring evidence of such an application. Conditions are also included which are linked to crime prevention including the requirement for a lighting scheme, details of the bin and buggy store and details of boundary treatments including the security of the rear access gate to the footpath.
- 9.97. In light of the above, and in the absence of an objection from the Crime Prevention Design Advisor, the application proposal is considered to be acceptable subject to conditions in terms of the security and crime prevention design aspects.

#### Sustainability and energy efficiency

- 9.98. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques as well as achieving reductions in water use. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 9.99. The application is not accompanied by a Sustainability or Energy Statement but sustainability is important with regard to how development adapts to future climate change. A section of the design and access statement addresses the relevant policies in the local plan and is outlined below.
- 9.100. Policy ESD1 Mitigating and Adapting to Climate Change: The proposed development will reuse a previously developed site rather than an undeveloped greenfield site. Its location is sustainable as defined in the Local Plan. The site is in walking distance to Kidlington village centre and close to shops and other community facilities as well as bus stops. The location of the proposed development is well placed to reduce the need to travel and encourages sustainable travel options including walking, cycling and public transport. A condition is recommended for the installation of electric vehicle charging points; this has been agreed by the applicants.
- 9.101. Policy ESD2 Energy hierarchy and allowable solutions and ESD3 Sustainable Construction: Churchill have confirmed that all their schemes are designed and built beyond the national minimum standards as set within Building Regulations with particular emphasis given to an energy efficient fabric first approach. The scheme will maximise the benefits of service technologies adopted therein. Inclusive of the building's design is the emphasis on reducing exposed external wall areas and consequently improving thermal efficiency.
- 9.102. The development seeks to maximise passive solar lighting and natural ventilation. In terms of water, the proposal seeks to achieve a higher level of water efficiency at 110litre per person per day through the installation of water saving and water restricting appliances in all apartments. All areas of the building internally and externally will be lit using low energy lighting and where applicable utilise appropriate daylight and movement sensor controls. A condition is recommended for an external lighting scheme to ensure the lighting is appropriate for the location and considering climate change issues.

- 9.103. ESD5 Renewable Energy: Ground source heat pump technology is proposed. A high efficiency heat pump can provide up to four times as much heat as an electric heater using the same amount of energy.
- 9.104. In terms of waste and recycling, Cherwell DC require 1.4sqm of bin space per property so for 30 flats 42sqm of space is required.
- 9.105. In the Design and Access Statement Churchill Retirement claims that retirement schemes in general have occupancy rates which are typically 50% lower than open market housing. As such Churchill Retirement propose a waste and recycling scheme which differs from Cherwell DC requirements. The typical waste requirements of the retirement schemes are as follows:
- Total waste generation rate of 100 litres per week for one bed apartments is 19 x 100L = 1900L
  - Total waste generation rate of 170 litres per week for two bed apartments is 11 x 170L = 1870L
  - Total capacity required would be 3770L.
- 9.106. Churchill proposes the provision of 6 x 1100L bins totalling a capacity of 6660L capacity which would be more than sufficient based upon Churchill's understanding of the waste requirements of retirement living. Two bins for mixed recycling, one bin for paper, one bin for glass, one bin for food waste and one bin for residual general waste. These will be stored in a communal refuse store on site. This is to be located externally to the main building, at ground level and close to the car park.
- 9.107. Garden waste will be managed by the management Team who also manage the upkeep of the grounds. The entrance drive has been designed to allow a refuse vehicle to easily enter and exit the site in a forward gear. No comments have been received from the Council's Waste and Recycling Team. As such, and considering the applicants detailed analysis of waste and recycling practices across their schemes, on balance the provision proposed is acceptable.
- 9.108. In summary, the proposed development is considered to comply with the relevant development plan policies in regard to sustainability and energy efficiency.

#### Developer contributions and affordable housing

- 9.109. Should the application be approved, improvements to local infrastructure will need to be provided in order to mitigate the impact of the development and make it acceptable in planning terms. A S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport can be mitigated. This also includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
  - Directly relate to the development; and
  - Fairly and reasonable related in scale and kind to the development

9.110. The following are sought through this application:

- Payment of a financial contribution, towards off site indoor sports and recreation provision in the locality, of £12,876.29. This is based on an occupancy rate of 38.4. This is towards improvements at Kidlington and Gosford Leisure Centre. The sports studies identified a need for increased pool space, fitness provision and additional sports hall space to meet the needs of residents as a result of the increased housing provision.
- Payment of a financial contribution towards community facilities being the refurbishment of Exeter Hall of £17,622.20. This is based on an occupancy rate of 38.4 and the requirement for 0.185metre square of community space required per resident.
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106.00 per dwelling plus £5.00 per dwelling towards recycling banks. This based on an occupancy rate of approximately 38 people would total £4,218.00.

9.111. A contribution to off-side sports provision is not sought as it is considered that the new residents will not benefit from using facilities such as Stratfield Brake Sports Ground.

#### *Affordable Housing*

9.112. With regard to affordable housing, policy BSC3 requires development within locations such as at Kidlington to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership. Where this policy would result in a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only. Otherwise, financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.

9.113. Officers accept that on-site provision is not suitable due to the management complexities and the potential unaffordability due to service charge costs. Strategic Housing Officers request a financial continuation in lieu of on-site provision of 40% of open market value for 35% of the units. This equates to £1,340,000. An affordable housing statement was submitted to accompany the application and sets out why the applicant supports the principle of the contribution, but in this instance claims the provision of a fully policy compliant affordable housing contribution would make the scheme unviable.

9.114. In terms of the proposed scheme, due to the fact that the affordable housing requirement is not met (on site or a contribution in lieu) the development is not technically policy compliant. A negotiated discussion and a thorough independent 'open book' analysis of the viability of the scheme has been undertaken by Bidwells. It is clear through the analysis of the viability of the scheme that officers are unable to secure a policy compliant scheme due to there not being enough funds to pay the full commuted sum. However, provided some contribution can be secured Officer's consider that the benefits of the scheme are enough to enable officer support. These benefits include redevelopment of a brownfield site, delivering much needed housing and retirement housing in one of the District's most sustainable settlements which is projected as highly relevant for the district and Oxfordshire area over the coming years, reduction in potential neighbour disturbances through a change of use from the social club and biodiversity net gain.

- 9.115. Following extensive negotiation, it has been agreed that a contribution of £348,147 is acceptable. This is based upon the money left available when a viable development is delivered. The agent and applicant are accepting of this requirement.
- 9.116. On this basis, Officers are minded to accept the proposed contribution of £348,147 as reasonable, taking into account the likely margins of viability for the proposed scheme.

#### Human Rights and Equalities

- 9.117. The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”). In making any decisions, Cherwell District Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.118. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

#### *Article 6*

- 9.119. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties will be invited to the public meeting of the Planning Committee and have the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

#### *Article 8 and Article 1 of the First Protocol*

- 9.120. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours’ property.

#### *Duty under The Equalities Act 2010*

- 9.121. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

9.122. Officers have considered the application and resolved that none of the protected characteristics

## 10. PLANNING BALANCE AND CONCLUSION

10.1. Paragraphs 7 and 8 of the NPPF state that the purpose of the planning system is to contribute to the achievement of sustainable development. This means the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways.

10.2. The proposed development will contribute to the economic objective through the creation of jobs and - via its residents - additional expenditure generation in nearby shops and facilities. Whilst the loss of the social club is regrettable, this has been justified and given the availability of other community facilities within the local area, is not considered to cause significant harm to the social objective. The provision of much needed specialist accommodation for older people in one of the District's most sustainable settlements is considered a significant benefit of the scheme and contributes to meeting the social objective. The development will meet the environmental objective as outlined in this report, with limited impacts on the amenity of neighbours. The Local Highways Authority is satisfied that the proposal is acceptable in transport and parking terms, with limited environmental impacts anticipated in this regard.

10.3. All in all, the proposal is considered to be sustainable development and is recommended for approval, subject to the completion of a satisfactory S106 agreement and the conditions detailed below.

## 11. RECOMMENDATION

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

- a) Payment of a financial contribution towards affordable housing of £348,147.
- b) Payment of a financial contribution, towards off site indoor sports and recreation provision in the locality, of £12,876.29 (index linked).
- c) Payment of a financial contribution towards community facilities being the refurbishment of Exeter Hall of £17,622.20
- d) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £111 per dwelling (index linked)
- e) Payment of the Council's monitoring costs of £3,819.46
- f) Improvements to the access (to be secured via a S278 agreement)

### CONDITIONS

#### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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



Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans being drawing nos. 10105KT/PA10 received by the Local Planning Authority on the 22 October 2019 and drawing nos. 10105KT/PA01, 10105KT/PA02, 10105KT/PA03, 10105KT/PA04, 10105KT/PA05, 10105KT/PA06, 10105KT/PA07, 10105KT/PA08 all received by the Local Planning Authority on 17 February 2020 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason : To clarify the permission and for the avoidance of doubt.

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in sections 4.8 and 4.10 of the Ecological Assessment (reference 12532\_R02\_SB\_MM) prepared by Tyler Grange and dated 14th October 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

#### PRE-COMMENCEMENT CONDITIONS

4. No development shall take place until the existing tree(s) to be retained as identified on the 'Tree Protection Plan' drawing no. 19085-BT5 have been protected in accordance with the approved Tree Protection Plan and Arboricultural Assessment and Method Statement (reference 19085-AA2-PB) prepared by Barrell Tree Consultancy dated 4th October 2019 unless otherwise agreed 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 and demolition and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. No part of the development hereby permitted shall take place 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. If contamination is found by undertaking the work carried out under condition 6, 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

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

- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours.

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

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

9. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in compliance with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development, a scheme for the provision of at least 10 vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

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

#### CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

11. The external walls, dormers and roof(s) of the development shall be carried out in accordance with the schedule of materials and finishes referred to in the Design and Access Statement (page 30) prepared by Planning Issues and Churchill Retirement Living dated 12 February 2020 or in accordance with an alternative schedule of materials that have been first submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

12. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number,

sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the commencement of those works or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and 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.

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

14. Details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

15. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings and to include colonial provision for swifts and features for bats, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

16. A schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

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

17. A plan detailing the proposed parking and turning/loading/unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking and turning/loading/unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking, turning/loading/unloading spaces shall be retained for the parking, turning/loading/unloading of vehicles at all times thereafter.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

18. Prior to the first use or occupation of the development hereby permitted, a minimum of 2 covered cycle parking spaces shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

19. Prior to first occupation of the development hereby permitted, vehicular visibility splays shall be provided in both directions at the point of access from Green Road in accordance with submitted drawing 536.0006.001 E (Appendix F to the Transport Statement by Paul Basham Associates Ltd dated October 2019). Thereafter, the visibility splays shall be kept permanently free from obstruction to vision above 0.6 metres in height over the whole of each visibility splay area.

Reason : To ensure that adequate visibility is retained in the interest of road safety in accordance with Government guidance in Section 12 of the National Planning Policy Framework.

20. Prior to first occupation of the building the bins stores as shown on the approved plans shall be provided in accordance with those approved details and permanently retained as ancillary to the development and used for no other purpose whatsoever.

Reason: In the interest of well planned development and visual amenity 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.

21. If remedial works have been identified in condition 6 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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 Section 15 of the National Planning Policy Framework.

22. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan. A stand-alone Management and Maintenance document to be submitted

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

23. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

24. None of the residential units hereby approved shall be occupied other than by a person of an age of 60 years or over (and partners aged 55 years plus).

Reason: In the interest of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework.

#### NOTES TO DEVELOPER

1. In relation to condition 9, development shall be based upon the principles as laid out in the CEP Drainage Statement V1.1 dated October 2019, reference 23247 and as per drawing Preliminary Drainage Strategy Plan DS 04. Discharge to be limited to 2l/s at the 1:100 + 40% Climate Change Factor. Additional information required:
- Pre and Post development overland surface water flow plan required.
  - Safe ingress/egress needs to be demonstrated.
  - Sacrificial areas in the event of exceedance should be considered.
  - Further thought needs to be given to maximising use of green space on site for SuDS incorporation.
  - All hardstanding should be of a permeable construction, where this is not

considered

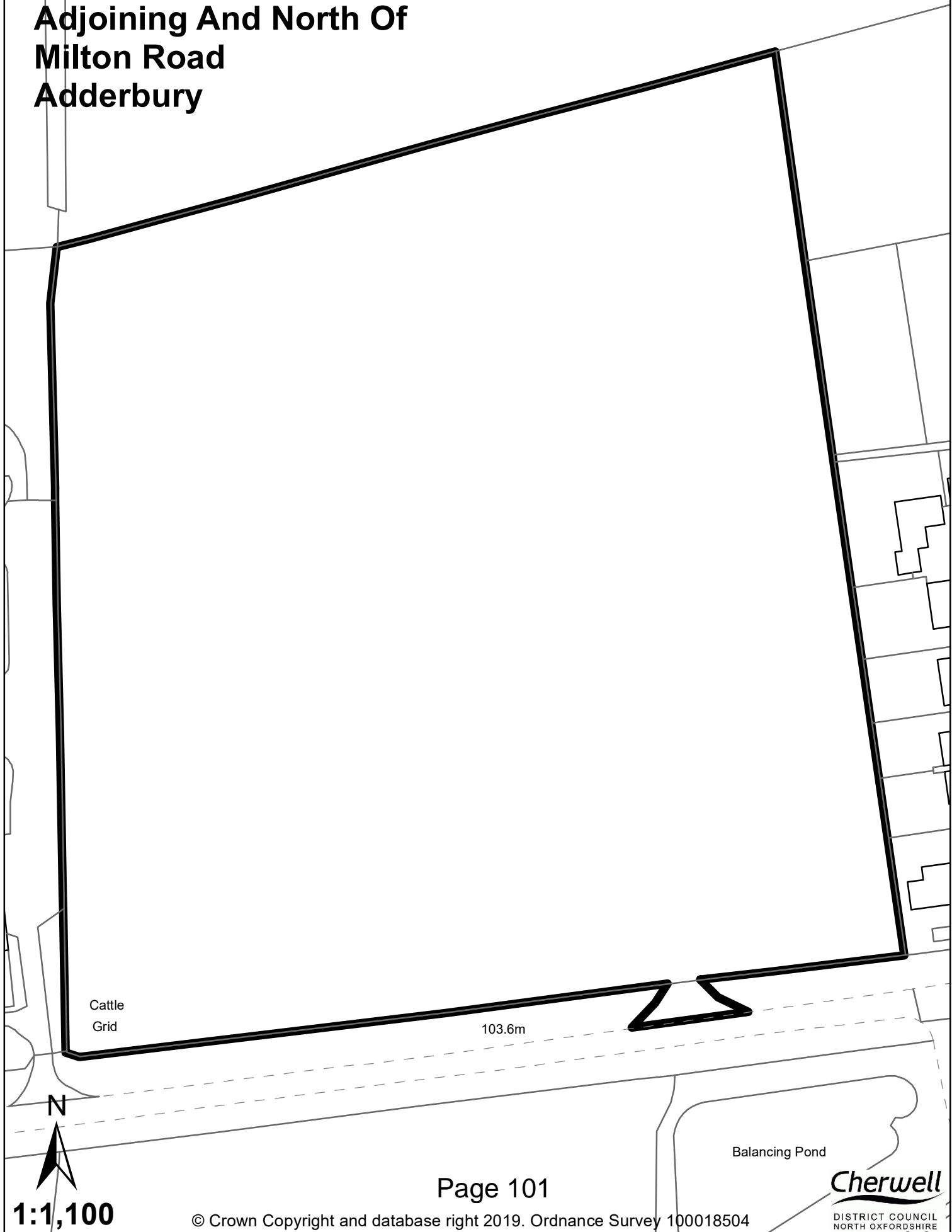
- practical full explanatory justification to be provided.
- Justification as to whether 10% Urban Creep allowance has been applied required.
- Phasing – to be detailed on plan including descriptive methodology as to how
- surface water will be managed during construction, the mobilisation of sediments
- and any contaminants.
- Exceedence – justification as to how surface water will be managed on site in event of failure or exceedance event.
- Evidence of safe ingress/egress to be provided.
- Justification that damaged pipework as identified in the Utility Surveys Ltd CCTV survey will be replaced where appropriate and abandoned where no longer required.
- Fully detailed numbered pipe network plan to be provided for assessment against MicroDrainage calculations.
- Stand-alone Surface Water Management Strategy document to be submitted.

CASE OFFICER: Clare Whitehead

TEL: 01295 221650

# 19/02796/F

OS Parcels 3309 And 4319  
Adjoining And North Of  
Milton Road  
Adderbury



Cattle  
Grid

103.6m

Balancing Pond

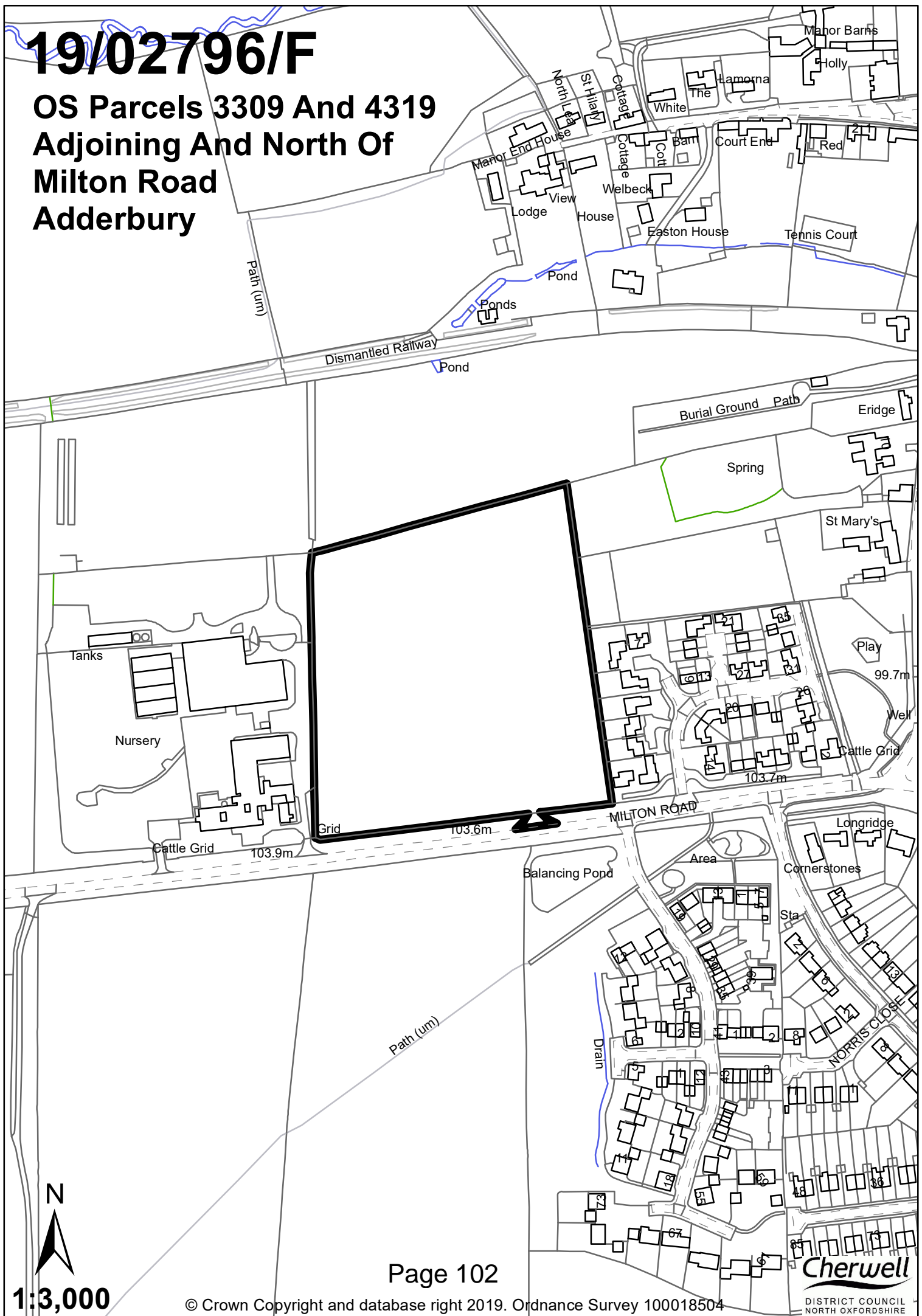
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# 19/02796/F

## OS Parcels 3309 And 4319 Adjoining And North Of Milton Road Adderbury



**Case Officer:** Matthew Chadwick

**Applicant:** Mrs Theresa Goss (on behalf of Adderbury Parish Council)

**Proposal:** Erection of sports & community pavilion with associated car parking and sport facilities (outdoor pitches and MUGA) following planning consent for change of use of agricultural land to sport/recreation and community use (18/00220/F)

**Ward:** Adderbury, Bloxham And Bodicote

**Councillors:** Councillor Andrew McHugh  
Councillor Chris Heath  
Councillor Mike Bishop

**Reason for Referral:** Called in by Councillor Heath due to public interest

**Expiry Date:** 8 June 2020

**Committee Date:** 4 June 2020

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

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

#### **Proposal**

Planning consent is sought for the erection of a sports and community pavilion, MUGA, outdoor pitches and formation of hardstanding to provide car parking.

#### **Consultations**

The following consultees have raised **objections** to the application:

- OCC Highways (but see main report for clarification)

The following consultees have raised **no objections** to the application:

- CDC Building Control, CDC Conservation, CDC Environmental Protection, CDC Landscape Services, CDC Planning Policy, OCC Minerals and Waste, Thames Valley Police Design Adviser

The following consultees are **in support** of the application:

- Adderbury Parish Council (which is the applicant), Sport England

40 letters of objection and 71 letters of support have been received, as well as 48 other representations making comments.

#### **Planning Policy and Constraints**

The application site is located outside the Adderbury Settlement Boundary but it is allocated by the Adderbury Neighbourhood Plan for new sports and community facilities. The site has some naturally occurring contamination, is within a minerals consultation area and there are records of notable and protected species within vicinity of the site. The site is outside but close to the edge of the Adderbury Conservation Area and the site has some archaeological potential. The land slopes from south west to north east.

The application has also been assessed against the relevant policies in the NPPF, the

adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

## **Conclusion**

The key issues arising from the application details are:

- Principle of development
- Landscape impact and site layout
- Neighbouring amenity
- Transport
- Drainage and Flood Risk
- Ecology
- Heritage
- Other matters

The report considers the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

1.1. The application site ("the site") is located to the west of Adderbury and to the north of the Milton Road. The land gently slopes down from south to north with a maximum drop of approximately 5m across the site. The site is currently agricultural in character, is enclosed by field hedgerows and is accessed by a field gate to the western side of the southern boundary. The site is bounded to the east by the recently constructed Nicholas King Homes ("NKH") residential development, to the west is Ball Colegrave, a horticultural business, and to the north by open countryside. To the south on the other side of the Milton Road is open countryside and another new residential development.

### **2. CONSTRAINTS**

2.1. In terms of recorded site constraints, the site is close to the Adderbury Conservation Area boundary, there is potential for archaeology, there are some records of biodiversity in the local area and naturally occurring contaminants are also recorded. The land is also identified within the Adderbury Neighbourhood Plan. Third party representations have identified that the site is used informally by local residents.

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

3.1. Planning consent is sought for the erection of a sports and community pavilion, which would have a multi-purpose sports hall and events space for badminton, as well as function/meeting rooms, dance studio, office, events bar, clubroom and bar, kitchen, toilets and changing facilities. This building would be centrally located at the front of the site. To its east would be the main car parking area for the site and to its west would be a MUGA. To the north of this would be two full size football pitches and a cricket wicket.

3.2. Ballstop fencing is proposed on both the east and west boundaries of the site. Lighting is proposed within the car park and around the perimeter of the MUGA.

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

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

10/00508/F - Change of use from agricultural use to recreational use – Application Permitted

18/00220/F - Change of use of agricultural land to sport/recreation and community use – Application Permitted

19/00004/DISC - Discharge of Conditions 3 (details of surface water drainage scheme) and 4 (archaeological written scheme of investigation) of 18/00220/F – Application Permitted

19/00124/DISC - Discharge of Condition 5 (programme of archaeological evaluation and mitigation) of 18/00220/F – Application Permitted

4.2. The application was a full application, however the layout approved was effectively indicative and approved the change of use of the land.

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

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

5.2. 19/00166/PREAPP - Proposed Sports and Community Pavilion. The principle of development was considered to be acceptable given the extant approval for change of use and, subject to further details on the proposed cladding, the design of the building was considered to be acceptable. It was stated that regard should be had for the proposal's impact in terms of noise and light pollution on the neighbouring properties at Henge Close and on Ball Colegrave to the west. Further information was also required with regard to ecology, highway safety and potentially archaeology.

#### **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 **18 March 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 40 letters of objection and 71 letters of support have been received, as well as 48 other representations making comments. The comments raised by third parties are summarised as follows:

6.3. Design/Visual impact – The location of the swale should be reconsidered. The design of the building is not acceptable. The new pedestrian access should not go through Henge Close (this element of the scheme was amended). The pitches should be on a north-south orientation. The development would have a significant landscape impact.

6.4. Impact on residential amenity – The lighting of the MUGA and car park would cause harm to neighbours. The car parking area should be moved away from the houses. The MUGA would result in light pollution. The balls from sports may cause damage to properties on Henge Close.

- 6.5. Transport impacts – The proposed use would increase traffic and cause harm to highway safety. The parking provision is inadequate. There should be traffic calming measures introduced. The site access is too close to existing accesses.
- 6.6. Other impacts – Noise pollution. There is a lack of a business plan for the site. The development would cause harm to the local bat population. The development would result in the loss of a footpath across the site.
- 6.7. Benefits – Existing village facilities inadequate and unfit for purpose. The development would provide upgraded sports and community facilities, of benefit to the village. The development would allow for healthy and active lifestyles. There is little provision in the village for younger age groups. The facility has strong support from the village.
- 6.8. Lack of benefits – Adderbury already has sufficient community facilities.
- 6.9. Conditions that should be imposed on any permission given – Hours of operation restriction to ensure the development does not cause harm to neighbours. Tree planting should be considered to help screen the site. New boundary fencing should be considered.
- 6.10. Other matters raised – (i) No need demonstrated for the sports pitches and facility. (ii) The land could be better used as a community woodland. (iii) A Community Governance Review has been submitted requesting for West Adderbury to be a separate parish. (iv) The development would be a misuse of Section 106 money. (v) Concerns regarding the viability of the building. (See para 9.66 below.)
- 6.11. 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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. ADDERBURY PARISH COUNCIL: **Supports the application.** NB. The parish council is the applicant.

### CONSULTEE RESPONSES

- 7.3. CDC ARBORICULTURE: Trees on the boundaries should be protected.
- 7.4. OCC ARCHAEOLOGY: **No objections**, subject to conditions requiring a written scheme of investigation and a programme of evaluation and mitigation.
- 7.5. CDC BUILDING CONTROL: Development would require a building regulations application.
- 7.6. CDC CONSERVATION: Concerns with the floodlighting and the impact this would have on the setting of the conservation area.
- 7.7. OCC DRAINAGE: **No objections**, subject to conditions relating to a detailed drainage design and management plan, a surface water drainage scheme and a condition that no building shall be occupied until the drainage scheme has been completed.

- 7.8. CDC ECOLOGY: No comments received at time of writing this report.
- 7.9. CDC ENVIRONMENTAL HEALTH: **No objections**, subject to conditions requiring a Construction Environment Management Plan and the provision of EV charging infrastructure.
- 7.10. OCC HIGHWAYS: Objected to the original submission on the basis of the route of the proposed new footpath i.e. that it went through Henge Close rather than adjacent to Milton Road. No other objections subject to conditions relating to access details, no other access being used, vision splay protection, parking and turning area details, footpath details and cycle parking provision. A section 278 agreement would need to be entered into to secure highway improvement works.
- 7.11. CDC LANDSCAPE SERVICES: Commented on the original submission that there was a lack of detail for the MUGA and the new access. Ball stop fencing should be used along the east and west boundaries. There should be restrictions on the lighting.
- 7.12. OCC MINERALS AND WASTE: **No objections**.
- 7.13. CDC RECREATION: No comments received at time of writing this report.
- 7.14. SPORT ENGLAND: **Supports the scheme**, but did raise concerns regarding the cricket wicket and stated that the pavilion should have two changing rooms for officials.
- 7.15. THAMES VALLEY POLICE DESIGN ADVISER: **No objections**, subject to a condition requiring an application to be made for Secured by Design accreditation.

## **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 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 4 – Meeting the need for open space, sport and recreation

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

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

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

- AD1 – Adderbury Settlement Boundary
- AD2 – Green Infrastructure
- AD3 – Local Green Spaces
- AD4 – Local Open Spaces
- AD18 – New Community Facilities

8.4. Other Material Planning Considerations

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

## 9. APPRAISAL

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

- Principle of development
- Impact on the character and appearance of the area
- Neighbouring amenity
- Transport
- Drainage and Flood Risk
- Ecology
- Heritage
- Archaeology
- 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 NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

9.3. Policy BSC10 of the Cherwell Local Plan 2011 states that the Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision is secured through the following measures:

- Protecting existing sites

- Addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities or securing new provision, and
  - Ensuring that proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated by the proposals.
- 9.4. Policy BSC10 also states that in determining the nature of new or improved provision the Council will be guided by the evidence base and consult with town and parish councils, together with potential users of the green space wherever possible, to ensure that provision meets local needs.
- 9.5. Policy AD18 of the Adderbury Neighbourhood Plan allocates the application site for sport and community uses. The policy goes on to state that proposals for these uses of the land will be supported, provided:
- i. Any buildings are ancillary to the operation of the uses and are located within the site and are designed in such a way that has regard to the countryside location of the site;
  - ii. Vehicular access is made from Milton Road, with a minimum loss of the existing site boundary hedgerow, and sufficient car parking spaces are provided;
  - iii. Safe pedestrian and cycle access is provided to the site;
  - iv. The landscape scheme contributes to the delivery of Policy AD2 by making provision for ecological connectivity from Milton Road to the proposed Local Green Space off Horn Hill Road in Policy AD3;
  - v. The scheme will result in a biodiversity net gain; and
  - vi. The layout and any lighting have regard to the proximity of the adjoining residential and employment uses.
- 9.6. The Adderbury Neighbourhood Plan Policies also defines the green infrastructure network around and within the village (AD2) and confirms that any development proposals on land within or immediately adjoining the defined network must demonstrate how they maintain or enhance its integrity and green infrastructure value. It also defines local green spaces (AD3) and local open spaces (AD4), which includes the current development site.

#### *Assessment*

- 9.7. The site is allocated under Policy AD18 of the Adderbury Neighbourhood Plan for sports and community uses. The land forming the application site was transferred to the Parish Council's ownership for the purpose of sports and community uses for the benefit of the local community through a S106 agreement relating to the completed development site at Aynho Road, Adderbury. In addition, S106 agreements from other sites in the locality have sought contributions towards the provision and enhancement of local outdoor sport facilities.
- 9.8. Planning permission was first granted for the use of the land for recreational uses under 10/00508/F (this has since expired). The site subject of that permission was slightly larger than the current site. The approved plans identified the use of the site for the provision of two full size football pitches, with the land on the NKH site proposed to accommodate a sports pavilion and car parking as well as a landscape



buffer, and that land secured for transfer to the Parish Council. In 2017 planning permission was granted (ref. 17/00813/F) for additional housing on this small area of land, with a contribution secured towards the provision of sports and community facilities specifically on the land subject to the current planning application.

- 9.9. In 2018, planning consent was again granted (ref. 18/00220/F) for the change of use of the current application site to sport and recreation use. Although this was a full application and the permission included a site layout, due to the lack of detail accompanying the application various conditions were imposed which included a requirement for prior approval of a final layout. The permission was only for change of use and did not include buildings, though the officer report to Planning Committee stated:

*“Space is also demonstrated for a building (potential for a new village hall/ pavilion type accommodation) that is not part of the current application but the future intention is likely to include a building on the land and so it is important to understand whether sufficient room is available for this for the future.”*

- 9.10. In addition to the above, the Cherwell Local Plan (and in particular Policy BSC10) supports the provision of sufficient quantity and quality of, and convenient access to open space, sport and recreation provision. This includes addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities or securing new provision. Local Plan Policy ESD17 also seeks to maintain and enhance the district's green infrastructure network. Policy Villages 4 notes that the Playing Pitch and Green Space Strategy estimated that additional provision is required in the Rural North of the District (which includes Adderbury), including junior pitches, cricket pitches and other amenity/open space to address existing deficiencies and future predicted shortfalls.

#### *Conclusion*

- 9.11. The principle of the use of the land for sport/recreation and community use has been established through the 2018 permission, but irrespective of that permission and for the reasons set out above the principle of development complies with Policy BSC10, ESD17 and Villages 4 of the Cherwell Local Plan 2011 – 2031 and Policies AD2, AD3, AD4 and AD18 of the Adderbury Neighbourhood Plan, and is therefore considered to be acceptable. The 2018 permission did not include buildings but the decision clearly anticipated buildings on the site and the principle of the erection of buildings to provide the approved use is also considered acceptable.

#### Impact on character and appearance of the area

##### *Policy context*

- 9.12. Policy ESD13 of the Cherwell Local Plan 2011 - 2031 advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.13. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.14. Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

9.15. The Adderbury Settlement Boundary defined by Policy AD1 aims to avoid harm to local landscape character. In the policy wording for the site (AD18), the countryside location of the site is recognised by requiring that buildings are ancillary to the use of the site and designed to have regard to their location. In addition, it requires that the layout and any lighting has regard to the proximity of the adjoining residential and employment uses.

#### *Assessment*

9.16. The site is located on the edge of the village and it is an existing agricultural field surrounded by field hedgerows. The development of the site would change the character and appearance of the site and the street scene, by virtue of the provision of a vehicular access and the proposed development on site. However, the site is located between new residential development (which has been completed since the approval of 18/00220/F) and Ball Colegrave, and within this context the proposal's impact is considered not to be significant or harmful.

9.17. The proposed site layout is broadly similar to that shown in the plans approved under 18/00220/F<sup>1</sup>. As before, the sports pitches are in the north of the site and the parking areas, MUGA and sports building are in the south of the site. The arrangement of the pitches to the north of the site and the built development close to the southern boundary of the site is acceptable as it ensures that built development has a closer relationship with the village and the new development adjacent to it.

9.18. The proposed layout of the built development has been altered since the approval of 18/00220/F, which had shown<sup>2</sup> the MUGA to be to the east of the site, the sports pavilion building in the middle and the car parking for the site to be to the west. The submitted layout has been amended to switch the positions of the parking and the MUGA, with the pavilion building remaining in the middle. The layout was amended in response to pre-application advice given by the local planning authority, expressing concerns regarding the impact that the development would have on neighbours; this will be discussed in more detail later in this report.

9.19. The building is proposed to be single storey in scale and to be externally faced in ironstone and metal profiled cladding. The building would have part pitched roof and part flat roof. The building has been designed this way in order to accommodate the height of the main hall element, so that inside sports can be played in the building, whilst minimising its scale and its consequent visual impact. The building would be visible from the public domain on Milton Road and is located in close proximity to the access to the site.

9.20. The building would have a relatively typical form for a sports pavilion, with a significant footprint but single storey in scale. The form and scale of the building is functional but compact. The use of materials, with metal cladding and ironstone in gabions, would result in the development having a more contemporary appearance and design than most buildings of its type. However, the materials are considered to be suitable in this context with ironstone being traditional and metal cladding being seen commonly on agricultural buildings in this part of the district, and would contribute positively to the character of the area by reinforcing and creating local distinctiveness.

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<sup>1</sup> Some earthworks have recently been carried out pursuant to the 2018 permission. It goes without saying that this does not preclude determination of the application, but Planning Committee is advised that the Council's enforcement team are monitoring compliance.

<sup>2</sup> Albeit indicatively, since conditions of that consent required an amended layout

- 9.21. Concerns have been raised during the consultation process regarding the light spill from the site (in particular the MUGA) and the impact that this would have on the rural character of the area. A lighting assessment has been submitted with the application, which shows the light spill from the MUGA and the parking area in the southeast corner of the site. The lighting assessment shows that the light spill would generally be contained within the site, albeit with some spill from the MUGA into the front of the Ball Colegrave site and onto Milton Road. That said, the light spill would be mitigated somewhat by the vegetation on the boundaries of the site. The lighting from these elements of the scheme would be clearly visible from the public domain and unless managed would have some adverse impact the rural character of the area. However, on balance, and through the use of planning conditions, it is considered that this impact can be made acceptable and overall that the proposals would not cause significant harm to the character and appearance of the area.
- 9.22. The site currently has mature vegetation on its boundaries with Milton Road to south, Ball Colegrave to the west and Henge Close to the east. With the exception of a small area of hedgerow that would be removed to make way for the access onto Milton Road, the existing hedgerows would remain and the eastern boundary with Henge Close would be strengthened by new planting. The reinforcement of this boundary would provide further screening of the development from the east of the site and further minimise its visual impact.

#### *Conclusion*

- 9.23. The proposed development would, subject to conditions, not cause significant harm to the character and appearance of the area and would therefore comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031, Saved Policy C28 of the Cherwell Local Plan 1996, Policy AD18 of the Adderbury Neighbourhood Plan and Government guidance contained within the NPPF.

#### Neighbour amenity

#### *Policy context*

- 9.24. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.25. Saved Policy ENV1 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

#### *Assessment*

- 9.26. Concerns have been raised by third parties regarding the potential impact of the proposed development on neighbours, with the closest residential properties being those on Henge Close to the east. These concerns relate to lighting, noise and balls going into the rear gardens of neighbouring properties.
- 9.27. As set out earlier in this report, the layout of the built development in the south of the site has been designed so as to minimise its impact on both the residential properties to the east and Ball Colegrave to the west. The lighting proposed for the car park was amended during the course of the application in response to concerns raised by the Thames Valley Police Design Adviser – lights with a height of 6 metres replacing low-level bollard lighting – that the latter had the potential for increasing anti-social behaviour. The submitted lighting scheme for the car park, based on the

revised proposal, shows that the light spill would be well-contained within the site and the operation of the lights can be controlled further by conditions. The Environmental Protection Officer (EPO) has offered no objections to the lighting scheme and the car park lighting is therefore considered to be acceptable.

- 9.28. The MUGA floodlights would be 8m high. As noted at para 9.21, the lighting assessment shows that there would be some light spill from these lights outside of the application site, but given their location away from the houses it is considered that they would not cause harm to the amenities of neighbouring occupiers, subject to a condition securing the hours of operation of the floodlights.
- 9.29. The proposed layout would assist in reducing the noise impacts on neighbours. The MUGA is the part of the scheme that would have the most significant noise impacts on neighbours and this is proposed in the west of the site, approximately 125m from the nearest dwelling. The EPO has offered no objections to the noise impacts of the scheme and a condition would need to be imposed on any permission to control the hours of use of the MUGA to ensure that it does not cause harm to neighbours. The noise impacts of the car parking area and sports pavilion can also be mitigated through conditions controlling the hours of use of the site.
- 9.30. Some residents of Henge Close raised concerns regarding the potential for sports balls to enter their rear gardens from the pitches to the north of the site. The scheme was amended during the course of the application to include ball stop fencing on both the east and west boundaries of the site, which would be 6m in height and constructed from green powder coated aluminium fence posts and netting between. It is considered that this fencing would sufficiently protect neighbouring properties and Ball Colegrave so as to avoid harm in this regard.
- 9.31. The EPO has requested that a condition is imposed securing a Construction Environmental Management Plan. Given that the site is in close proximity to residential properties, it is considered that this condition is reasonable to impose.

### *Conclusion*

- 9.32. It is considered that, subject to conditions, the development would not cause harm to the amenities of neighbours and would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the NPPF.

### Transport

#### *Policy context*

- 9.33. Policy SLE4 of the Cherwell Local Plan 2011 – 2031 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 9.34. Policy AD18 of the Adderbury Neighbourhood Plan states that vehicular access should be made from Milton Road, with a minimum loss of the existing site boundary hedgerow, sufficient car parking spaces should be provided and safe pedestrian and cycle access should be provided to the site.

### *Assessment*

- 9.35. A transport statement has been submitted with the application. In terms of traffic impact, this has tested two scenarios which are based on assumptions regarding how the site could be used (one at its maximum and a second at a more realistic level). In the maximum scenario, it notes that the maximum number of cars that could be parked at the site at any one time would be 141, which is the total number of car parking spaces at the site.
- 9.36. The Highways Officer initially objected to the scheme, as the proposed footpath between the site and the village linked through Henge Close rather than being adjacent to Milton Road. This has been amended, so that the footpath runs adjacent to Milton Road and the Highways Officer was reconsulted, but to date no formal comments have been received (and the end of the consultation period passed some time ago).
- 9.37. This was the only element of the scheme to which the Highways Officer objected. Aside from this, the Highways Officer requested conditions requiring the following:
- full details of the proposed access;
  - that no other access shall be used;
  - the protection of vision splays;
  - full parking and turning area specification details;
  - full details of the footpath;
  - full details of cycle parking provision; and
  - the requirement to enter into a S278 agreement to secure highway mitigation and improvement works.
- 9.38. The Highways Officer advised that the internal layout of the site was logical and demonstrated that a refuse collection vehicle could safely enter and exit the site.

#### *Conclusion*

- 9.39. It is considered that subject to conditions, the proposed development would provide a safe access, sufficient parking and turning areas and would not cause harm to the safety of the local highway network and would comply with Policy SLE4 of the Cherwell Local Plan 2011 – 2031, Policy AD18 of the Adderbury Neighbourhood Plan and Government guidance contained within the NPPF.

#### Drainage and flood risk

##### *Policy context*

- 9.40. Policy ESD6 of the Cherwell Local Plan 2011 – 2031 states that the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.

- 9.41. Policy ESD7 of the Cherwell Local Plan 2011 – 2031 requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems.

#### *Assessment*

- 9.42. Condition 3 of the 2018 permission required details of a surface water drainage scheme for the pitch area of the site, and these details have since been approved. A drainage strategy for the site had been approved with the 2018 permission.
- 9.43. Condition 9 of the 2018 permission requires details of a surface water drainage scheme for the remainder of the site.
- 9.44. A flood risk assessment and drainage management strategy have been submitted with the current application, the latter effectively superseding the details referred to above.
- 9.45. The flood risk assessment finds that the site is within flood zone 1 and that the development proposed is classified as water compatible development. The site is at low risk of fluvial flooding from main rivers and from other potential forms of flooding. The FRA has anticipated the total impermeable area proposed and has found that approximately 3% of the total site would be impermeable. The SUDs techniques proposed include permeable hardstanding and to maximise soft permeable landscaped areas as well as soakaways and pervious paving to manage surface water runoff from roofs and roads at their source. In terms of the pitch areas, the proposal is for perforated pipe land drainage below ground to maintain a useable pitch surface all year round. The SUDs proposed have been sized to cope with the 1 in 100 year flood event plus a 40% allowance for climate change. In addition, the proposals would result in some betterment of the existing situation as less water would be discharged to the existing drainage ditches and main rivers, which would result in a reduction in flood risk overall.
- 9.46. It is considered that the development would be at low risk from flooding and there are opportunities for surface water management that would result in improvements over the existing green field run off rate. The Drainage Authority initially objected to the scheme due to a lack of information but following the submission of more information removed this objection. The Drainage Authority have requested more information to be submitted through conditions and these conditions are considered to be reasonable to impose.

#### *Conclusion*

- 9.47. The proposed development would not be at risk of flooding or increase the risk of flooding elsewhere and, subject to conditions, would comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

#### Ecology

##### *Legislative and policy context*

- 9.48. The Framework sets out that planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. Policy AD18 of the Adderbury Neighbourhood Plan seeks to secure a net biodiversity gain. The Authority also has a legal duty set out at Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that “every public authority

must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”.

### *Assessment*

9.49. A preliminary ecological appraisal has been submitted with the application. The appraisal includes a desk study and a Phase 1 Habitat Survey that was carried out on 1<sup>st</sup> October 2019. The survey found no evidence of animals on the site but does state that there is suitable habitat on the site for badgers, bats and nesting birds. The appraisal makes a number of recommendations for the following:

- A pre-works survey to check that Badgers have not excavated new holes within or immediately adjacent to the working areas. In addition, any excavations during the construction phase of the works should be covered or precautions made (e.g. scaffold boards or baffled slopes) to allow any Badgers a route out of any holes should they fall in.
- A bat tube on each elevation of the sports pavilion building (shown on the submitted plans).
- Enhancement for nesting birds should include the replanting of hedgerow gaps to the north of site, the creation of a new hedgerow along the site’s eastern boundary and the installation of at least ten wooden bird boxes on retained trees and the installation of four built in Swift boxes into the new Community Centre building.
- For Great Crested Newts and reptiles, the vegetation on the arable field should be kept short, completing a handsearch of areas of trees prior to them being removed, storing materials on pallets away from features such as the hedgerows, ensuring excavations are protected overnight and excluding any fresh pourings of concrete to prevent, in the unlikely event they are present, Great Crested Newts coming to harm.

9.50. The Council’s Ecology Officer has not commented to date on the current application. The site is an arable field, which would have limited ecological potential. The submitted Ecological Appraisal makes a number of recommendations which would protect animals during the construction phase and provide new habitat within the proposed development. The measures in that section of the appraisal would need to be secured through appropriately worded conditions of any permission given.

### *Conclusion*

9.51. It is considered that the development would minimise impacts on ecology, would provide new habitats and would protect ecological assets during the construction phase. The development would therefore comply with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

### Heritage Impact

#### *Legislative and policy context*

9.52. The site is located within 50m of the Adderbury Conservation Area at its closest point in the northeast of the site.

9.53. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority

in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

- 9.54. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.55. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

#### *Assessment*

- 9.56. The Conservation Officer has commented on the application and has advised that given the siting of the sports pavilion, it would have a reduced impact on the setting of the conservation area but the lighting of the MUGA has the potential to cause harm to the setting of the conservation area.
- 9.57. The MUGA would be located approximately 240m away from the conservation area. Due to the site's location and the layout of the village of Adderbury, views of the site from the conservation area would be limited. The most visible that the site would be from within the conservation area would be at the junction of Milton Road, Horn Hill Road and Berry Hill Road to the east of the site.
- 9.58. The light spill from the MUGA would be visible from this viewpoint and it is considered that this element of the scheme would cause a limited amount of harm to the setting of the conservation area. This harm would be *less than substantial* and it is therefore necessary to balance this harm against the public benefits of the proposal.
- 9.59. The provision of a community facility and sports provision for the village, on a site that is allocated in the Adderbury Neighbourhood Plan, would provide significant public benefits. The community and health benefits that the proposed development would provide would significantly outweigh the limited harm that the development would cause to the setting of the Adderbury Conservation Area.

#### *Conclusion*

- 9.60. It is considered that the proposed development would cause less than substantial harm to the setting of the Adderbury Conservation Area by reason of the light spill from the MUGA, but that this harm would be outweighed by the public benefits of the proposal and therefore the proposed development complies with Government guidance contained within the NPPF.

#### Archaeology

- 9.61. The application site has also been identified as being important for archaeology by the OCC Archaeology team. The site was recorded in the 1920s when evidence of a building and paving stones, roofing slates and burnt stones, along with abundant



C2nd pottery was recorded. Mesolithic and Neolithic flint tools have also been recorded in the same area.

- 9.62. A programme of archaeological investigation has recently been undertaken immediately east of the proposed site which recorded a number of possible prehistoric features including a possible henge site and a Bronze Age posthole structure. A third ring ditch, also thought to be a Bronze Age barrow was also recorded. Linear features related to a Roman trackway and field system were also recorded.
- 9.63. A geophysical survey has been undertaken on this site, which has shown that archaeological features related to these sites do continue onto this site. The development has been set out to avoid the most significant archaeological deposits. The proposed development would, however, still impact on archaeological deposits related to the trackway and field system.
- 9.64. As a result, the Planning Archaeologist from the County Council has offered no objections to the scheme subject to conditions requiring a Written Scheme of Investigation and further archaeological evaluation and mitigation to be undertaken. Given the above, and subject to these conditions the proposals are considered acceptable in archaeological terms and to accord with Local Plan Policy ESD15 and the relevant paragraphs of the NPPF in this regard.

#### Other matters

##### *Environment and Climate Change*

- 9.65. Policy ESD1 of the Cherwell Local Plan 2011 – 2031 requires for new development to incorporate suitable adaptation measures in new development to ensure that development is more resilient to climate change impacts.
- 9.66. Policy ESD3 of the Cherwell Local Plan 2011 – 2031 states that all new development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods.
- 9.67. The Environmental Protection Officer has requested a condition requiring the provision of EV charging infrastructure to be provided on the site. Paragraph 110 of the NPPF states that development “should be designed to enable charging of plug-in and other ultra-low emission vehicles” and this condition is therefore considered to be acceptable. Solar panels are shown on the roof of the building, which would comply with Policies ESD1 and 3 of the Cherwell Local Plan 2011 – 2031. Further details of these shall be conditioned.

##### *Local Governance Review*

- 9.68. Concerns have been raised during the consultation process regarding the application process continuing at a time when a petition requesting a Local Governance Review has been submitted to the Council by the West Adderbury Residents Association. On 20 May 2020, Council resolved that the terms of reference for the review be approved and that authority be delegated for making Member appointments to a Community Governance Review (“CGR”) working group. The reasons for the request, which are included within the terms of reference, include that Adderbury Parish Council is not reflective of west Adderbury’s needs. The planning application, now presented, is made by Theresa Goss, Clerk to Adderbury Parish Council.

- 9.69. Objectors have stated that the request for this review was, at least in part, inspired by the proposals the subject of this application and report. Objectors consider that the cost involved in constructing the sports & community pavilion and associated works cannot be sustained by the Parish and it would appear that the aim of the CGR is supported by many of those who objected so that the cost would not fall on all current Parishioners.
- 9.70. However, Members are advised that irrespective of the motives behind the requested CGR, the ability or otherwise of the applicant to fund the implementation of the proposal is not in this instance a material consideration. Even if the CGR is material it carries very little weight and certainly not enough to justify refusal or even deferment as there is nothing that would come out of the CGR that could influence the planning balance. If the CGR results in two separate parishes being created it will be for the 'new' authorities to determine their own priorities and spending and to make decisions about the viability and funding of the project. The CGR does not preclude determination of the planning application.
- 9.71. Comments have also been made by third parties in relation to the need for the proposal, the viability of the development (as opposed to just the cost) and suitable alternative uses of the land, but for reasons outlined earlier in this report, especially the allocation of the site for these uses in the adopted Adderbury Neighbourhood Plan and the approval of these uses under 18/00220/F, these are not matters which can weigh significantly against the proposal.

**10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The principle of the change of use has been previously approved and is considered to be acceptable in accordance with Policy AD18 of the Adderbury Neighbourhood Plan, which allocates the land for sports and community uses. There are several criteria to consider such a proposal against and these have been assessed through this appraisal. It is considered that the proposal meets the requirements, or can be made acceptable through appropriately worded planning conditions to secure additional details. The design of the proposed development is considered to be acceptable and, whilst the development would cause some harm to the setting of the conservation area, which is *less than substantial*, the benefits of the scheme would outweigh this harm. Subject to conditions, the proposed development would not cause harm to highway safety or neighbour amenity. Overall, therefore, the proposal is policy compliant and would result in sustainable form of development.

**11. RECOMMENDATION**

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

CONDITIONS

**Time Limit**

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

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

## **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan (7354(08)00 Rev A); Site Plan as Proposed (7354(08)02 Rev E); Elevations as Proposed (7354(08)04 Rev D); Elevations as Proposed 2 (7354(08)05 Rev D); Ground Floor Plan (7354(08)03 Rev F); Roof Plan (7354(08)06 Rev B); Sections (7354(08)07 Rev A); Tree Works Plan with mitigation planting (7354(08)11) and Proposed Site Layout (220021-002 Rev A).

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. Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be thereafter carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the local planning authority.

Reason – To ensure that the development complies with Secured by Design and creates a safe development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the NPPF.

4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in full accordance with the approved details 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.

5. Other than the access hereby approved no other means of access whatsoever shall be formed or used between the land and the highway.

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

6. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 1.5m above carriageway level.

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

7. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and 141 parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing

by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

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

8. Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be submitted to and approved in writing by the Local Planning Authority prior to its formation and/or laying out.

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

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

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

10. The development hereby approved shall be carried out in accordance with the recommendations set out in section 4.3 of the Adderbury Community Centre Preliminary Ecological Appraisal carried out by Turnstone Ecology on November 2019.

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.

11. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods (including fully detailed cross-sectional drawings of all SuDS and drainage related features to be provided and a full list of all SuDS features to be employed on site to be provided) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Construction shall be in accordance with the principles set out in documents:  
FEDS-220021 SuDS Drainage Calculations Rev A  
24926 - Adderbury Milton Road Muga - 191025 REV B  
FEDS-220021-001-A Existing Site Plan(1)  
FEDS-220021-002-A Proposed Site Plan(2)  
FEDS-220021-003-A  
Topographical Survey and BRE 365 TP Location  
Land north of Milton Road, Adderbury, Oxon - trial trench evaluation report V2

7354(08)02E  
7354(08)11  
7354(08)06B  
7354(08)03F

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

12. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. The management and maintenance company details to be provided to both the LLFA and LPA.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and 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. The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

c) Flood water exceedance routes, both on and off site;

d) A timetable for implementation; and

e) Site investigation and test results to confirm infiltrations rates.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and 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.

14. 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 (2019)

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

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 (2019).

16. 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.

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

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

18. The multi-use games area shall not be used between the hours of 21:30 and 08:00 and not before 09:00 on Sundays and/or Bank or Public Holidays.

Reason - To safeguard the amenities of the occupants of the adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. The floodlighting for the multi-use games area shall not be used between the hours of 21:30 and 08:00 and not before 09:00 on Sundays and/or Bank or Public Holidays.

Reason - To safeguard the amenities of the occupants of the adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance

contained within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved above slab level, samples of the stone to be used externally in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

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

21. Prior to the commencement of the development hereby approved above slab level, samples of the metal cladding to be used in the construction of the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

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

22. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps, and

(d) details of the boundary treatments including their materials, appearance and height.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for

general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

24. Prior to any works to change site levels, a plan showing full details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved site levels plan.

Reason - To ensure a satisfactory form of development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

25. Except to allow for the means of access and vision splays, the existing hedgerow/ trees along the Southern boundary of the site shall be retained and properly maintained at a height of not less than 1.5m and any hedgerow/ tree which may die within five years from the completion of the development shall be replaced and thereafter properly maintained in accordance with this condition.

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

26. Prior to the first public use of the site for pitches, a Management Plan for the site to include hours of use shall be submitted to and approved in writing by the Local Planning Authority. The site shall not be run other than in accordance with the approved Management Plan.

Reason - In order to safeguard the amenities of the area and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

27. Other than those expressly approved under this planning permission, no external lights/floodlights shall be erected on or within the site.

Reason - In order to safeguard the amenities of the area and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

28. Notwithstanding the provisions of Class A of Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no buildings, storage containers or areas of hard standing (other than those identified within this application) shall be placed on the land without the grant of further specific planning permission from the Local Planning Authority.



Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and ensure that future development is of an appropriate design and layout in accordance with saved Policy C28 of the Cherwell Local Plan 1996.

29. Prior to the first use or occupation of the development, the building shall be provided with solar PV in accordance with a scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority.

Reason - To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

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