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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 15 June 2023
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor George Reynolds (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Julian Nedelcu
Councillor Les Sibley
Councillor Amanda Watkins

Councillor Maurice Billington (Vice- Chairman)

Councillor Rebecca Biegel
Councillor Phil Chapman
Councillor Jean Conway
Councillor Simon Holland
Councillor Lesley McLean
Councillor Lynn Pratt
Councillor Nigel Simpson
Councillor Barry Wood

Substitutes

Councillor Sandy Dallimore
Councillor David Hingley
Councillor Harry Knight
Councillor Ian Middleton
Councillor Dorothy Walker
Councillor Bryn Williams

Councillor John Donaldson
Councillor Matt Hodgson
Councillor Andrew McHugh
Councillor Dan Sames
Councillor Douglas Webb
Councillor Sean Woodcock

AGENDA

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

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

- 3. Requests to Address the Meeting**

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

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

4. **Minutes** (Pages 5 - 29)

To confirm as correct records the Minutes of the meetings of the Committee held on 13 April 2023 and 23 May 2023.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

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

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

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

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

Planning Applications

8. **Buildings 8-11, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN** (Pages 32 - 58) **23/00915/F**

9. **New Science Park Land West Of The Junction With The Boulevard, Oxford Airport, Langford Lane, Kidlington** (Pages 59 - 87) **23/00517/F**

10. **Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive, Banbury** (Pages 88 - 116) **22/03064/OUT**

11. **Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ** (Pages 117 - 159) **22/02104/F**

12. **Formerly The Bungalow, Queen Street, Bloxham** (Pages 160 - 182) **22/03445/F**

13. **Castle Quay 2, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury** (Pages 183 - 189) **23/01337/DISC**

Review and Monitoring Reports

14. **Appeals Progress Report** (Pages 190 - 198)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

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

Yvonne Rees
Chief Executive

Published on Wednesday 7 June 2023

Agenda Item 4

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 13 April 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Ian Harwood
Councillor David Hingley
Councillor Simon Holland
Councillor Fiona Mawson
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker

Substitute Members:

Councillor Phil Chapman (In place of Councillor Sandy Dallimore)
Councillor Barry Wood (In place of Councillor Hugo Brown)

Apologies for absence:

Councillor Hugo Brown
Councillor Jean Conway
Councillor Sandy Dallimore

Officers:

David Peckford, Assistant Director Planning & Development
Paul Seckington, Senior Manager Development Management
Katherine Daniels, Principal Planning Officer
Andy Bateson, Development Management Team Leader - North Area
Imogen Hopkin, Senior Planning Officer
Karen Jordan, Deputy Principal Solicitor
Aaron Hetherington, Democratic and Elections Team Leader
Matt Swinford, Democratic and Elections Officer

Declarations of Interest

8. Land North And South Of Pingle Drive, Bicester.

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

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

Councillor Richard Mould, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

9. OS Parcel 6920 East Of Oxford Road and Adjoining and South of Canal Lane, Bodicote.

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

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

13. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.

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

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

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

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

Councillor Ian Corkin, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Phil Chapman, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Requests to Address the Meeting

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

148 **Minutes**

The Minutes of the meeting held on 9 March 2023 were agreed as a correct record and signed by the Chairman.

149 **Chairman's Announcements**

The Chairman made the following announcements:

1. Agenda items 10 and 12, Planning applications 22/02992/OUT – OS Parcel 4525 South of Council Depot Adjacent and West of Banbury Road Deddington, and 22/03829/F – Oathill Farm, Claydon Road, Cropredy, had been withdrawn by the respective applicants and would therefore not be considered the Committee.
2. As this was the last Planning Committee of the municipal year, the Chairman thanked Committee members and officers for their work during the last year.

150 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

152 **Land North And South Of Pingle Drive, Bicester**

The Committee considered application 22/03513/F for the redevelopment of the site to provide a new public park, a car and cycle hub with electric vehicle charging and additional guest services, retail and food and beverage floorspace with associated access, parking, drainage and landscaping at Land North And South Of Pingle Drive, Bicester for Value Retail Management (Bicester Village) Limited.

Councillors Sames, Pruden and Cotter addressed the Committee as Local Ward Members.

Roger Wise, on behalf of Save Oxford Sports Grounds, addressed the Committee in objection to the application.

Richard Gough, on behalf of the applicant, Value Retail Management Limited, addressed the Committee in support of the application.

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

Resolved

That authority be delegated to the Assistant Director for Planning and Development, or an officer nominated by them, to grant permission, subject to:

- i. The removal of the Environment Agency objection
- ii. The removal of CDC Ecology objection
- iii. The conditions set out below (and any amendments/additions to those conditions as deemed necessary) and
- iv. 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 contributions and infrastructure set out in the annex of the Minutes as set out in the Minute Book (and any amendments 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: [TO BE ADDED]

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. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) 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 as required.

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 to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 10 dBA below the pre-existing background noise level (LA90) when measured at any noise sensitive premise. Measurements and rating of noise for the purpose of this condition shall be in accordance with BS4142:2014 + A1:2019 - "Methods for rating and assessing industrial and commercial sound.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996

5. 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 on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

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

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

7. The retail floorspace within the Western Terrace, as shown on drawing [TO BE ADDED] shall not be used for the sale of high end, full price

goods or high end, full price confectionary/convenience goods unless and until a scheme/s has been submitted to and approved in writing by the local planning authority identifying the units (and/or parts of units) selling such goods. Thereafter the sale of such goods shall only occur within the units (and/or parts of units) identified for such purposes within the approved scheme.

Reason – To ensure that the limits on full price comparison and convenience goods sales are able to be monitored and enforced as necessary in the interests of preserving the vitality and viability of nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part 1.

8. The guest services within the Western Terrace, as shown on drawing [TO BE ADDED] shall be used for guest services only and for no other purposes.

Reason – In the interests of preserving the vitality and viability of nearby Town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part 1.

9. The development hereby approved shall only be used for the purposes of providing a factory outlet shopping centre selling discounted high end designer goods, with ancillary office space for the management and operation of the centre, except to allow alternative uses subject to the following limits as apply to the whole of the Bicester Village Outlet Shopping Centre (as it exists at the date of this permission):
5,000sqm floorspace (GIA) only for the display or retail sale of high end goods, other than hot food within Class E(a) use; for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises within Class E(b) use; for indoor sport, recreation or fitness (not involving motorised vehicles or firearms) within Class E(d) use; and for creche, day nursery or day centre (not including a residential use) within Class E(f) use ((as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]);
1,000sqm floorspace (GIA) of high end, full price confectionary and convenience goods sales within Class E(a) use (as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]); 1,000sqm floorspace (GIA) at ground floor level across up to five retail units (Class E(a)) for the sale of full price high end designer goods but with no more than 330sqm of internal floorspace.

Reason – In the interests of clarity and in accordance with Government guidance set out in the National Planning Policy Framework.

10. Except where otherwise shown in the plans, no retail unit shall be formed or created including through subsequent amalgamation where that unit would exceed 450sqm floor space (gross internal area) without the prior written agreement of the Local Planning Authority.

Reason - In the interests of creating a development of bespoke smaller high end fashion retail units that do not risk competition with nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part1 as well as Government guidance set out in the National Planning Policy Framework.

11. Except where otherwise allowed through other conditions attached to this planning permission, none of the units within this development shall be used for the sale of the following category of goods (full price or otherwise): food, confectionary, convenience goods, pharmaceuticals and health produces, garden produce, dispense optical goods, books, newspapers and magazines, CDs/DVDs and other similar types of media, computers and software, mobile phones, toys, pets and pet accessories, arts and craft products.

Reason – In the interests of minimising harm to the vitality and viability of nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011 – 2031 Part 1.

Pre-commencement Conditions

12. Prior to the commencement of development, 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.

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

13. Where the submitted Ecological Assessment Report is more than two years old at the date of the commencement of the development, no development shall commence, until an updated Ecological Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - In the interests of biodiversity and to comply with Policy ESD10 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

14. No development shall commence until a Construction Method Statement, incorporating a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:

- a) The CTMP must be appropriately titled, include the site and planning permission number.
- b) 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.
- c) Details of and approval of any road closures needed during construction.
- d) Details of and approval of any traffic management needed during construction.
- e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- f) Measures to control the emission of dust and dirt during construction as detailed in paragraph 6.1.2 of the Air Quality Management Plan;
- g) Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- h) The erection and maintenance of security hoarding / scaffolding if required.
- i) A regime to inspect and maintain all signing, barriers etc.
- j) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- k) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- l) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, 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.
- m) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- n) 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.
- o) Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- q) Delivery, demolition and construction working hours;

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

15. No development shall take place on any phase (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) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
- b) Risk assessment of potentially damaging construction activities;
- c) Identification of 'Biodiversity Protection Zones';
- d) 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);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including 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. No development shall take place until a Sustainable Waste and Resources Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason – To support the creation of a low carbon community to achieve the requirements of Policy ESD1 of the CLP 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. Prior to the commencement 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 development shall be managed in accordance with the approved details set out in the LEMP.

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

18. No development shall commence until a scheme to demonstrate that the development will achieve BREEAM 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out a timescale for the provision of evidence, including certificates at design stage and post construction stages. Evidence of the achievement of BREEAM Excellent shall be provided in accordance with the approved scheme.

Reason: To support the creation of a low carbon development to achieve the requirements of Policies ESD1 of the Cherwell Local Plan Part 1 2011-2031.

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, Land contamination risk management (LCRM) and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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.

20. If contamination is found by undertaking the work carried out under condition [18], 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.

21. If remedial works have been identified in condition [19], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [19]. 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

22. No development shall take place until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.
 - Consent for any connections into third party drainage systems

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with 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.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORK TAKES PLACE

23. Prior to their installation on any building, full details of the solar PV shall be submitted to and approved in writing by the Local Planning Authority. The solar PV shall be installed prior to the first occupation and retained and maintained in working order thereafter.

Reason: To support the delivery of renewable and low carbon energy in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework

24. A schedule of materials and finishes to be used in the external walls and roof(s) of the Western Terrace shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

25. A schedule of materials and finishes to be used in the external walls and roof(s) of the car and cycle hub shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

26. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the structure(s) and other parts of the application site and the hours at which such lighting is to be operated. This scheme shall ensure that light trespass at any light sensitive premises shall not exceed the requirements in the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01/20).

Reason: To protect the amenities of nearby residents and in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

PRIOR TO OCCUPATION

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

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

28. Prior to the first 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", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

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

Reason - To ensure that 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.

30. No employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed

broadband from the building to the nearest broadband service connection outside The Site

Reason: To facilitate information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

31. A schedule of landscape maintenance for a minimum period of 15 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.

153

OS Parcel 6920 East Of Oxford Road and Adjoining and South of Canal Lane, Bodicote

The Committee considered application 22/03452/F for the erection of a new 128-bed residential care home (Use Class C2) together with associated access, parking and landscaping at OS Parcel 6920 East Of Oxford Road and adjoining and South of Canal Lane, Bodicote for Barton Willmore now Stantec.

Paul Reeves, on behalf of the applicant, addressed the Committee in support of the application.

In the course of the discussion, Councillor Broad highlighted that condition 12 stated policy ESD5 however the purpose of ESD5 was not included in the policy text. The Planning Officer advised the Committee that they believed it was appropriate to widen condition 12 to include policy ESD5 and it would be reflected in the conditions issued with the decision notice.

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

Resolved

That the authority be delegated to the Assistant Director for Planning and Development to grant permission, subject of:

1. The conditions set out below (and any amendments to those conditions as deemed necessary); and

2. 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 infrastructure identified in the heads of terms as set out below (and any amendments to them as may be deemed necessary).

Conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:
 - 5196 LP01 – Site Location Plan;
 - 5196 PL02 Rev B – Proposed Site Plan;
 - 5196 PL03 – Proposed Ground Floor Plan;
 - 5196 PL04 – Proposed First Floor Plan;
 - 5196 PL05 – Proposed Second Floor Plan;
 - 5196 PL06 – Proposed Roof Plan;
 - 5196 PL07 – Proposed Elevations (Sheet 1 of 2);
 - 5196 PL08 – Proposed Elevations (Sheet 2 of 2);
 - 5196 PL09 – Proposed Sectional Elevations;
 - 5196 PL10 – Proposed Refuse Store;
 - 5196 PL13 – Boundary Treatment Plan;
 - ZTL 101 Rev B – Tree Constraints Plan;
 - Design & Access Statement by KWL Architects Ltd, Ref: 5196 Rev A, dated 9 November 2022;
 - Planning Statement by Barton Willmore, now Stantec, Ref: 33629 Rev 1, dated 14 November 2022;
 - Transport Statement by Connect Consultants, dated November 2022, as updated and revised by Technical Note 1, dated 11 January 2023;
 - Travel Plan by Connect Consultants, dated November 2022;
 - Noise Assessment by Hepworth Acoustics, Ref: P22-218-RO1v1, dated November 2022;
 - Air Quality Assessment by Syntegra Consulting Ref: 22-9316, dated 8 November 2022;
 - Arboricultural Impact Assessment by Zebra Trees, Ref: ZTL_130 V1 Rev C, dated 5 January 2023;
 - Landscape Management Plan by Zebra Landscape Architects, Ref: ZLA_1231 V1, dated 10 November 2022;
 - Preliminary Ecological Appraisal by Zebra Ecology, Ref: ZEL_175 V1, dated 1 September 2022;
 - Biodiversity Net Gain Plan by Zebra Ecology, Ref: ZEL_175 V2, dated 10 November 2022;

Sustainability & Energy Statement, incorporating Commercial Waste Management Plan by Envision, Ref: ESL 22-0238 Rev V3, dated 10 November 2022;

Drainage Strategy by JPP, Ref: R-FRA-24918-01-Rev A, dated November 2022;

Infiltration Testing Results by JPP, Ref: 24934/MC/AP/L01, dated 31 August 2022;

Phase 1 Contamination & Geotechnical Desk Study Report by JPP, Ref: R-DS-24934-01-00, dated August 2022;

Neighbouring Daylight, Sunlight & Shadow Assessment by Behan, Ref: 20223749, dated 4 November 2022.

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. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) 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 as required.

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 to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. 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 on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

5. No development shall commence until a Construction Method Statement, incorporating a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:
- a. The CTMP must be appropriately titled, include the site and planning permission number;
 - b. 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;
 - c. Details of and approval of any road closures needed during construction;
 - d. Details of and approval of any traffic management needed during construction;
 - e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
 - f. Measures to control the emission of dust and dirt during construction;
 - g. Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions;
 - h. The erection and maintenance of security hoarding / scaffolding if required;
 - i. A regime to inspect and maintain all signing, barriers etc;
 - j. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
 - k. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
 - l. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, 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;
 - m. Layout plan of the site that shows structures, internal roads, site storage, compound, pedestrian routes etc;
 - n. 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;
 - o. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
 - p. Delivery, demolition and construction working hours.

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

6. Notwithstanding the submitted details, no development except site clearance and groundworks shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. In addition to the BRE DG 365 Infiltration Testing Results by JPP, Ref: 24934/MC/AP/L01 dated 31 August 2022, the scheme shall include:

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

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with 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.

7. 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) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
- b) Risk assessment of potentially damaging construction activities;
- c) Identification of ‘Biodiversity Protection Zones’;

- d) 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);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including 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.

8. Notwithstanding the submitted details, a schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

9. Prior to their installation on any building hereby approved, full details of any mechanical ventilation or extraction equipment (if applicable and including any air source heat pumps and their associated condenser units) shall be submitted to and approved by the Local Planning Authority. Thereafter the mechanical ventilation shall be installed, brought into use, and retained in accordance with the approved details.

Reason: In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to first occupation details of improvements to provide safe cycling and pedestrian access to the site from Longford Park Road, including, position, layout, construction and drainage have been submitted to and approved in writing by the Local Planning Authority. The improvements shall be constructed in strict accordance with the approved details prior to first occupation.

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

11. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities for the ten cycle spaces shown on drawing 5196 PL02 Rev B – Proposed Site Plan 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.

12. Prior to the first occupation of the development, a scheme for the provision of the five vehicular electric charging points to serve the development, as shown on drawing 5196 PL02 Rev B – Proposed Site Plan shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve, and retained as such thereafter.

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

13. Prior to the first 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", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

14. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the

Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

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

Reason: To ensure that 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.

15. Details of the external lighting, and 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 the installation of any such lighting. 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 in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

S106 Heads of Terms

Public Transport Service Contribution suggested by OCC Transport of £29,458 and agreed by Applicant, to be paid in full prior to first occupation;

Traffic Regulation Order suggested by OCC Transport of £3,320 and agreed by Applicant, to be paid in full prior to first occupation;

Travel Plan Monitoring Fee suggested by OCC Transport of £2,563 and agreed by Applicant, to be paid in full prior to first occupation; and

Primary Care Infrastructure Contribution suggested by the ICB Clinical Commissioning Board, initially of £110,592 but subsequently revised down to: 128 1-bed units x £360/person = £46,080, to be paid in full prior to occupation.

As reported under the Chairman's announcements, application 22/02992/OUT had been withdrawn by the applicant.

155 **Laurels Farm, Dark Lane, Wroxton, OX15 6QQ**

The Committee considered application 23/00130/F for the demolition of 3no existing barns followed by the erection of 9no new dwellings; conversion and alterations to existing barn to form 1no dwelling; formation of new primary access from Newington Road, parking, landscaping and other associated works at Laurels Farm, Dark Lane, Wroxton, OX15 6QQ for Trinity College.

The Chairman referred to the published written update in which there was an amended officer recommendation for deferral to allow officers to seek view of an agricultural consultant and continue discussions with the applicant regarding principle, design, highway impact and drainage.

It was proposed by Councillor Reynolds and seconded by Councillor Clarke that consideration of application 23/00130/F be deferred to allow officers to seek the view of an agricultural consultant and continue discussions with the applicant regarding principle, design, highway impact and drainage.

Resolved

- (1) That consideration of application 23/00130/F be deferred to allow officers to seek the view of an agricultural consultant and continue discussions with the applicant regarding principle, design, highway impact and drainage.

156 **Oathill Farm, Claydon Road, Cropredy, OX17 1QA**

As reported under the Chairman's announcements, application 22/03829/F had been withdrawn by the applicant.

157 **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 22/03035/DISC for the discharge of condition 5 (serving and waste) of 17/00284/REM at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

In reaching its decision the committee considered the officers' report and presentation and the written updates.

Resolved

- (1) That is be approved that condition 5 to 17/00284/REM be discharged in accordance with approved drawings Compactor Location Plan - Centre Wide Plan Ref: CQ2-LJA-XX00-DR-A-03309; and Waste Compactor Detailed Plan Ref: N 22 SHA.

158 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 5.42 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 23 May 2023 at 7.06 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Ian Harwood
Councillor Simon Holland
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Barry Wood

Apologies for absence:

Councillor Julian Nedelcu
Councillor Amanda Watkins

1 Appointment of Chairman for the municipal year 2023/2024

It was proposed by Councill Wood and seconded by Councillor Chapman that Councillor Reynolds be elected Chairman of the Planning Committee.

There were no further nominations.

Resolved

- (1) That Councillor Reynolds be elected Chairman of the Planning Committee for the municipal year 2023/2024.

2 Appointment of Vice-Chairman for the municipal year 2023/2024

It was proposed by Councill Wood and seconded by Councillor Chapman that Councillor Billington be elected Vice-Chairman of the Planning Committee.

There were no further nominations.

Resolved

- (1) That Councillor Billington be elected Vice-Chairman of the Planning Committee for the municipal year 2023/2024.

The meeting ended at 7.08 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee – 15 June 2023

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Buildings 8-11, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN	23/00915/F	Kidlington West	Approval	Andrew Thompson
9	New Science Park Land West Of The Junction With The Boulevard, Oxford Airport, Langford Lane, Kidlington	23/00517/F	Kidlington West	Approval	Andrew Thompson
10	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive, Banbury	22/03064/OUT	Cropredy, Sibfords and Wroxton	Refusal	Linda Griffiths
11	Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ	22/02104/F	Deddington	Approval	Nat Stock
12	Formerly The Bungalow, Queen Street, Bloxham	22/03445/F	Adderbury Bloxham and Bodicote	Approval	Nat Stock
13	Castle Quay 2, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury	23/01337/DISC	Banbury Cross and Neithrop	Approval	Andy Bateson

*Subject to conditions

23/00915/F

Buildings 8-11

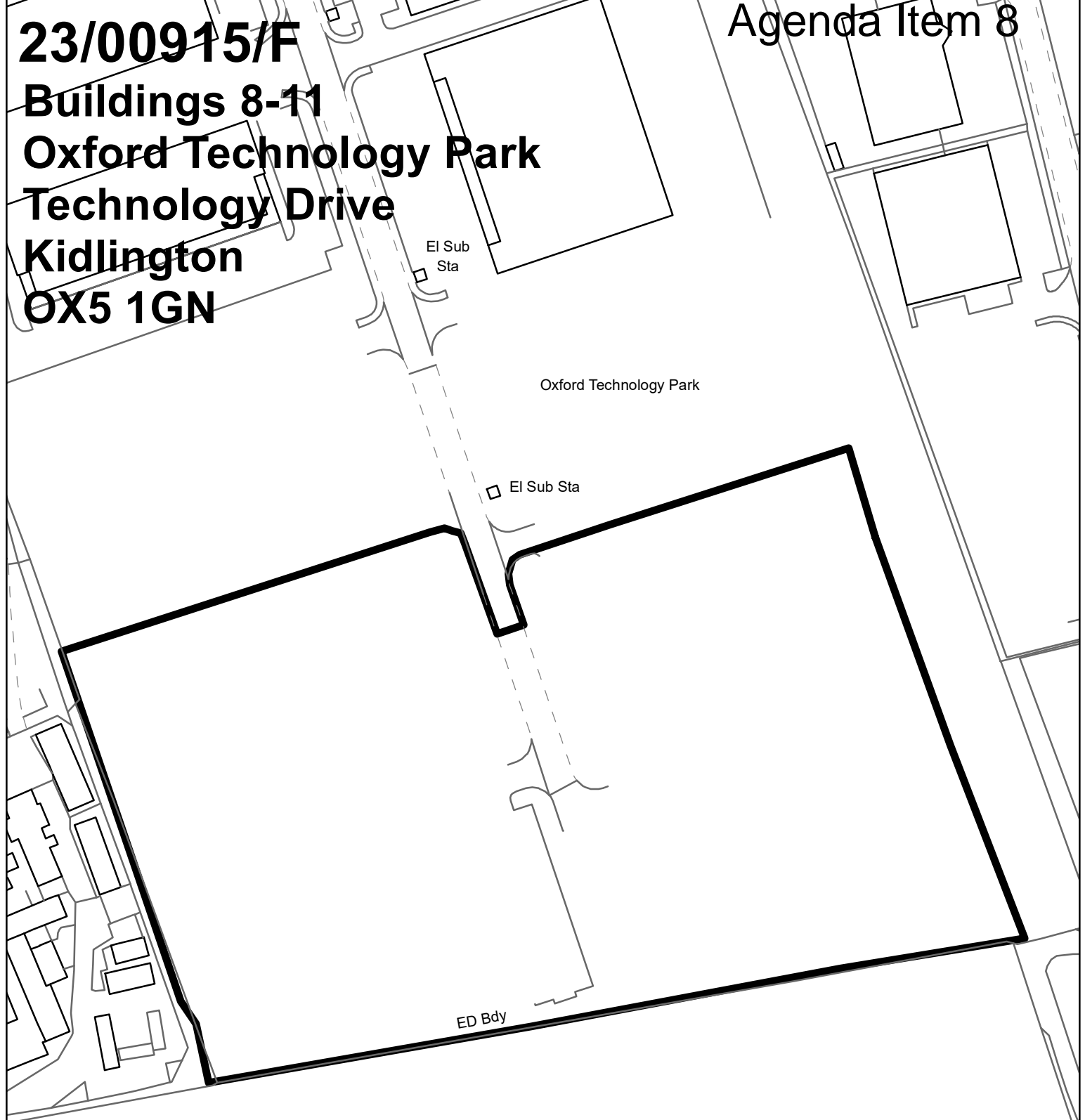
Oxford Technology Park

Technology Drive

Kidlington

OX5 1GN

Agenda Item 8



1:1,400



23/00915/F

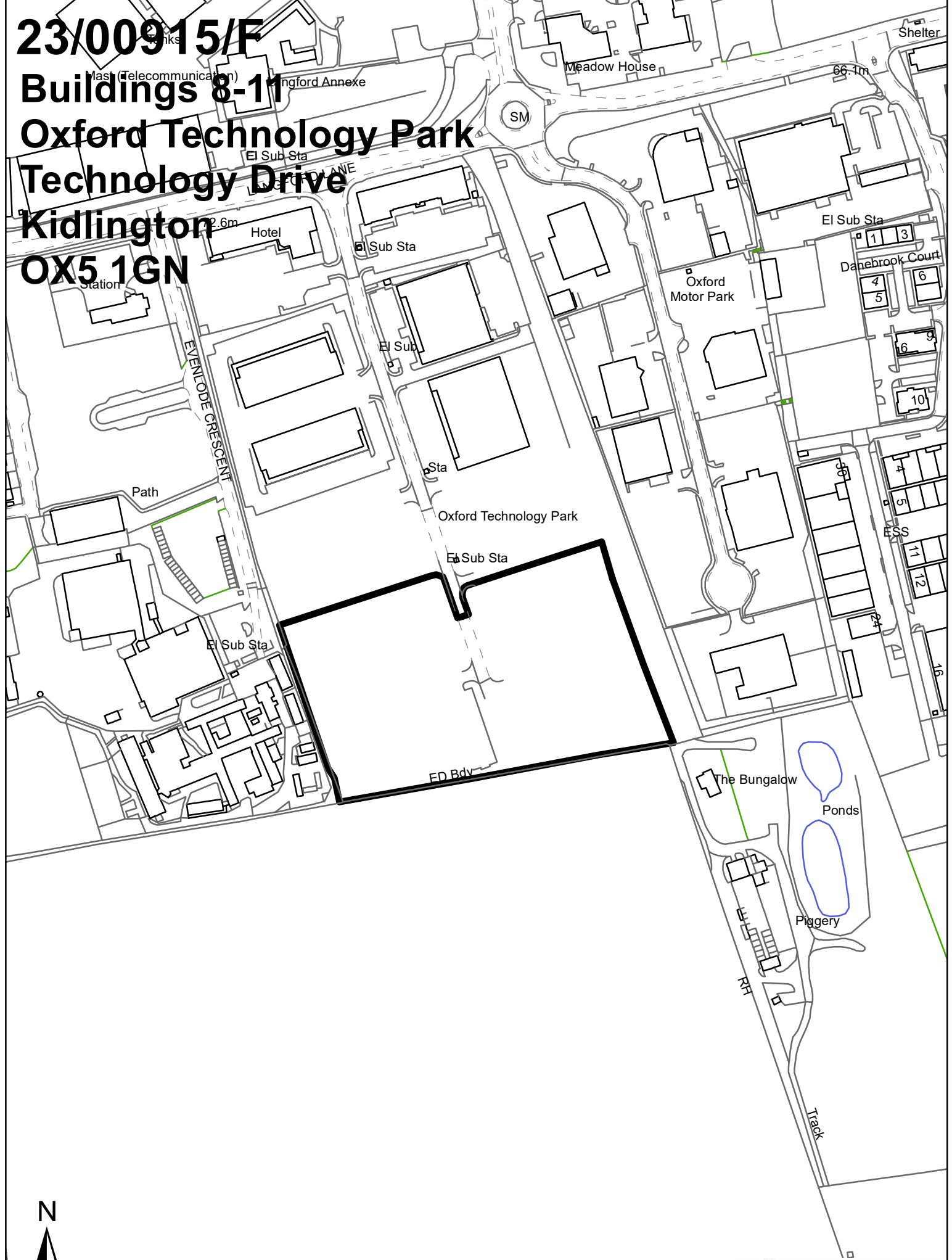
Buildings 8-11

Oxford Technology Park

Technology Drive

Kidlington

OX5 1GN



23/00915/F

Buildings 8-11

Oxford Technology Park

Technology Drive

Kidlington

OX5 1GN



1:2,000



Case Officer: Andrew Thompson

Applicant: OxTec Developments Ltd

Proposal: Planning Application for Development within Use Classes E(g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and associated works including access and parking (relating to proposed Buildings 8, 9, 10 and 11)

Ward: Kidlington West

Councillors: Councillor Conway, Councillor McLean, Councillor Walker

Reason for Referral: Major development

Expiry Date: 13 July 2023

Committee Date: 15 June 2023

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS/AND
SUBJECT TO A S106 LEGAL AGREEMENT OR ALTERNATIVE AGREED MECHANISM**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the south of Langford Lane and east and west of Technology Drive, towards the north-western edge of the built-up area of Kidlington. It comprises Plots 8-11 on the 8.3ha Oxford Technology Park, which lies south of London Oxford Airport and west of the Motor Park.
- 1.2. The application site is part of a wider area that was identified as an area for a small-scale review of the Green Belt to accommodate identified High Value Employment Needs by Policy Kidlington 1 of the adopted Cherwell Local Plan 2011-2031 Part 1.
- 1.3. The application site is part of a larger site which is the subject of outline planning permission for a technology park comprising 40,362sqm of office, research and development and storage and ancillary space, subject to a number of parameters and restrictions as set out in conditions and a planning obligation associated with the consent. Whilst a number of building and elements of the permission have been implemented, the timescale for the submission of further Reserved Matters has expired.
- 1.4. Delivery of approved development on Plots 1, 3, and 5 of the Oxford Technology Park development are substantially complete and partially occupied and a hotel on Plot 2 (now known as Premier Inn Oxford Kidlington Airport) is open and trading. Development on Plots 4, 6 and 7 have also been approved and are nearing completion.
- 1.5. The road and principal access have been constructed and is operational for the Premier Inn and the completed units. Site preparation work has commenced on a number of plots and work has commenced on a number of units.

- 1.6. The application site comprises a 2.73ha rectangular area of flat serviced land on the southern end of Technology Drive completing the development previously approved under the outline planning permission. Campsfield House Immigration Removal Centre (IRC) is to the west.
- 1.7. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport with the gateway site cleared for development and to the east is the Oxford Motor Park where a number of car dealerships are located, Thames Valley Police and Thames Water are to the north east. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.
- 1.8. The nearest existing bus stop is located on The Boulevard and currently serves Oxford Spires Business Park and London Oxford Airport. There are further bus stops located along Langford Lane and along the A44 Woodstock Road all of which are within a reasonable walking distance from the site.

2. CONSTRAINTS

- 2.1. The application site lies within the Oxford Green Belt, the London Oxford Airport Height Safeguarding Zone (development over 45m), within 330m of the Rushy Meadows SSSI (Sites of Special Scientific Interest) and is identified as a minor groundwater Aquifer.
- 2.2. Previously before development of Technology Drive and remediation works, it had comprised Category 2 best and most versatile agricultural land and had also been identified as potentially contaminated, but those are no longer constraints to development.
- 2.3. The only other notable constraint is a Medium Pressure (MP) Pipeline for Southern Gas Networks running along the western boundary between the application site and the former Immigration Centre.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the construction of four units measuring a total of 16,909 sq. m.
- 3.2. Buildings 8 and 9 will be subdivided into Units 8A, 8B, 9A and 9B. Buildings 10 and 11 are proposed as singular units. All units will have a ground floor and mezzanine floor. The units will be configured as follows:

Unit	Floorspace (sqm)
8A	2,353
8B	2,353
9A	2,038
9B	2,038
10	4,235
11	3,892

- 3.3. 268 parking spaces are proposed to serve the units, of which 69 will be Electrical Vehicle ('EV') spaces and 23 will be accessible spaces. In addition, 160 cycle parking spaces are proposed.
- 3.4. The design of the development will be consistent in terms of appearance and scale with the development at Plots 1, 3, 5, 6 and 7.

4. RELEVANT PLANNING HISTORY

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

14/02067/OUT

OUTLINE (all matters reserved) - New build Technology Park comprising 40,362sqm of office, research and development, laboratory, storage and ancillary space. Approved

16/00533/DISC

Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT. Approved

17/00559/F

Variation of conditions 1, 2, 3, 5, 7, 9 and 21 of 14/02067/OUT to enable proper phasing of the development. Approved.

17/01542/REM

Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3. Approved.

17/02233/F

Planning permission granted for a new 3,981m² hotel at Unit 2, which is now built and occupied as a Premier Inn. Approved.

18/00047/DISC

Discharge of conditions 3 (landscaping scheme); 5 (cycle parking) and 6 (sustainability and energy statement) of 17/01542/REM. Approved.

19/00734/F

Variation of Condition 2 of 17/02233/F - to remove the brise soleil from proposed building and addition of 1No window/door. Withdraw drawing numbered AP18 Revision A & AP19 Revision A and replace with new drawings numbered AP26 & AP27. Approved.

21/00690/REM

Variation of conditions 1 (plans), 2 (materials) 3 (landscaping scheme), 5 (cycle parking), 6 (sustainability and energy statement) of 17/01542/REM - amendments to Units 1 and 3. Approved

22/02148/F

Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective) (Units 4a and 4b). Approved.

22/02214/F

Variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. Approved

22/01683/F

Planning Application for Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective) (Unit 7). Approved

22/02647/F

Planning Application for Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective). Approved

23/00382/F

Variation of Conditions 2 (Plans) & 13 (Total Floor Space) of 22/02647/F - Permission for additional floor space at mezzanine level within Unit 6A. Approved

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal as the proposal follows similar permissions on other sections of the Technology Park.

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. The final date for comments was **2 June 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIDLINGTON PARISH COUNCIL: No comments received

CONSULTEES

- 7.3. OCC HIGHWAYS: No objection subject to s106 contributions and planning conditions.
- 7.4. THAMES WATER:
- Surface Water - no objection, however approval should be sought from the Lead Local Flood Authority.
 - Foul Water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided
 - Water – No objection however infrastructure (e.g., a pumping station) may be required.

- 7.5. NATURAL ENGLAND: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.
- 7.6. THAMES VALLEY POLICE: No objection subject to a condition seeking Secured by Design accreditation.
- 7.7. ECONOMIC DEVELOPMENT: Support - This development would provide further for the need and demand for facilities to accommodate the specific needs of science and other knowledge-led economic growth (as explained in the supporting documentation). Clarification will be needed on how the construction phase will contribute to the development of local skills and supply chains, through the Training and Employment Plan.

7.8. ENVIRONMENTAL PROTECTION:

Noise: The CEMP indicates construction noise will be controlled adequately.

Contaminated Land: No comments

Air Quality: The CEMP measures will control fugitive dust emissions provided all measures are followed, including the regular spraying of loose soil with water, which must be adhered to strictly, rather than merely considered, as it is phrased in the report.

Odour: No comments

Light: No comments

- 7.9. OCC ARCHAEOLOGY: No objection. The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

7.10. LLFA: Objection

- Flood risk assessment to be provided.
- Infiltration testing location plan to be provided.
- Surface water catchment plan to be provided.
- SuDS (Sustainable Drainage Systems) construction details drawing to be provided.
- Maintenance schedule to be provided.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – SuDS
- ESD8 – Water Resources
- ESD10 – Biodiversity and the natural environment
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Kidlington 1 – Accommodating High Value Employment Needs
- INF1 – Infrastructure Provision

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control over new development
- C32 – Provision of facilities for disabled people
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Equalities Act 2010 (“EA”)
- The Kidlington Framework Masterplan Supplementary Planning Document (SPD) Part 1: Kidlington Tomorrow – Realising the Potential (Adopted December 2016)
- Developer Contributions SPD
- Oxfordshire Parking Standards 2022

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Ecology impact
- Transport and Access
- Heritage and Archaeology
- Flooding and Drainage
- Mitigation of Climate Change
- S106 Contributions

Principle of Development

- 9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2031 Part 1. Policy ESD14 confirms that proposals within the Green Belt will be assessed in accordance with the NPPF.
- 9.3. Notwithstanding this, the CLP 2031 Part 1 does set out a need for small scale review of the Green Belt and refers to the Oxford Technology Park site within policy Kidlington 1 as one of the locations where small-scale review could accommodate high value employment development subject to site specific design and place shaping principles. The intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2015.
- 9.4. The application site forms part of a larger identified site in the adopted CLP 2015 under Policy Kidlington 1. This policy brings forward high-value employment needs development on land to the northwest of Kidlington and adjacent London Oxford Airport as a strategic allocation for hi-tech employment development and associated infrastructure. The whole site was granted outline planning permission for the construction of 40,362sqm of office, research and development, laboratory, and storage business space within Use Classes E (g) (a)-(iii), B2 and B8 in 2016 (Ref: 14/02067/OUT) with the consent subsequently varied with a modified full permission in 2017 (Ref: 17/00559/F). Furthermore, approximately two-thirds of the allocated site has already been developed in a similar manner to that now proposed which were considered at committee in January 2023 and subsequently approved, subject to a travel plan monitoring fee and conditions.
- 9.5. It is noted that to date Units 1 and 3-7 have approved 34,947 sq. m within the quantum of floorspace approved under the original outline permission (i.e., 40,362 sq. m). The application now proposes 16,909sqm which would bring the total floorspace to 51,856 sq. m. (i.e., an additional 11,494sq. m). However, the additional floorspace would not result in a lower quality of development and would be as a result of making more efficient use of the land and including larger floorspace internally principally through mezzanine floorspace. The proposals would therefore have no materially larger or more significant impact on the openness of the Green Belt or the character of the area.

Conclusion

- 9.6. The proposed development is for a further phase of development of the supported Oxford Technology Park (OTP) that has already significantly commenced. This in itself is also a very special circumstances' justification for supporting further development at the already established OTP that itself remains on Green Belt land.
- 9.7. The applicant outlines in their submitted Planning Statement that the following benefits will arise out of the submission:
1. The proposal will provide floorspace for high value employment uses. The delivery of high value employment uses at OTP is a stated objective of the Local Plan and it is confirmed by the Council that the parcel does not play any significant role in contributing to Green Belt purposes.
 2. Paragraph 6.13 of the Committee Report that recommended approval of the outline application (ref: 14/02067/OUT) confirms that: 'The level of need identified in the CDC (Cherwell District Council) Employment Land Study 2012 suggests that in order to meet projected demand in 2026, for the Kidlington area, 11.3 hectares of land, for B1 uses alone, would have to be released. It is improbable that this demand could be met unless at least part of the application site is developed or another tract of land

within the Oxford Green Belt, abutting Kidlington, came forward for economic development.’

3. It follows that Kidlington’s employment land needs cannot be met without the development of the site and the wider OTP. The proposal will therefore ensure that Kidlington’s employment land needs can be met through the continued development of the already supported OTP.
4. Utilising the Light Industrial and Industrial & Manufacturing employment density estimations the proposal will deliver between approximately 324 and 470 FTE (Full Time Equivalent) employment positions depending on the end user of the proposed building.
5. The average full-time pay in Cherwell based on 2020 information from Office for National Statistics (‘ONS’) is approximately £600 per week. The proposal for Buildings 8-11 therefore provides the opportunity to generate an average of between £10.1m and £14.66m in local earnings annually.
- 9.8. Having regard to the above rationale, the proposed development will accord entirely with the Local Plan employment site allocation and given the history of the site (inclusive of recent permission) and the clear intention of the Council to review the Green Belt at this location, the proposal in this case will not cause significant or demonstrable harm with respect to other Plan policies.
- 9.9. Whilst forming part of Policy Kidlington 1, the proposals lie within the Green Belt. National Planning policy advises at Paragraph 149 (g) that where there is a redevelopment of previously developed land development proposed, this would not be inappropriate development providing the proposals do not have a greater impact on the openness of the Green Belt than the existing development.
- 9.10. Notwithstanding this, the CLP 2015 does set out a need for small scale review of the Green Belt and refers to the Langford Lane/ Oxford Technology Park/ London Oxford Airport area within policy Kidlington 1 as one of the locations where small-scale review could accommodate high value employment development subject to site specific design and place shaping principles. The intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2015.
- 9.11. The proposals have been assessed against existing buildings in the vicinity and are similar in height than surrounding buildings. Further gaps between the buildings and the maintained and enhanced landscaping of the site would maintain visual openness through the development and be in keeping with the surrounding Business Parks whilst not impacting on the openness of the Green Belt.
- 9.12. The proposal therefore accords with the requirements of the NPPF, Policies ESD14 and Kidlington 1 of the Local Plan Part 1.

Design, and impact on the character of the area

Policy context

- 9.13. The National Planning Policy Framework 2021 confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 9.14. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 9.15. At the local level Policy ESD15 of the CLP 2031 Part 1, states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale, and massing of buildings. Saved Policies C28 and C30 of the CLP 1996 reinforce this.
- 9.16. Policy Kidlington 1 is relevant and advises (inter alia) that key site specific design requirements will include (but are not limited to: Design for buildings that create a gateway with a strong sense of arrival including when arriving from the airport, a well-designed approach to the urban edge, which achieves a successful transition between town and country environments, development that respects the landscape setting of the site and a comprehensive landscaping scheme to enhance the setting of buildings onsite and to limit visual intrusion into the wider landscape.

Assessment

- 9.17. With regard to the existing context, the application site is flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the new hotel and neighbouring commercial development also to the north and the car showrooms to the east of the site. The scale of buildings generally located to the south of London Oxford Airport are similar to the current development proposals as large commercial units.
- 9.18. The proposed development comprises four rectangular buildings sited perpendicular to the main spine road through the technology park site. The design of the buildings are consistent with the appearance of the buildings recently constructed on Plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades. The building has been designed to be constructed with a shallow pitched roof behind a low parapet giving the impression of a flat roof, which is again consistent with the adopted design approach within the Technology Park.
- 9.19. In terms of scale, the buildings would be two-storey in height, consistent with the other commercial buildings approved and the hotel on Plot 2. This creates a uniformity of scale, design, and material finish within the Oxford Technology Park site. The layout, scale and appearance of the proposed buildings are therefore considered acceptable in the context and would be consistent with the design principles established on the Technology Park.
- 9.20. The applicant, has included on the Roof Plans substantial areas capable of accommodating PV solar panels.

- 9.21. The comments of Thames Valley Police are noted however many of these elements (e.g., locks and door security detail) of the development are covered by Building Regulations.
- 9.22. The landscape scheme for the site is also consistent with the principles agreed and approved through the outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the rear (western) boundary and the planting of street trees along the main spine road. Full details will be required by planning condition.
- 9.23. Boundary treatment information has been submitted and is considered to be satisfactory and includes (inter alia) provision of security fencing to align with the neighbouring units, with the details needing to be secured by condition. Areas for recycling (bin storage) are also shown in the car park layout but details of the appearance of these areas (structures) have not been submitted and will therefore need to be sought via condition.

Ecology Impact

Legislative and Policy context

- 9.24. 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.
- 9.25. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): 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.
- 9.26. 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.
- 9.27. 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.
- 9.28. 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.

- 9.29. 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.

Assessment

- 9.30. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests.
- 9.31. The application is supported by a detailed protected species survey. Officers are satisfied, and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land 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.

Transport and Access

- 9.32. Policy SLE 4 of the Cherwell Local Plan 2011-2031 states that the Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. 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.
- 9.33. Paragraph 111 of the NPPF stipulates that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and this is echoed in Policy SLE 4 of the Cherwell Local Plan 2011-2031.
- 9.34. Policy ESD 15 of the Cherwell Local Plan 2011-2031 also sets out to Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing.
- 9.35. Policy KCW 1 of the Kidlington Masterplan guides that the County Council will improve the Kidlington Area cycling and walking network in line with the network proposals in the Kidlington Area LCWIP (Local Cycling and Walking Infrastructure Plan), Oxfordshire Cycle Design Standards (OCDS), and Oxfordshire Walking Design Guide (OWDG) and national guidance. This includes ensuring that the network is prioritised in other transport and road plans.

9.36. Policy KCW 2 of the Kidlington Masterplan also states that the County Council in partnership with Cherwell Council will work with developers to improve the Kidlington Area cycling and walking network including by S106 and S278 works. Kidlington Area LCWIP Cycle and Walking Network will be a material consideration in the approval and network plans of new developments. Route continuity is essential in the planning and delivery process.

Assessment

9.37. The application site is already served by Technology Drive and a range of highway improvements originally planned as part of the outline permission (under ref: 14/02067/OUT) have already been delivered with the development occupied on a number of Units.

9.38. Parking layouts proposed reflect similar established layouts on the remaining Units on Technology Drive and the cycle provision is also reflective of the overall design and layout. The level of parking proposed, including the provision of EV (Electric Vehicle) charging infrastructure meets the County Council's Parking Standards and is also considered appropriate for the development.

9.39. The overall employment floor area for the Oxford Technology Park would amount to a c.17% increase over that permitted under the 2014 Outline permission. The Transport Assessment submitted with the application sets out there will be an expected increase in trips over the Outline permission, even with revised lower vehicle trip rates. This is to be expected given the increased floor area now proposed along with the hotel that is now on site. The Transport Assessment suggests that this increase in vehicle trips would not directly lead to significant traffic impacts, in terms of congestion at key local junctions, when assessed against recent traffic flows.

9.40. OCC accept the revised vehicle trip rate, which is below that forecast under the Outline application; however, this logically means that a greater proportion of the staff will be travelling to the site by sustainable transport (and some may be travelling outside of peak network hours). Under the County Council's LTCP (Local Transport and Connectivity Plan) policies and Kidlington Local Cycling and Walking Infrastructure Plan, increased use of sustainable transport is to be encouraged but with improvements required to key routes to facilitate this trend.

9.41. An index-linked contribution of £250,000 was secured from the Outline planning application towards the provision of improved bus services to the site. This contribution is currently being used to provide an appropriate level of public transport service to the site.

9.42. Given the increase in development at the site above that permitted at the Outline stage, and the associated increase in forecast trips to the site, the county council considers it would be appropriate for robust Travel Plans to be adopted for the remaining units outlining additional measures to incentivise sustainable travel by staff to the site. This should include measures such as subsidised bus passes. This measure would be necessary to achieve the higher sustainable travel mode share being proposed in the Transport Assessment with the current application.

9.43. The Kidlington LCWIP identifies that there is a lack of suitable cycle infrastructure on the eastern end of Langford Lane, from the roundabout junction with The Boulevard to the junction with Banbury Road. The LCWIP proposes to improve this section of Langford Lane through a reduction in the speed limit along this stretch to 20mph to enable a safer and more amenable environment for cyclists to cycle on the carriageway.

- 9.44. A TRO consultation fee is sought from the development to consult on, and if approved, implement the speed restriction along this stretch of Langford Lane. This would be of direct benefit to staff accessing the site by sustainable modes and would also mitigate the impact of increased traffic on the route as a result of the current application.
- 9.45. A condition is requested to restrict occupation of the units that are subject to this application prior to the completion of the highway works to create an off-carriageway cycle route between the Oxford Technology Park and the A44 on Langford Lane. These works were secured against the Outline planning permission.
- 9.46. As such the proposals are considered to be acceptable and the proposals would be in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031, advice in National Planning Policy and guidance contained within the Kidlington Masterplan SPD.

Heritage and Archaeology

Policy Context

- 9.47. The application site is not located next to or near any listed buildings or designated heritage assets. The proposal should be considered against Policy ESD15 of the Development Plan which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset.
- 9.48. The NPPF in that they seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset. In accordance with the NPPF, great weight must be given to the conservation of designated heritage assets and in accordance with s72 of the Planning (Listed Building and Conservation Areas Act) 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There is accordingly a strong presumption, imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, against harmful development.

Assessment

- 9.49. The comments of OCC's Archaeological Advisor are noted in that there is not considered to be any archaeology assets in the vicinity. As such there is no heritage harm arising from the development.
- 9.50. As such the proposals are considered to be acceptable and the proposals would be in accordance with Policy ESD15 and advice in National Planning Policy and legislative requirements.

Flooding and Drainage

Policy Context

- 9.51. Nationally, Paragraph 167 of the NPPF guides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

i. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- ii. the development is appropriately flood resistant and resilient;
 - iii. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - iv. any residual risk can be safely managed; and v. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.52. National Policy also guides that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.53. Policies ESD6 (Flood Risk Management), ESD7 (Sustainable Drainage Systems) and ESD8 (Water Management) of the Development Plan are also important considerations. The policies are in general compliance with National policy guidance and are therefore considered to be up to date. Assessment
- 9.54. The comments of Thames Water and the County Council, as Lead Local Flood Authority are noted.
- 9.55. The overall sustainable drainage has been proposed to be in line with the principles of the outline planning permission 14/02067/OUT and the objectives of the drainage statement that the surface water drainage system for Units 8-11 has been designed to accommodate the flows generated by a 1 in 100-year event, plus an allowance of 40% for climate change.
- 9.56. Notwithstanding the comments of the LLFA (Local Lead Flood Authority), the drainage strategy and detail has been considered to be acceptable to the remainder of Technology Drive, most recently Unit 6 under 22/02647/F which was approved in January 2023. As such subject the implementation of the agreed strategy, consistent with the remainder of the rest of the Park, the proposals would be acceptable and in accordance with policy.
- 9.57. Thames Water would advise that with regard to foul water and the sewerage network infrastructure capacity, they would not have any objection to the above planning application. Whilst there is infrastructure in the vicinity of the application site which should be accounted for, in private agreement with Thames Water, there is no prohibitive reason as to why this could not be accounted for in and designed appropriately.
- 9.58. Thames Water also advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the above planning application.
- 9.59. Overall, it is considered that the submitted information and plans are sufficient to assess the application and determine that the proposals would be appropriate and would not result in flooding elsewhere. The proposals include appropriate sustainable drainage systems. The proposals are therefore in accordance with Policies ESD6,

ESD7 and ESD8 of the Development Plan and the aims and objectives of the National Planning Policy Framework.

Mitigation of Climate Change

- 9.60. To ensure sustainable construction and reduce carbon emissions the Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework set out a range of principles associated with addressing and mitigating the impact of development and promoting sustainable construction, renewable energy and reducing energy demand.
- 9.61. The application is supported by a Sustainability and Energy Statement which sets out how the development will aim to meet the aims of policy.
- 9.62. The supporting Statement sets out that since the initial concept the ethos and design of the buildings at Oxford Technology Park have been focused on highly energy efficient and sustainably constructed buildings. The Park is committed to achieving the BREEAM 'Excellent' status above policy requirements of BREEAM 'Very Good' accreditation.
- 9.63. The BREEAM commitment builds sustainability into every stage of the design and construction process, ensuring a highly considered development and sustainable building. The following elements are key to the BREEAM process;
- o Early scoping exercises to all elements of design
 - o Considered construction techniques and methodologies
 - o Adopting sustainable practices in every element of the construction, to ensure sustainability throughout the lifecycle of the building.
- 9.64. Examples of the Best Practice activities adopted on the development include:
- o The implementation of 'soil screening' onsite, in order to prepare site's topsoil for use in the soft planting areas rather than removing it from site by transport, requiring soil to be brought in separately for soft landscaping
 - o The implementation of a zero run-off SuDS surface water drainage scheme to each unit plot, ensuring each plot has sufficient surface water storage capacity for any surface water arising within that plot
 - o Selection of recyclable construction materials, such as steel (the building frame) and glass (windows and glazing)
 - o As well as the selection of the most efficient material of its class, such as the Composite Cladding panels selected for the building envelope;
- Energy efficiency as a principle is prioritised in the design as follows:
- o All lighting specified is high efficiency LED
 - o Heating and comfort cooling provision to the office spaces is provided by a refrigerant based, variable refrigerant flow with heat recovery offering COPs (coefficients of performance in excess of 4)
 - o Ventilation to office spaces incorporates a heat recovery system capable of achieving 80% heat recovery coupled with low SFPs

- o To assist in the recovery of heat from ventilation systems all ductwork is specified to be insulated with high performance insulation Green Guide A+ rated.
- o Building envelope leakage rates specified are in excess of the Building Regulation requirements with a target of 4.0m³ / m²@ 50Pa
- 9.65. Detailed analysis of potential renewable energy technology and provision has been conducted through-out the BREEAM process thus far, as they have moved forward from the pre-assessment previously submitted, and conducted SBEM (Simplified Building and Energy Model) analyses, designs and strategies. It is understood that a scoping exercise is currently on-going with the electricity distribution network with regard the capacity that can be accepted by the grid.
- 9.66. Onsite provision of food and drink with an informal meeting space through the provision of an onsite coffee shop, restaurant and bar (part of the current hotel in building 2) will encourage people to meet, eat and socialise onsite during the working day and reduce travel in order to procure food and drinks. As well as the hotel a Park Hub space in Building 4B, the 'Innovation Quarter' to create a community within the Park will also provide facilities for workers and users of the technology park to reduce the need to travel by car to access facilities elsewhere.
- 9.67. The EV charging provision currently designed 25% of the total parking. Further, future expansion of the EV charging provision is allowed for through the installation of an electrical feeder pillar for the EV charging which will have the capacity to supply electricity for up to double the day one installation (20 charging spaces) as maybe required by the building user. This is achieved technically via a 'daisy chain' installation of the EV points which allow additional charging points to be added to the initial installation up to capacity of the feeder pillar.
- 9.68. In summary, the submitted energy and sustainability strategy sets out how the development includes low carbon technologies within the scheme and responds to the technical challenges around incorporating renewal energy generation as set out in Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

S106 Contributions

- 9.69. Policy SLE 4 of the Cherwell Local Plan 2011-2031 states new development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. 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.
- 9.70. Policy KCW 2 of the Kidlington Masterplan also states that the County Council in partnership with Cherwell Council will work with developers to improve the Kidlington Area cycling and walking network including by S106 and S278 works. Kidlington Area LCWIP Cycle and Walking Network will be a material consideration in the approval and network plans of new developments. Route continuity is essential in the planning and delivery process.
- 9.71. Paragraph 57 of the NPPF, planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

- 9.72. Contributions are sought from the highway authority to consult upon, and if approved, implement a 20mph speed restriction along Langford Lane between the junctions with the Boulevard and the A4260 (£3,652) and a contribution to monitor the Travel Plans for a period of 5 years post occupation (£3,780).
- 9.73. The Kidlington LCWIP identifies that there is a lack of suitable cycle infrastructure on the eastern end of Langford Land, from the roundabout junction with The Boulevard to the junction with Banbury Road. The LCWIP proposes to improve this section of Langford Lane through a reduction in the speed limit along this stretch to 20mph to enable a safer and more amenable environment for cyclists to cycle on the carriageway.
- 9.74. A TRO consultation fee is sought from the development in order to consult on, and if approved, implement the speed restriction along this stretch of Langford Lane. Highways Officers suggest that this would be of direct benefit to staff accessing the site by sustainable modes and would also mitigate the impact of increased traffic on the route as a result of the current application.
- 9.75. The TRO for a speed restriction is a measure in the LCWIP that will improve conditions for cycling on Langford Lane between the A4260 and The Boulevard.
- 9.76. The TRO is a separate legislative procedure and as it is not related to infrastructure or highway improvements necessary to make the development acceptable in planning terms the contribution does not meet this test, irrespective of whether such contributions have been agreed previously on other schemes which may have different circumstances. The TRO is not related to the other physical highway works associated with the development, so will not be included in the S278 agreement. It is not a "s278/s38 consultation request".
- 9.77. Further it does not relate to highway works or new infrastructure delivered by the development and therefore the question as to whether the contribution directly related to the development in question was also a matter for concern.
- 9.78. The level of contribution has not been set out how this would be spent, and the consultation requirements associated with the TRO however as it had not met the other tests it that this was not a matter that required further explanation or interrogation.
- 9.79. In respect of the travel plan monitoring fee, it is noted that contributions have been agreed and paid in relation to the outline planning permission. However, the development now proposed is above the level of floorspace granted by the outline planning permission and whilst the principles of the travel plan are agreed a further contribution is considered appropriate. The applicant notes and agrees to the payment of the contribution.
- 9.80. The applicant highlights that recent s106 Agreements took over 12 months to progress the drafting of the s106 Agreement and this is a matter of concern considering the need to progress the development to meet timescales of prospective tenants and occupiers. The applicant is seeking to therefore ensure that payment is provided on completion of the resolution of the Planning Committee and ensure that this is formally received by the County Council in relation to the Travel Plan monitoring prior to granting planning permission.
- 9.81. Whilst this is noted, this is not a matter of consideration in terms of the acceptability of the contribution, and the submission of a unilateral undertaking the level of s106

contribution sought could speed up the process but an appropriate mechanism will be agreed with County Council to secure appropriate payment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of outline planning consent. The site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.
- 10.4. There are significant economic benefits from construction, employment and wider economic investment and the improvement and completion of the development in terms of high quality employment. The creation of jobs also creates a social benefit.
- 10.5. Environmentally the impact on the Green Belt has been weighed in the balance and the comments of the LLFA have also been given full and careful consideration. Any negative aspects, for example the drainage concerns of the LLFA can be mitigated by condition.
- 10.6. It is considered that the proposals assessed within this application would constitute an acceptable form of development. Subject to appropriate conditions it is considered that the proposals would cause no significant harm to highway safety, residential amenity or visual amenity, sustaining the character of the site and its setting whilst providing new commercial floorspace in keeping with that approved for the wider Technology Park.
- 10.7. It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies. The proposals are therefore considered to be acceptable in all other regards and conditional approval is recommended.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW 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, OR AN ALTERNATIVE AGREED MECHANISM TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 13 JULY 2023 IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED

THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate mitigation for travel plan and sustainable transport initiatives required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy SLE 4 of the Cherwell Local Plan.

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 Ref: 2786-02-PL2 – ‘Site Location Plan’
- Drawing Ref: 2786-01-PL4 – ‘Proposed Site Location Plan’
- Drawing Ref: 2786-100-PL3 – ‘Cycle Stores Plan’
- Drawing Ref: 2786-101-PL3 – ‘Bin storage’
- Drawing Ref: 2786-10 PL3 – ‘Building 8 Proposed Ground Floor Plan’
- Drawing Ref: 2786-11 PL3 – ‘Building 8 Proposed First Floor Plan’
- Drawing Ref: 2786-12 PL4 – ‘Building 8 Proposed Roof Plan’
- Drawing Ref: 2786-05 PL2 – ‘Building 8 Proposed Hard Landscaping Plan’
- Drawing Ref: 2786-14 PL2 – ‘Building 8 Proposed Elevations 1’
- Drawing Ref: 2786-15 PL2 – ‘Building 8 Proposed Elevations 2’
- Drawing Ref: 2786-16 PL2 – ‘Building 8 Proposed Sectional Elevations’
- Drawing Ref: 2760-10 PL5 – ‘Building 9 Proposed Ground Floor Plan’
- Drawing Ref: 2760-11 PL4 – ‘Building 9 Proposed First Floor Plan’
- Drawing Ref: 2760-12 PL5 – ‘Building 9 Proposed Roof Plan’
- Drawing Ref: 2760-05 PL4 – ‘Building 9 Proposed Hard Landscaping Plan’
- Drawing Ref: 2760-14 PL3 – ‘Building 9 Proposed Elevations 1’
- Drawing Ref: 2760-15 PL3 – ‘Building 9 Proposed Elevations 2’
- Drawing Ref: 2760-16 PL3 – ‘Building 9 Proposed Sectional Elevations’
- Drawing Ref: 2787-10 PL3 – ‘Building 10 Proposed Ground Floor Plan’
- Drawing Ref: 2787-11 PL5 – ‘Building 10 Proposed First Floor Plan’
- Drawing Ref: 2787-12 PL2 – ‘Building 10 Proposed Roof Plan’
- Drawing Ref: 2787-05 PL3 – ‘Building 10 Proposed Hard Landscaping Plan’
- Drawing Ref: 2787-14 PL1 – ‘Building 10 Proposed Elevations 1’
- Drawing Ref: 2787-15 PL1 – ‘Building 10 Proposed Elevations 2’
- Drawing Ref: 2787-16 PL1 – ‘Building 10 Proposed Sectional Elevations’

- Drawing Ref: 2788-10 PL4 – ‘Building 11 Proposed Ground Floor Plan’
- Drawing Ref: 2788-11 PL4 – ‘Building 11 Proposed First Floor Plan’
- Drawing Ref: 2788-12 PL3 – ‘Building 11 Proposed Roof Plan’
- Drawing Ref: 2788-05 PL3 – ‘Building 11 Proposed Hard Landscaping Plan
- Drawing Ref: 2788-14 PL3 – ‘Building 11 Proposed Elevations 1’
- Drawing Ref: 2788-15 PL3 – ‘Building 11 Proposed Elevations 2’
- Drawing Ref: 2788-16 PL2 – ‘Building 11 Proposed Sectional Elevations’
- Drawing Ref: 5214-OTP-ICS-08-XX-DR-C-0200-S2 Rev P02 - Building 8 Drainage Design
- Drawing Ref: 5214-OTP-ICS-08-XX-DR-C-0300-S2 Rev P02 - Building 8 Drainage Design
- Drawing Ref: 5214-OTP-ICS-09-XX-DR-C-0200-S2 Rev P02 - Building 9 Drainage Design
- Drawing Ref: 5214-OTP-ICS-09-XX-DR-C-0300-S2 Rev P02 - Building 9 Drainage Design
- Drawing Ref: 5214-OTP-ICS-10-XX-DR-C-0200-S2 Rev P02 - Building 10 Drainage Design
- Drawing Ref: 5214-OTP-ICS-10-XX-DR-C-0300-S2 Rev P02- Building 10 Surface Finishes and Kerb Specification Design
- Drawing Ref: 5214-OTP-ICS-11-XX-DR-C-0200-S2 Rev P02- Building 11 Drainage Design
- Drawing Ref: 5214-OTP-ICS-11-XX-DR-C-0300-S2 P02 - Building 11 Surface Finishes and Kerb Specification Design

Transport Assessment prepared by Vectos

Planning and Economic Statement prepared by Savills

Design and Access Statement prepared by Savills

Construction and Environmental Management Plan

Great Crested Newt eDNA Survey prepared by BSG Ecology

Sustainability and Energy Statement prepared by Lauren Bates

Oxford Technology Park, Units 8, 9 ,10 & 11 – Drainage Statement prepared by Infrastruct CS Ltd (Ref: 5214-OTP-ICS-RP-C-03.001)

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.

Approved Use Class

3. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and the building has been designed to meet the employment requirements to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

Travel Plan

4. Prior to the first 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", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport

EV Charging Points

5. Prior to first occupation of the building hereby approved all electric vehicle charging points shown on plan numbers 2786-05 PL2, 2760-05 PL4, 2787-05 PL3, 2787-05 PL3 and 2788-05 PL3 shall be implemented. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

Parking areas

6. The vehicle parking area shown on plan numbers 2786-05 PL2, 2760-05 PL4, 2787-05 PL3, 2787-05 PL3 and 2788-05 PL3 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring or their purpose.

Reason: To ensure satisfactory functioning of the development and in the interests of highway safety and to promote sustainable travel choices in accordance with Saved Policies C30 and C32 of Cherwell Local Plan 1996 and Policy ESD5 of the Cherwell Local Plan 2015

External Lighting

7. Other than lighting shown on the approved plans, no external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

BREEAM Sustainability Standard

8. The development hereby permitted shall be constructed to meet at least BREEAM 'Excellent' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015 and the submitted information in support of the application.

No outdoor storage

9. 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 and Saved Policy C28 of the Cherwell Local Plan 1996.

Noise Emissions

10. The cumulative plant noise emissions from fixed plant and equipment on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT. These being measured at 1m from a residential window shall not exceed:
- 45dBA (between 07:00 and 23:00 hours)
 - 35dBA (between 23:00 and 07:00hours)
 - 35dBA (for equipment operating over a 24hr period)

Reason: To ensure a satisfactory noise environment to comply with Policy ENV1 of the Cherwell Local Plan 1996

Construction Environmental Management Plan

11. The Development hereby permitted shall be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP) and the associated Construction Traffic Management Plan (CTMP).

Reason: To ensure satisfactory development and management of the construction process.

Bin and Cycle Storage

12. Prior to the first occupation all cycle and refuse stores numbers 2786-05 PL2, 2760-05 PL4, 2787-05 PL3, 2787-05 PL3 and 2788-05 PL3 shall be in place and available for use.

Reason: To encourage the use of sustainable modes of transport and to ensure satisfactory provision for the parking of bicycles.

Total Floorspace

13. The total floorspace of the approved development shall be 16,909 sq. m.

Reason: To define the permission and having regard to the transport infrastructure installed being created as part of the development to cater for a maximum of total floorspace as part of the previous outline permission.

SuDS Implementation

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

Reason: In the interests of satisfactory drainage and functioning of the site and to ensure that the sustainable drainage systems hereby approved are appropriately implemented

Cycleway Implementation

15. Prior to first occupation of the development hereby approved, details of the

timetable for implementation of the cycleway to Langford Lane, approved under planning permission 14/02067/OUT, shall be submitted to and agreed in writing by Local Planning Authority. The cycleway shall be implemented in accordance with the agreed timescale.

Reason: To encourage the use of sustainable modes of transport and to ensure appropriate infrastructure is delivered in accordance with Policy INF1 of the Cherwell Local Plan 2011 - 2031 Part 1 and Policy TR1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Biodiversity

16. Prior to first occupation details of Biodiversity Net Gain to be achieved over the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets the requirements of the NPPF in mitigating achieving biodiversity net gain

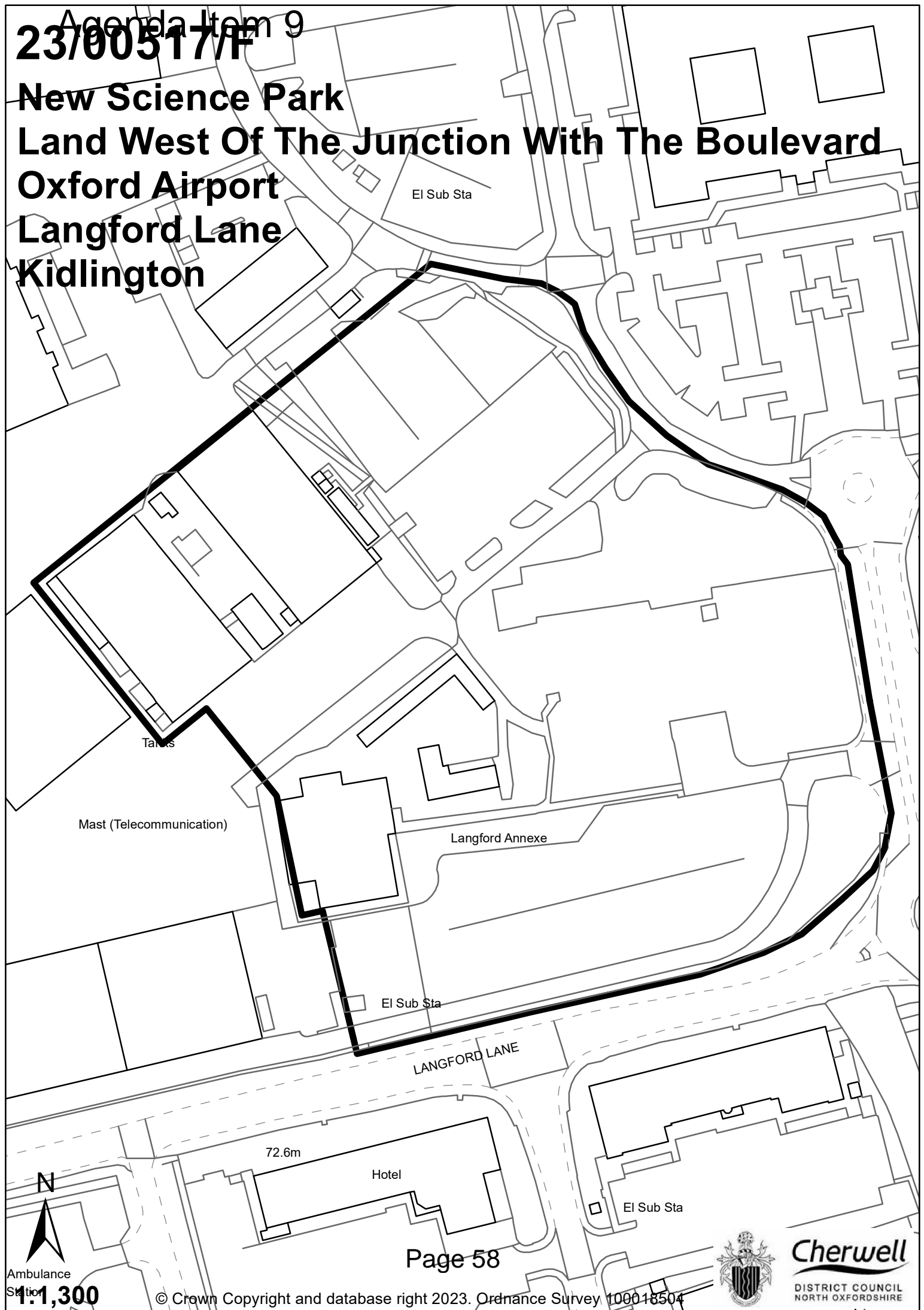
Informative

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Travel Plan Monitoring fees for a period of 5 years post occupation	£ 3,780	To be agreed with Oxfordshire County Council	<p>Necessary – Yes. The site will require a Framework Travel Plan to ensure all users of the site have the same overarching aims, objective and targets. This should be produced prior to first occupation and then updated once the site is fully occupied. A Framework Travel Plan has been produced and submitted with this application and whilst some minor modification is needed there is a need for monitoring of the travel plan for 5 years post occupation. A contribution is sought to carry out this monitoring.</p> <p>Directly related – Yes. The contribution would be related to the site-specific Travel Plan</p> <p>Fairly and reasonably related in scale and kind – Yes. The contribution would be appropriate to carry out monitoring for 5 years post occupation of the development.</p>

New Science Park Land West Of The Junction With The Boulevard Oxford Airport Langford Lane Kidlington

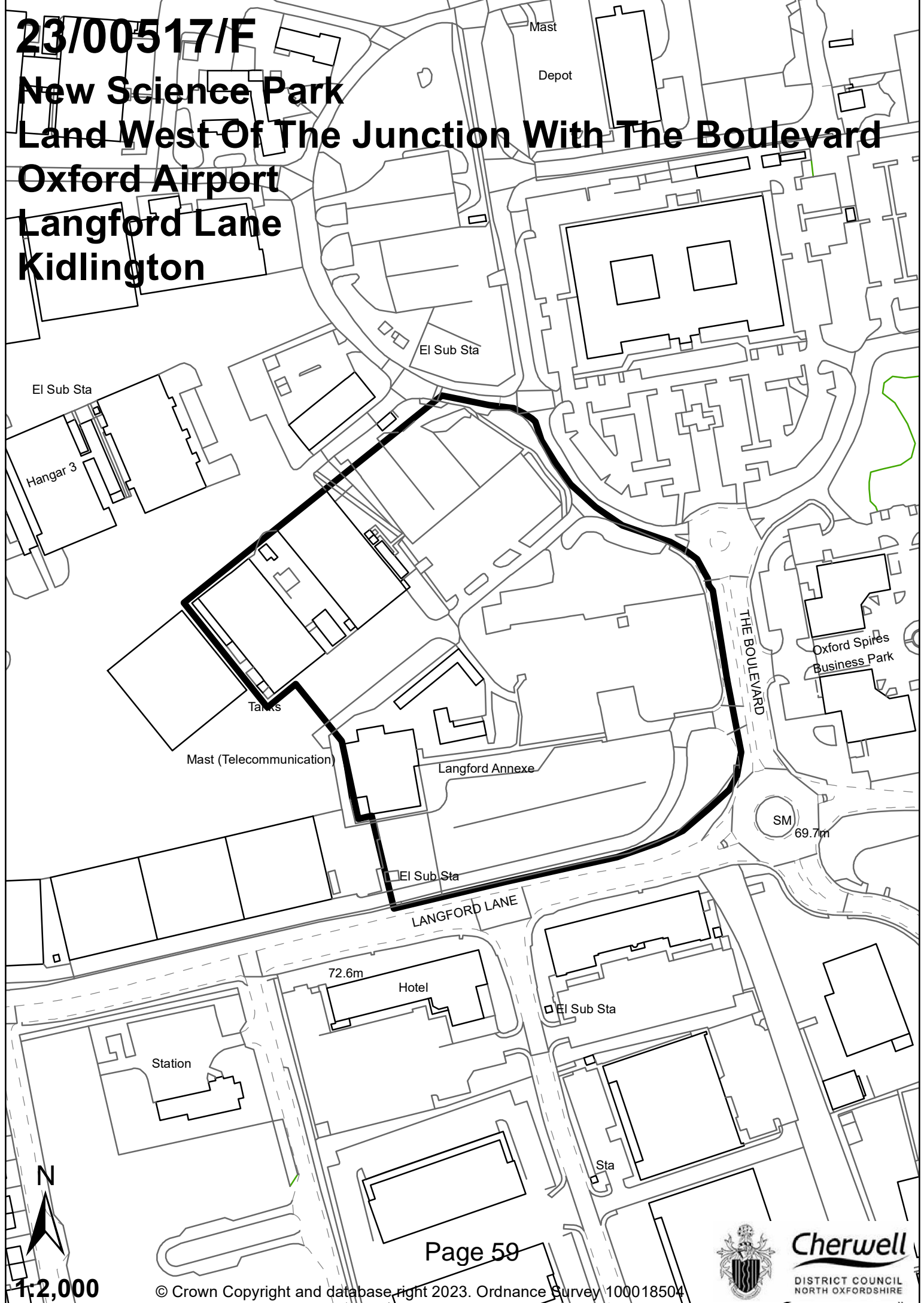


N
Ambulance
Station
1:1,300



23/00517/F

**New Science Park
Land West Of The Junction With The Boulevard
Oxford Airport
Langford Lane
Kidlington**



1:2,000



23/00517/F

**New Science Park
Land West Of The Junction With The Boulevard
Oxford Airport
Langford Lane
Kidlington**



1:1,600



Case Officer: Andrew Thompson

Applicant: Oxford Aviation Services Limited

Proposal: Redevelopment of the site to include the demolition of existing buildings and development of new accommodation across 5 buildings for employment uses (Class E(g)(ii) and (iii)) plus ancillary amenity building, outdoor amenity space, car parking, cycle parking, landscaping and associated works

Ward: Kidlington West

Councillors: Councillor Conway, Councillor McLean and Councillor Walker

Reason for Referral: Major development

Expiry Date: 1 August 2023

Committee Date: 15 June 2023

SUMMARY OF RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated at the south-eastern corner of and entirely within the operational boundary of London Oxford Airport ('LOA'), immediately northwest of the junction between Langford Lane and The Boulevard which bound the Site to the east and south and connect the A44 (Woodstock Road) and A4260 (Banbury Road), north of Kidlington.
- 1.2. The site comprises previously developed land and extends to approximately 3.11ha and falls partly within the 'airside' part of the airport and partly within the 'land-side' part. The site is currently laid out and used as car parking associated with operations of the airport.
- 1.3. The airside part currently accommodates 2 vacant aircraft hangars which have come to the end of their functional lives, alongside associated hardstanding. The landside area accommodates a series of vacant/disused buildings most recently used for pilot training, alongside a former airport building temporarily being used as a gym and associated hardstanding (car parking) and landscaped areas.
- 1.4. The landside area was until recently occupied by two further buildings, which have recently been demolished. The larger of the two (Langford Hall) was demolished in July 2022, which provided residential accommodation associated with the pilot training use for around 40 years, which is no longer needed. A large area of hardstanding and waste ground now dominates the eastern and southern portions of the site.

- 1.5. The floorspace of the existing buildings totals approx. 5,159m² GEA, contained within buildings that range in height from approximately 7m to 10m; noticeably lower than surrounding airport buildings outside of the application Site.
- 1.6. Existing landscape features comprise a managed hedgerow along Langford Lane and a number of pollarded trees (existing trees have historically been pollarded to deter nesting in proximity to aircraft).
- 1.7. Current access to the Site is primarily via The Boulevard from two access points, with further access to other areas of the Airport hangars and further parking areas to the north and west of the Site.
- 1.8. The Site is bound to the north and northwest by the built-up part of LOA which includes aircraft hangars, administrative buildings, taxiways, and other hardstanding. To the north and north east is a large office complex and associated surface car parking (occupied by Elsevier). It is bound to the east by The Boulevard, beyond which is a further large office complex and associated surface car parking (occupied by Thames Valley Police). It is bound to the south by Langford Lane beyond which is Oxford Technology Park which is under construction and a number of car dealerships.

2. CONSTRAINTS

- 2.1. The application site is within the London Oxford Airport consideration zone. The proposals are also within Policy Kidlington 1 designation and within the Oxford Green Belt. Rushey Meadows SSSI is located on the opposite side of the Oxford Motor Park approximately 520m to the south/southeast, Longford Meadows Local Wildlife Site is approximately 390m to the east. The nearest heritage asset is the Oxford Canal Conservation Area which is approximately 550m to the east.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development involves the demolition of the remaining existing buildings and redevelopment of the Site to provide approximately 18,767sqm GIA of new employment accommodation suitable for high value employment uses (use classes E(g) (ii and iii)) for occupation by businesses not necessarily connected to LOA.
- 3.2. The accommodation will be spread across 5 main buildings (ranging from 2,166sqm GIA to 5,238sqm GIA) which will be capable of being sub-divided into up to 17 units. In addition, a central amenity building (149sqm GIA) and covered cycle and service sheds are proposed alongside associated car parking and comprehensive landscaping works.
- 3.3. The Site is focused around a central, spacious landscaped area and amenity hub, which offers a communal meeting point. The courtyard also allows for a landscaped link to be established through the Site which connects into a new pedestrian and cycle access from the Langford Lane and The Boulevard roundabout junction.
- 3.4. The proposal seeks to rationalise access to the site and will focus all traffic movement on a single entrance and exit route in the centre of the development, accessed via the wider Oxford Airport entrance on The Boulevard. A secondary smaller access will be provided to the north to enable manoeuvring into the loading bays of proposed Building E.
- 3.5. The proposed central access route reuses the position of an existing entrance, and widens the road junction and increases the bend radii to facilitate articulated lorry access to Hangar 14, which is only accessed through the application site. Secondary routes provide access to all vehicular parking areas and buildings. A new signage and

wayfinding strategy will be implemented to improve navigation of the proposed development, create a distinct identity and provide a coherence to the proposed development.

- 3.6. It is proposed to provide a total of 322 car parking spaces and 195 cycling parking spaces.
- 3.7. The road width, arrangement and buildings have been designed to accommodate refuse vehicles and rigid HGVs up to 10.6m in length. Each building will be provided with dedicated covered bin and cycle stores, which are easily accessible from the roads and have been located in proximity to all demises.
- 3.8. New native species specimen trees will be planted to the eastern boundary to replace those that have been pollarded, which also gives an opportunity to 'fill in' where there are gaps in the existing planting and strengthen the avenue feel along the main access to the airport site.
- 3.9. Airport constraints mean that existing mature trees on the site have been heavily pruned. Within the Site, the landscape approach is to accept removal of these existing specimens and to replace them with small new trees and extensive native hedging in lines and blocks. This will create a rich and varied soft landscape structure that will be more attractive and will support biodiversity without increasing the risk of bird strikes.
- 3.10. The development has the potential to achieve an overall score which equates to a BREEAM rating of 'Very Good'. Additional credits have been targeted for the development in order to provide a suitable buffer above the Very Good threshold.
- 3.11. On receipt of the County Council's consultation response a technical note has been provided on 16 May 2023 in relation to the junction capacity of the Langford Lane / A4260 signalised junction.
- 3.12. The applicant outlines in the Planning Statement that the proposals will have a range of economic benefits which include the following:

Construction:

- An investment in the region of £30-35 million, supporting 194-227 FTE jobs directly in addition to a further 293-342 FTE jobs more widely over a presumed two-year construction period.
- A direct economic (i.e. GVA) contribution of £15.9-£18.6 million, in addition to a further £19.1-£22.3 million more widely (i.e. through supply chain and induced effects).

Operational:

- Support between 206-309 net additional high-skilled / high-value FTE jobs directly on-site, in addition to a further 225-338 FTE jobs more widely (i.e. through supply chain and induced effects).
- Generate an overall annual contribution of £38.4-£57.6 million to the economy (i.e. based on direct, supply chain and wider induced effects) in perpetuity.
- Once occupied, the employment floorspace has potential to generate in the region of £1.90 million in additional business rates revenue for Cherwell District Council.

4. RELEVANT PLANNING HISTORY

- 4.1. The Airport has a long and varied planning history related to the operation of the airport, new buildings, hangars and other ancillary uses. The following planning history is considered relevant to the current proposal:

22/03749/SO - Screening Opinion for re-development of the entrance area to London Oxford Airport, comprising the erection of five new commercial units. We make this request in pursuance of Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as updated) – No EIA Required.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Two sets of pre-application discussions have taken place with regard to this proposal. The pre-application discussion centred around the principle of redevelopment in terms of the site being previously developed land and the application of Policy Kidlington 1 in context of the Green Belt. Other matters discussed included the design and layout and the need to include renewable energy and sustainable construction.
- 5.2. The applicant also liaised with the Local Planning Authority and Highway Authority with regard to servicing, the provision of car and cycle parking and the relationship to the roundabout junction with Langford Lane.
- 5.3. Overall, the proposals were considered positive in principle with suggested improvements to the design and layout considered.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed at the entrance of the site and by advertisement in the local newspaper. The final date for comments was **15 April 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties
- 6.3. Any 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. BEGBROKE PARISH COUNCIL: due to the numerous documents and complexity of information, it was difficult to give a reasoned opinion. It was noted that HGV lorries must use the A44 and will not be permitted towards Kidlington and that cycle routes are to be provided which are *essential* in this road. It was also noted that vehicle use is bound to increase through Begbroke in addition to all other current and future developments, but should provide benefits including job opportunities.
- 7.3. KIDLINGTON PARISH COUNCIL: No objection

CONSULTEES

- 7.4. OCC HIGHWAYS: No objection subject to conditions and s106 contributions.
- 7.5. CDC BUILDING CONTROL: A Full Building Regulations Application will be required for the development proposed.
- 7.6. FIRE SERVICE: It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of Building Regulations.
- 7.7. ENVIRONMENTAL PROTECTION: The findings of the Baseline Condition Report August 2022 are accepted and no further assessment is required with regard to land contamination. The Construction Environmental Management Plan is satisfactory. The proposals for lighting outlined in the Proposed Lighting plan are satisfactory. There are no further comments in respect of this application.
- 7.8. THAMES WATER: Foul and Surface Water – No objection. Water – the developer will need to liaise with Thames Water to ensure that appropriate infrastructure is in place. A condition is recommended.
- 7.9. THAMES VALLEY POLICE: In order to ensure all opportunities are taken to design out crime from the outset, and to ensure all areas of the development are sufficiently secured to reduce the opportunities for crime and disorder to occur, a suitably worded condition should be placed upon any approval to deliver security measures and meet Secured by Design principles.
- 7.10. LLFA: Object – Seeks a SuDS compliance report to be provided, Ground investigation report to be provided, Surface water catchment plan to be provided, Surface water flood exceedance plan to be provided, Drainage strategy drawing to be detailed, Drainage plan to include site boundary and calculations to be provided for all storm event up to and including the 1:100 year storm event plus 40% climate change
- 7.11. OCC ARCHAEOLOGY: An archaeological watching brief should take place during the ground works stage of this development.
- 7.12. ENVIRONMENT AGENCY: No objection subject to conditions.
- 7.13. ECONOMIC DEVELOPMENT: Support - The proposed development should contribute to the Council's Priority Aim of supporting "An enterprising economy". The removal of old, inefficient buildings and the replacement with more sustainable units would add to the availability of sought after, flexible accommodation to meet the needs of a range of employers. It is therefore likely to create the premises to deliver the Council's intention to "Support business retention and growth" and to enable the Council to "Work with partners to support skills development and innovation".

The incorporation of a cafe will enhance opportunities for networking and co-operation between businesses, for those based at this development and for those located nearby. The cluster of activity should also enhance the viability of sustainable transport options, as demand could be expected to increase alongside the adjacent completion of Oxford Technology Park.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – SuDS
- ESD8 – Water Resources
- ESD10 – Biodiversity and the natural environment
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Kidlington 1 – Accommodating High Value Employment Needs
- INF1 – Infrastructure Provision

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control over new development
- C32 – Provision of facilities for disabled people
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR10 - Heavy Goods vehicles
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 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
- Design, and impact on the character of the area
- Access, highway safety, parking and promoting sustainable modes of transport
- Sustainable Construction and Mitigation of climate change
- Heritage impact

- Ecology impact
- Flooding and Drainage

Principle of Development

- 9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2015. Policy ESD14 confirms that proposals within the Green Belt will be assessed in accordance with the NPPF.
- 9.3. Notwithstanding this, the CLP 2015 does set out a need for small scale review of the Green Belt and refers to the Langford Lane/ Oxford Technology Park/ London Oxford Airport area within policy Kidlington 1 as one of the locations where small-scale review could accommodate high value employment development subject to site specific design and place shaping principles. The intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2015.
- 9.4. The application site forms part of a larger identified site in the adopted CLP 2015 under Policy Kidlington 1. This policy brings forward high-value employment needs development on land to the northwest of Kidlington and adjacent London Oxford Airport as a strategic allocation for hi-tech employment development and associated infrastructure.
- 9.5. Whilst forming part of Policy Kidlington 1, the proposals lie within the Green Belt. National Planning policy advises at Paragraph 149 (g) that development, where there is a redevelopment of previously developed land, would not be inappropriate development providing the proposals do not have a greater impact on the openness of the Green Belt than the existing development. The proposals have been assessed against existing buildings in the vicinity and are lower in height than surrounding buildings. Further gaps between the buildings and the maintained and enhanced landscaping of the site (in particular to the roundabout) would maintain visual openness through the development and be in keeping with the Business Parks whilst not impacting on the openness of the Green Belt. The proposals, even the largest buildings, would be smaller than Hanger 14, for example, which also fronts Langford Lane.
- 9.6. It is noted that opposite the application site is the development of Technology Drive (including the Premier Inn) which has been developed under a similar principle consideration with similar planning permissions for the construction of 40,362sqm of office, research and development, laboratory, and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 being first approved in 2016 (Ref: 14/02067/OUT) and subsequent permissions following. Work is now advanced on the delivery of the units with occupations already occurring. The relationship to Langford Lane and the Green Belt is noted and the exception to appropriate development has been evaluated with the proposals demonstrating compliance and less of a visual impact for Green Belt purposes.
- 9.7. Further the site has been previously developed and would be enhanced by the delivery of new high quality development.
- 9.8. The proposed buildings would provide a further development of 18,767 sqm of high quality economic development, capable of supporting 200-300 jobs, notwithstanding the construction or indirect jobs.
- 9.9. The presence of the café/retail hub is also noted. The size and scale of the proposed building (being of 132sqm) would provide an opportunity for a café/food sale and

overlook the central landscaped area. The facility would provide ancillary facilities for workers at the development and surrounding uses. There is no impact therefore on Kidlington Centre and the proposals would be appropriate in terms of retail policy (i.e. the sequential approach).

Conclusion

- 9.10. The proposed development is for a further economic development supported by Policy Kidlington 1 utilising previously developed land and enhancing the character of the area.
- 9.11. The economic benefits of the proposals and the assessment when considered against former buildings and the limited impact on the openness and character of the Green Belt also provide support for the proposals when considered against the allocation and exception tests outlined in national policy and Policy Kidlington 1.
- 9.12. Having regard to the above rationale, the proposed development will accord entirely with the Local Plan employment principles set out in Policy Kidlington 1 and given the history of the site (inclusive of recent permissions on Technology Drive) and the clear intention of the Council to review the Green Belt at this location, the proposal in this case will not cause significant or demonstrable harm with respect to other Plan policies and is therefore in principle considered acceptable. The proposal therefore accords with the requirements of the NPPF, Policies ESD14 and Kidlington 1 of the Local Plan Part 1.

Design, and impact on the character of the area

- 9.13. The NPPF recognises the intrinsic character and beauty of the open countryside. Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside or be inconsistent with local character.
- 9.14. Policy ESD15 of the Cherwell Local Plan Part 1 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."
- 9.15. Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside from sporadic development.
- 9.16. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.17. The proposals have been designed in a manner to reflect the proximity to the Airport and build upon a modern hanger influence with a strong central area for amenity and outdoor space.
- 9.18. The Design and Access Statement also highlights that the proposed building arrangement looks to provide an improved streetscape and rhythm to Langford Lane, and features buildings that respond to both Hangar 14 on the Airport site and respond to the position and scale of the buildings at the development to the immediate south (Technology Drive).
- 9.19. Space has also been provided to the south east of the site to give 'breathing room' and presence to the corner of the site, reflecting the grass lawn area present at the Thames Valley Police campus to the north-east of the Langford Lane / Blvd roundabout. These design moves serve to improve the overall streetscape along Langford Lane, and present a proposal that is in keeping with the area as a whole. This arrangement also demonstrates that the layout of the proposed scheme is compatible and well-related to that of the surrounding commercial buildings, showing that the scheme will knit in well with the existing built form and context.
- 9.20. The five buildings on the site have been designed around three building types, informed by the site context and have been implemented across the site to create a range of building and floorplate sizes.
- 9.21. The applicant sets out in the Design and Access Statement that buildings have been designed with high-quality, thermally-efficient cladding and roofing materials, which will be decorated in contrasting colours to create visual interest, and projecting feature window frames. Building façades will also respond to the location of the site, with more glazing facing onto the courtyard and landscaped spaces to create active frontages and promote interactivity between building occupants.
- 9.22. Buildings A & B (closest to the Boulevard frontage and the roundabout junction) would provide approx. 2,870sqm and 2,170sqm GIA respectively over two storeys, and have been designed for subdivision of up to 7no. units. The buildings will be approx. 14.5m tall to the ridge and 10.5m to the eaves.
- 9.23. Buildings C & D (with the closest relationship to the Airport buildings) will be the largest buildings proposed in footprint terms and will feature distinctive cladding and portal frame structures. The gables have been positioned to echo the Hangar buildings adjacent and across the airport site, and the eaves of the proposal have lowered to reduce visual impact and massing from long-range views of the site. Buildings C & D

each provide approx. 5,240sqm GIA over two storeys. The buildings will be 14.5m tall to the ridge, and 10.5m to the valleys and eaves.

- 9.24. Building E (sat at the northeast corner, closest to the main vehicle entrance) is distinctive from the other units, featuring a flat roof and parapet set at a lower level than the eaves of the other accommodation buildings. Building E can provide up to approx. 3,100sqm GIA of accommodation space over two storeys, and can be subdivided into two units along the length of the building. The building will be approx. 11.5m tall to the ridge. The design of this unit will reference the neighbouring office context to the north and east through innovative use of cladding and passive solar shading strategies. Through the design approach the southern half of the building creates an active frontage to the main entrance road through higher amounts of glazing, and permits the office-type accommodation to benefit from southern sunlight and daylight.
- 9.25. The site is focussed around a central, spacious high-quality landscaped area and amenity hub, which offers a communal meeting point and encourages collaboration between building users and the wider LOA site. The courtyard also allows for a clear landscaped link to be established through the site which connects into a new pedestrian and cycle access from the roundabout junction. The proposed landscape design enhances what is currently largely cleared waste ground and will create a series of new high-quality landscaped spaces, routes and views through the site.
- 9.26. The standalone amenity hub / café proposed in the central landscape area will be of a high-quality design, and could also feature a flexible space to act as a venue for wider communal activities for Oxford Airport occupiers.
- 9.27. The new landscaping proposals will include native species specimen trees which will be planted to the eastern boundary and would create a strong landscape setting to the roundabout and together with the landscaped central area would create a strong landscape and campus approach to the new development. The creation of new walkways and cycleways, together with the creation of a central cycle storage hub would be well overlooked and work with the amenity hub. Further the tree planting would strengthen the avenue feel along the main access to the airport site.
- 9.28. Overall it is considered that the proposals are designed to a high quality which have had regard to the setting and character of the area and would produce a development for high quality employment in accordance with the requirements of the Development Plan policies and the aims and objectives of the National Planning Policy Framework.

Access, highway safety, parking and promoting sustainable modes of transport

- 9.29. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.30. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.31. Policy ESD15 of the CLP 2031 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”
- 9.32. Policy SLE4 of the CLP 2031 states that: “New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.” Policy SLE4 also 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...Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 9.33. As stated above the proposals include a total of 322 car parking spaces and 195 cycling parking spaces. In addition new walkways and cycleways will be provided as part of the development. This would be a provision of 1 parking space per 58sqm and 1 cycle space per 96sqm.
- 9.34. The proposed central access route forms a central spine which provides access to all proposed units and maintains access to Hangar 14. Secondary routes, in a contrasting surface finish, will then provide access to all vehicular parking and buildings.
- 9.35. Having regard to the comments of the County Council Highway Authority it is noted that the junction of the A4260 and Langford Lane is approaching capacity. One-day classified turning counts have been performed at several junctions, including the Langford Lane / A4260 signalised junction. Section 5.5.1 states that the generated traffic will account for less than 5% of the total traffic flow through that junction, and no further assessment is provided as a result. However, highways officers consider that all the additional traffic will be on the Langford Lane arm, so the westbound AM peak flow increases by nearly 12% and the eastbound PM peak flow increases by a similar amount. It is considered by the Highway Authority that this level of increase justifies the need for an assessment of the junction as there are concerns over the capacity available.
- 9.36. On 16 May 2023 a Technical Note and update was received and submitted to the County Council. In respect of the assessment of the Langford Lane/Banbury Road (A4260) signal controlled junction this has been undertaken for the most relevant traffic flow scenarios using LinSig. The results of this analysis have been included. The AM peak hour assessment indicates that the junction has ample practical reserve capacity to accommodate additional traffic movements. The PM peak hour assessment shows that the addition of the proposed development has a limited impact that would result in the cycle time being extended by the controller responding to/sensing traffic at this junction. The junction does however have further ability to accommodate additional traffic movements beyond this through the controller’s ability to extend the cycle time, if necessary, up to 90 seconds.
- 9.37. The technical note sets out that there are no capacity concerns indicated from the assessment undertaken within any of the assessment scenarios. Furthermore, the junction would be capable of accommodating further traffic increases beyond 2043. It should however be noted that OCC’s targets are to reduce traffic movements significantly by 2040. This assessment has been considered to be acceptable by County Council Highways Officers.

- 9.38. Highways Officers also comment that the generated traffic passing through the junction at the west end of Langford Lane will be similar to the A4260, but the larger A44 signalised junction will be able to better accommodate the increased flows.
- 9.39. All roads are designed to accommodate rigid HGVs and bin service lorries up to 10.6m in length. All parking allocations for the proposal will be provided on-site at surface level, and parking allocations have been apportioned around each proposed building according to the building size, to maximise green space and ensure flexibility of building occupation.
- 9.40. The application indicates that 25% of parking spaces will be installed with EV charging capacity and the remainder will be provided with passive infrastructure to enable future EV installation. Charging facilities will also be provided within the cycle stores for e-bikes.
- 9.41. Highway Officers are also aware that highway improvements are needed that would be off-site highway works delivered to the roundabout junction. These works would be delivered under highways regulations. The extent and amount of these works have not yet been agreed with the applicant and further the requirements for consultation should be dealt with through the highway legislation. It is noted that a s106 contribution is sought for consultation requirements however this is not considered necessary in planning terms to make the development acceptable.
- 9.42. All units have been designed as two-storey buildings, and the parking provision has been calculated on this basis. Distributing the parking allocation more evenly across the site allows landscaping to be closely integrated with the proposal to improve quality of space, as per the precedent images provided by the applicant. This helps to break down large extents of parking and will enhance the landscape-led approach of the scheme.
- 9.43. As such the proposals are in accordance with policies of the Development Plan and would be an appropriate response to the access requirements of the site and promote sustainable travel choices with enhanced sustainability of the amenity hub helping to reduce the need to travel.

Sustainable Construction and Mitigation of climate change

- 9.44. Policies ESD3, ESD4 and ESD5 require developments to consider sustainable construction, energy and renewable energy provision in mitigating the impact of climate change and progressing to less reliance on fossil fuels. This is in accordance with the requirements of the National Planning Policy Framework which has been prepared in accordance with the Climate Act 2008.
- 9.45. As part of the application, which is supported by an Energy and Sustainability Assessment and a Utilities Report, it is noted that it is stated that the design of the proposed buildings will incorporate both passive and active design strategies to minimise carbon footprint and impact on the environment.
- 9.46. The applicant sets out that as a minimum the following passive strategies will be incorporated:
- High thermal performance values built into fabric, glazing, external doors, roof. Better than 0.16 W/m²K for roof and better than 0.26 for walls
 - Minimising air leakage from the building. Improving on Building Regulations air permeability targets.
 - Utilising daylight where possible through design arrangement of internal seating areas relative to glazing.
 - Consideration given to shading to prevent solar gains.

- Active design strategies to reduce carbon footprints will also be incorporated.

As a minimum the following will be included within the designs:

- High efficiency lighting schemes targeting a maximum of 7 W/m² efficiency in office areas.
- Mechanical ventilation utilising high efficiency heat recovery systems and free cooling where possible.
- High efficiency motors and variable speed drives for pumping systems.
- High efficiency cooling and heating systems utilising Ground Source Heat Pumps (GSHP).
- Use of renewable energy sources on site and green roof to the Amenity Hub.

9.47. The application indicates that 25% of parking spaces will be installed with EV charging capacity and the remainder will be provided with passive infrastructure to enable future EV installation and promotes sustainable transport with 195 cycling parking spaces which will be covered, secure and with good levels of surveillance and with strong walking and cycling routes around the development.

9.48. The inclusion of the amenity hub will also lessen the need to travel for lunchtime or refreshment and would provide an opportunity for outdoor working.

9.49. The inclusion of new and enhanced landscape solutions would also benefit air quality and reduce the amount of hard surfacing on the site.

9.50. Overall the proposals would deliver high quality sustainable construction.

Heritage Impact

9.51. The site is relatively distant from heritage assets however there is potential for archaeological assets in the vicinity. The application is supported by a desktop archaeological assessment which includes a Written Scheme of Investigation as a watching brief.

9.52. Sections 66(1) and 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 impacting a heritage asset (e.g. listed building or conservation area): special attention shall be paid to the desirability of preserving or enhancing the asset.

9.53. 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.

9.54. The designated heritage assets are significant assets in their context. The proposals are some distance from the assets and there are intervening substantive buildings and structures. Due to these factors there would be no impact on designated heritage assets or their setting.

9.55. There are no known archaeological assets on the site and the previous development of the site is also noted. The applicant has submitted a supporting watching brief which includes recommendations and actions should archaeological assets be revealed during groundworks. It is considered that this is a proportionate and appropriate response to the site.

- 9.56. Having regard to the former use and the distant relationship to designated Heritage Assets and the watching brief for archaeological remains, it is considered that the proposals would not have an impact on heritage assets and therefore would be acceptable in relation to Policy ESD15 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

Ecology Impact

- 9.57. Under the Conservation of Habitats and Species 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.
- 9.58. 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.
- 9.59. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: 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.
- 9.60. 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.
- 9.61. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development.
- 9.62. The nature of the site and the relationship to the airport necessitate a landscaping solution that would minimise bird activity and therefore the potential for bird strike. The landscaping masterplan and solutions presented therefore are considered appropriate for the site and the character of the area. The proposals have demonstrated that Biodiversity Net Gain will still be achieved.
- 9.63. Officers are satisfied, 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.

Water Resources, Surface Water Drainage and Foul Water

- 9.64. Policies ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 seek to ensure that development manages flood risk, promotes sustainable drainage and water can be sourced for the development. The policies are consistent with the National Planning Policy Framework.

- 9.65. The application site is located in Flood Zone 1 and the site is previously developed and therefore has existing connections which served the previous development of c.10,000sqm which have now been largely demolished. The application is supported by a Flood Risk Assessment due to the site size and development amount, a Surface Water Drainage/Management Strategy and Utilities Strategy are submitted. A Baseline Contamination Report has also been provided. The comments of consultees have been carefully considered.
- 9.66. The proposals would increase the level of permeable area that would promote sustainable drainage.
- 9.67. Discussions with Thames Water have indicated that the capacity would not require infrastructure that could not be delivered within normal timescales (i.e. within the timescale of implementation of the planning permission – 3years). Further Thames Water do not raise an objection or seek contributions towards new infrastructure.
- 9.68. It is also noted that the consultation response is a standardised response and does not take account of existing infrastructure, floorspace (existing and demolished) and other matters that are on site. As such the requirement and condition is not related to the development proposed or the circumstances on the site.
- 9.69. Without specific identifiable infrastructure restrictive conditions (i.e. Grampian conditions) would not be reasonable. It is expected therefore that any works necessary should take place on site (for example – new pipes or a pumping station). As such whilst a condition for details of water supply and drainage details is recommended it is not considered that this would be prohibitive to development starting on site and should be tied into the delivery of the units and the phasing detail.
- 9.70. Having regard to the comments of the LLFA it is considered that the site is an improvement on the existing situation on site and the submitted information would be appropriate as a basis for determination with a condition being proposed for detailed drainage information. It is acknowledged that the LLFA have requested further information, however the details of the objection can be resolved through an appropriate planning condition. A condition has been added to reflect the aspirations of the LLFA and addresses their concerns. The Environment Agency have also suggested a condition relating to sustainable drainage and whilst these comments are noted Officers have worked up a more bespoke condition for the development.
- 9.71. As such the comments of consultees are noted and it is considered that the proposals can deliver appropriate infrastructure for water supply and would not result in flooding either on the site or elsewhere.

Contamination and Pollution

- 9.72. Paragraph 174 of the National Planning Policy Framework sets out to ensure that new development should be prevented from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. The aim of remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Saved policy ENV1 of the Cherwell Local Plan 1996 is also noted in this respect. The comments of Environmental Protection and the Environment Agency are noted.
- 9.73. The application is supported by a variety of information in relation to the current ground conditions of the site. Environmental Protection Officers have found this

information to be appropriate. Environment Agency seeks a condition to carry out further investigation duplicating the information already received as part of the application.

- 9.74. As such it is considered that it is appropriate to ensure that new or unanticipated contamination is dealt with appropriately but that with Environmental Protection Officers being satisfied further conditions are not necessary to make the development acceptable.

S106 Contributions

- 9.75. Policy SLE 4 of the Cherwell Local Plan 2011-2031 states new development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. 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.
- 9.76. Policy KCW 2 of the Kidlington Masterplan also states that the County Council in partnership with Cherwell Council will work with developers to improve the Kidlington Area cycling and walking network including by S106 and S278 works. Kidlington Area LCWIP Cycle and Walking Network will be a material consideration in the approval and network plans of new developments. Route continuity is essential in the planning and delivery process.
- 9.77. Paragraph 57 of the NPPF, planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 9.78. Contributions are sought for public transport and travel plan monitoring contributions. Further detail is set out at appendix 1. It is agreed that the contributions towards public transport and travel plan monitoring are appropriate in terms of the three tests.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies in principle and has been found to be appropriate development when having regard to Policy Kidlington 1, the Green Belt and the guidance contained in Paragraph 149 of the National Planning Policy Framework. The reuse of previously developed land and the scale of the buildings have been assessed fully and considered appropriate to its setting and having regard to buildings in the vicinity and the landscape proposals.
- 10.2. The proposals would deliver significant economic benefits from job creation, construction jobs and investment. The proposals would also support the delivery of research and development floorspace supporting the Local Plan aims and objectives set out in Policy Kidlington 1 and support to the operations of the Airport.
- 10.3. In terms of the social aspect the creation of new jobs in the construction and operation phases and potential indirect benefits to the local economy have a significant social benefit. Further the enhancement to the local area from the redevelopment of the site would also be a moderate social enhancement.
- 10.4. Environmentally the proposals would re-use a previously developed site and maximise the use of the site for development. The development would promote

sustainable construction methods, include EV charging points, help promote sustainable travel choices and include appropriate landscaping. This should be given significant weight.

- 10.5. Negative aspects with regard to the proposals relate to the potential supply of water and an appropriate water pressure which have been raised by Thames Water. These issues can be resolved through the delivery of appropriate on-site infrastructure and are conditioned accordingly. The impacts are therefore given very limited negative weight.
- 10.6. Overall the proposals are considered to be a positive application proposal and the benefits of the development would significantly and demonstrably outweigh any negative aspects raised through the consideration of the application.
- 10.7. The application is therefore considered to be in accordance with the aims and objectives of the Development Plan and the aims and objectives of the National Planning Policy Framework. The application is therefore recommended for approval subject to appropriate conditions.

11. RECOMMENDATION

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

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

(b) 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 INFRASTRUCTURE SET OUT AT APPENDIX 1

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 1 AUGUST 2023 IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate highway infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies ESD15 and INF1 of Cherwell Local Plan 2011 - 2031 Part 1 and Saved Policies TR7 and TR8 of Cherwell Local Plan 1996.

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:

Plans:

21.926.PL.001 - Existing Location Plan
21.926.PL.002 - Existing Site Plan
21.926.PL.003 - Demolition Site Plan
21.926.PL.004 - Existing Site Sections
21.926.PL.005 - Proposed Site Plan
21.926.PL.006 - Proposed Site Sections
21.926.PL.010 – Existing Building 1 Plan & Elevation
21.926.PL.011 – Existing Building 2 Plan & Elevation
21.926.PL.012 – Existing Building 3 Plan & Elevation
21.926.PL.015 – Existing Building 5 Plan & Elevation
21.926.PL.016 – Existing Building 6&7 Plan & Elev.
21.926.PL.020 (Rev A) – Proposed Building A Plans
21.926.PL.021 (Rev A) – Proposed Building A Elevations
21.926.PL.022 (Rev A) – Proposed Building B Plans
21.926.PL.023 (Rev A) – Proposed Building B Elevations
21.926.PL.024 (Rev A) – Proposed Building C Plans
21.926.PL.025 – Proposed Building C Elevations
21.926.PL.026 (Rev A) – Proposed Building D Plans
21.926.PL.027 – Proposed Building D Elevations
21.926.PL.028 – Proposed Building E Plans
21.926.PL.029 – Proposed Building E Elevations
21.926.PL.030 – Amenity Building Plans & Elevations
21.926.PL.031 (Rev A) – Outbuildings Plans & Elevations
1493.OA.003 (Rev B) – Science Park Landscape Masterplan

Documents:

Planning Statement (including Statement of Community Involvement, Public Benefits Statement & S106 Head of Terms)
Design & Access Statement (including landscape plans/strategy & photographs/montages)
Landscape and Visual Impact Assessment
Transport Assessment (including Travel Plan & Servicing and Delivery Strategy) Phase 1 Ecological Survey (inc. BNG Report)
Flood Risk Assessment
Surface Water Drainage/Management Strategy
Utilities Strategy
Economic Needs Assessment and Benefits Statement
Energy and Sustainability Strategy (including BREEAM pre-assessment)
Land Contamination Assessment (Baseline)
Tree Survey
Archaeological Watching Brief WSI
Draft Construction Environmental Management Plan
Lighting Strategy

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

Materials

3. Prior to above ground works commencing on each building hereby approved a schedule of materials to be used on external walls and surfaces shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the principles set out in the approved Design and Access Statement.

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.

Landscaping

4. A scheme for landscaping the site shall be submitted 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.

(d) details of ecological enhancement including entomological enhancement

Such details shall be provided prior to the development progressing above slab level and shall include a time frame for phasing or implementation. The approved scheme shall be implemented in accordance with the submitted timescale or by the end of the first planting season following occupation of the development.

Any tree, shrub or landscape feature that dies or is diseased in the first five years post implementation shall be removed at the earliest available opportunity and replaced by a specimen of equal or commensurate landscape value in the first available planting season.

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.

Approved Use Classes

5. The floorspace hereby approved for Buildings A, B, C, D and E as shown on drawing number 21.926.PL.005 - Proposed Site Plan is permitted to be used for uses in classes E(g) (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Classes E(g)(i) and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but

only where they are ancillary to the function of an individual Class E(g)(ii), Eg(iii) or B2 operation.

The amenity hub building as shown on drawing number 21.926.PL.005 - Proposed Site Plan is permitted to be used for uses in classes E(a), (b) and F2(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only. Uses for the sale of food and drink to be consumed off the premises are also permitted where they are ancillary to the function of an individual Class E(a), (b) and F2(a) operation.

Reason: Having regard to the location of the development and the assessment of Green Belt purposes and to comply with the employment requirements of Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

Travel Plan

6. Prior to the first 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", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport

EV Charging Points

7. Prior to first occupation of each building hereby approved details of all electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be implemented prior to each building's car parking spaces being brought into use. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and shall be implemented on a minimum of 25% of parking spaces and 100% of disabled parking provision. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

Parking Space provision

8. The proposed vehicle parking shall be laid out in accordance with plan 21.926.PL.005 – Proposed Site Plan. Prior to first occupation of each building no more than 1 car parking space per 45sqm in accordance with Oxfordshire County Council's Parking Standards 2022 shall be provided. The total car parking provision for the completed development shall not exceed 322 car parking spaces.

Reason: To ensure satisfactory functioning of the development and in the interests of highway safety and to promote sustainable travel choices in accordance with Saved Policies C30 and C32 of Cherwell Local Plan 1996 and Policy ESD5 of the Cherwell Local Plan 2015

Lighting

9. Prior to the implementation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting details shall include measures to reduce light spillage, account for ecologically sensitive receptors and provide appropriate lighting to walking and cycling facilities and a

phasing detail for implementation. Prior to the first occupation of the development the approved details shall be installed and in operation.

No other external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and future users of the development, to promote ecology on the site and to comply with Government guidance contained within the National Planning Policy Framework, Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2015 and Saved Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996

BREEAM Standard

10. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015 and the submitted information in support of the application.

No outdoor storage

11. No goods, materials, plant, or machinery, excluding the approved external plant enclosures shown on plan 21.926.PL.005 - Proposed Site Plan, shall be stored, repaired, operated or displayed outside the buildings hereby approved.

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 and Saved Policy C28 of the Cherwell Local Plan 1996.

CEMP

12. The Development hereby permitted shall be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP) and the associated Construction Traffic Management Plan (CTMP).

Reason: To ensure satisfactory development and management of the construction process and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

Outbuildings and ancillary structures

13. Prior to the first occupation of each building, phasing details of all outbuildings and ancillary buildings shown on drawing numbers 21.926.PL.005 (Proposed Site Plan) and 21.926.PL.031 (Outbuildings Plans & Elevations) shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of each building, all associated cycle and refuse stores shown on drawing 21.926.PL.005 (Proposed Site Plan) shall be in place and available for use.

Reason: To encourage the use of sustainable modes of transport and to ensure satisfactory servicing of the site

Total approved floorspace.

14. The total GIA floorspace of the approved development including mezzanine floors shall be 18,767sqm.

Reason: To define the permission and having regard to the transport infrastructure installed being created as part of the development.

Water strategy

15. Prior to first occupation, a detailed potable water and surface water strategy and drainage plans shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the management of water within the Development Parcel accords with the submitted Flood Risk Assessment and Drainage Strategy. The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site. Details shall include any onsite water infrastructure (e.g. pumping stations) which shall be positioned and designed in a manner to reflect the need for high quality public realm and details of a timetable or any phased implementation shall be included.

The development shall be implemented in accordance with the approved details

Reason: In the interests of satisfactory drainage and provision of potable water and functioning of the site and to ensure that the sustainable drainage systems hereby approved are appropriately implemented in accordance with Policies ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2015.

WSI Watching Brief

16. Development on site shall be carried out in accordance with the recommendations of the approved Archaeological Report and Watching Brief.

a) An archaeologist (Project Officer or Supervisor) will be present on site during ground work that has the potential to reveal archaeological remains.

b) Any archaeological deposits and features revealed will be cleaned by hand and recorded in plan before being excavated and/or recorded in an appropriate manner. Any archaeological features or other remains i.e. concentrations of artefacts, will be recorded by written, drawn and photographic record.

c) Post-excavation assessment (to be produced for each archaeological site within 12 months of the completion of fieldwork or an alternative agreed timescale including the development of on-site interpretation resources containing information on heritage assets (as derived from the archaeological investigations)

d) Completion of post-excavation analysis; preparation and deposition of site archive at a store agreed with the local planning authority; completion of an archive report; and the submission of a publication report (to be completed to an agreed timescale following completion of the post-excavation assessments) and a strategy for community engagement and presentation to the general public and local groups at a facility to be agreed.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

Solar panels on roofs

17. Prior to the first occupation of each building hereby approved details of solar panels on the roofs of each unit shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be implemented prior to each building being brought into use. Passive provision for the remaining roofs to allow the installation of further solar panels shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF

in mitigating the impact of climate change and the requirement for renewable energy sources and progression away from the reliance on fossil fuels.

SUDS

18. Prior to the commencement of development, except site preparation and enabling works, details of the site wide surface water drainage (following the principles of the approved Flood Risk Assessment and Drainage Strategy) shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- i) measures to maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.
- ii) include details of all flow control systems and the design, location and capacity of all Sustainable Urban Drainage Systems (SuDS) relevant to that phase of development as part of a wider SuDS network on the site and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/responsibilities. The details should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes.
- iii) The development of the phase shall be carried out in full accordance with the relevant approved detailed surface water strategy.

Reason: In order to reduce the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site.

Contamination

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Informative:

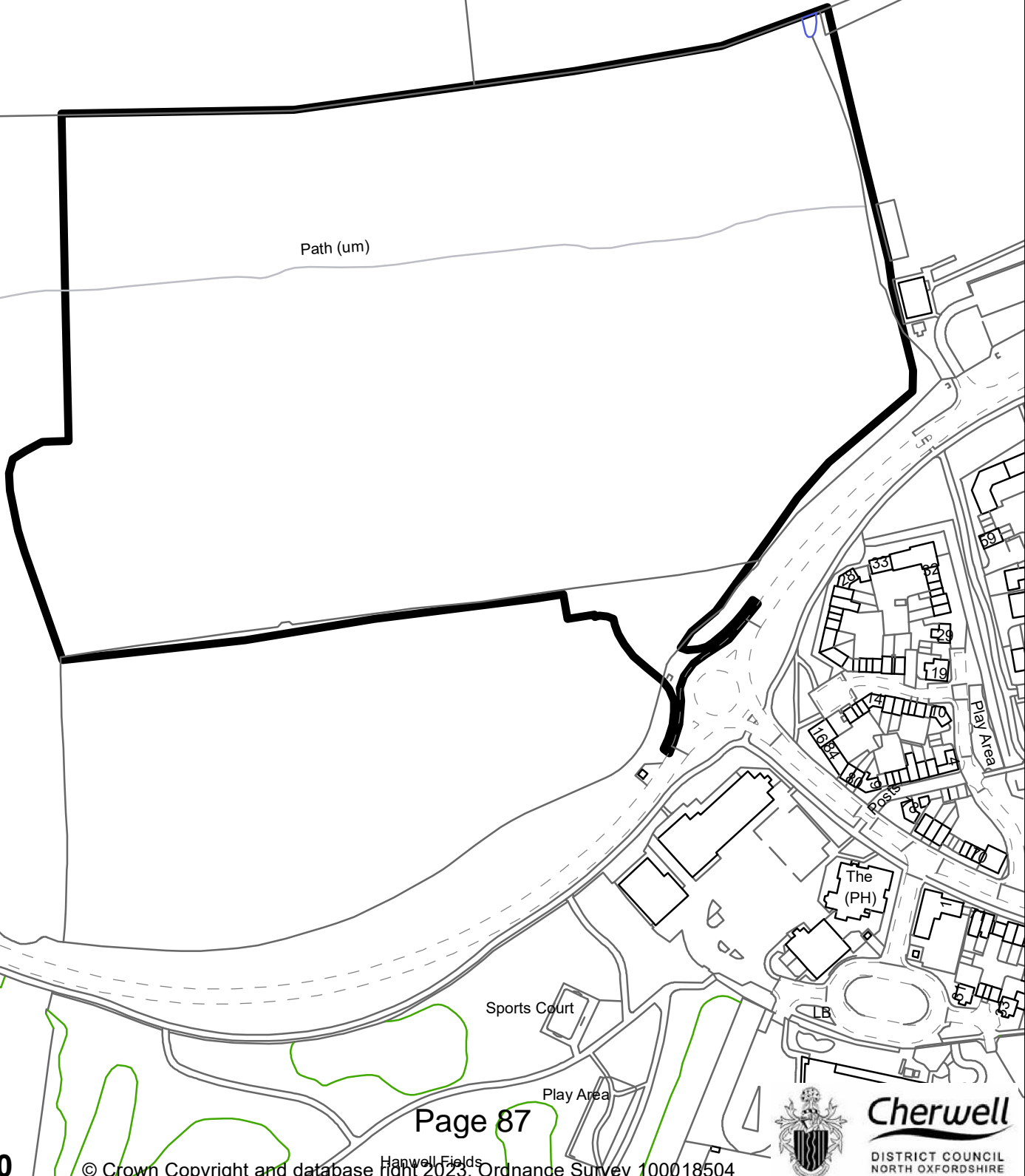
1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. Thames Water highlight that additional infrastructure may be needed to support the connection of the development but this is not yet defined. Considering the undefined nature of the infrastructure, the matter should be taken forward with Thames Water via thameswater.co.uk/preplanning.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Public Transport Services towards the continuation and/or improvement of bus services on Langford Lane	£78,079	To be agreed with Oxfordshire County Council	<p>Necessary – Service 7 has been replaced by new service S7 which extends beyond Woodstock to Witney, and also serves Oxford railway station. From June 2023, evening journeys on service S4 between Oxford and Banbury will also serve Langford Lane and will be funded from the contribution secured from permission 14/02067/OUT (Oxford Technology Park). In order to secure the continuation of this arrangement and/or further improvements to bus services on Langford Lane, a financial contribution is requested for public transport.</p> <p>Directly related – Yes the contribution would be related to the development and the service in the vicinity.</p> <p>Fairly and reasonably related in scale and kind – This has been calculated by a direct comparison with the Oxford Technology Park contribution in proportion to the increase in floorspace.</p>

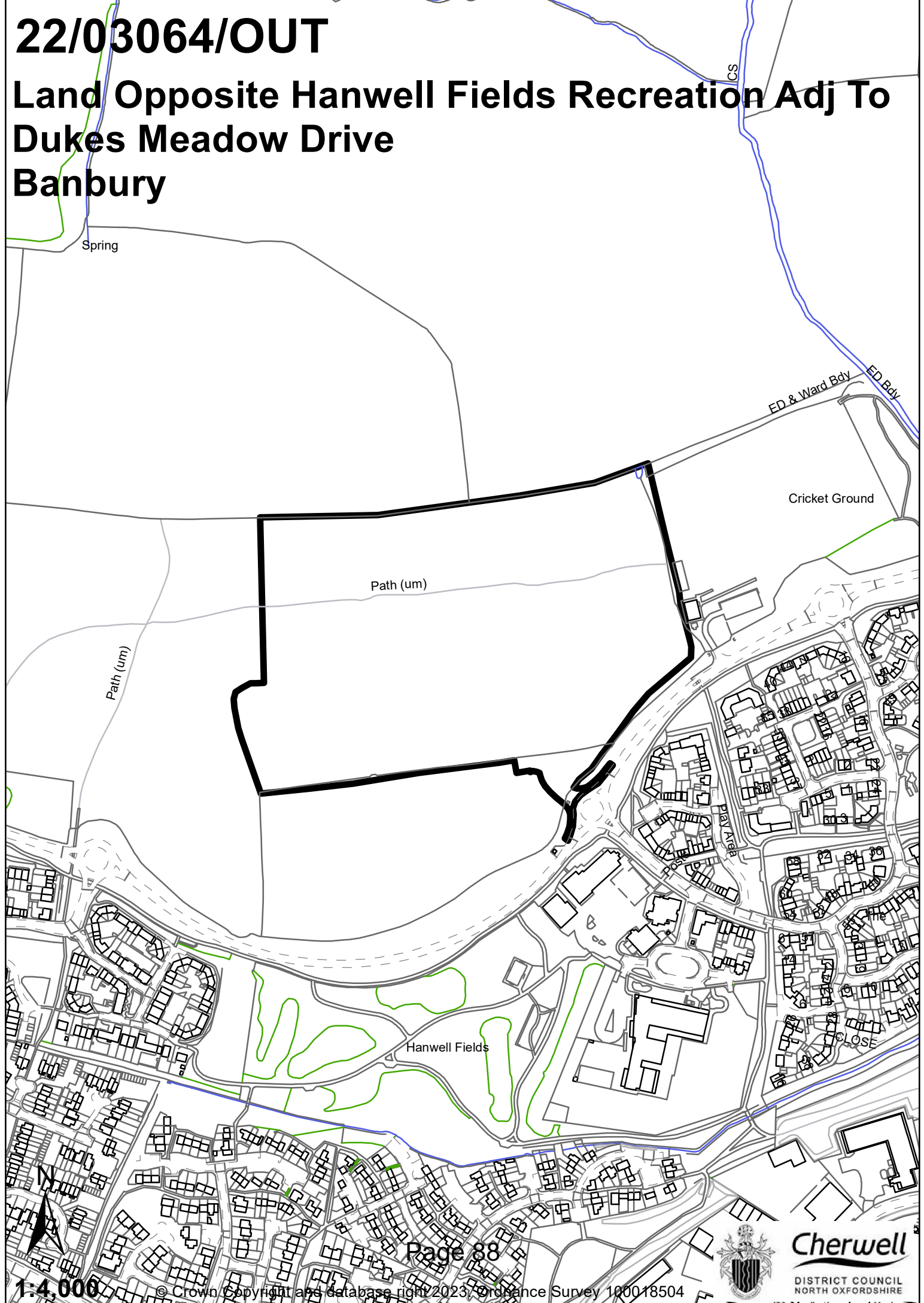
Travel Plan Monitoring fees	£ 3,110	To be agreed with Oxfordshire County Council	<p>Necessary – Yes. The site will require a Framework Travel Plan to ensure all users of the site have the same overarching aims, objective and targets. This should be produced prior to first occupation and then updated once the site is fully occupied. A Framework Travel Plan has been produced and submitted with this application and whilst some minor modification is needed there is a need for monitoring of the travel plan for 5 years post occupation. A contribution is sought to carry out this monitoring.</p> <p>Directly related – Yes. The contribution would be related to the site specific Travel Plan</p> <p>Fairly and reasonably related in scale and kind – Yes. The contribution would be appropriate to carry out monitoring for 5 years post occupation of the development.</p>
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Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



22/03064/OUT

Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



22/03064/OUT

**Land Opposite Hanwell Fields Recreation Adj To
Dukes Meadow Drive
Banbury**



1:3,000



Case Officer: Linda Griffiths

Applicant: Armstrong Rigg Planning

Proposal: Outline planning application for up to 176 dwellings and associated open space with all matters reserved other than access

Ward: Cropredy, Sibfords & Wroxton and Banbury Hardwick

Councillors: Cllr Phil Chapman, Cllr George Reynolds, Cllr Douglas Webb, Cllr Brasha, Cllr Crichton, Cllr Donaldson

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

Expiry Date: 30 June 2023

Committee Date: 15th June 2023

RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located north of Dukes Meadow Drive and extends to approximately 8.6 hectares of agricultural land and comprises the eastern extent of a larger parcel of land immediately to the north of Dukes Meadow Drive. It has been resolved previously to grant the same applicant outline planning permission for the erection of 78 dwellings immediately to the south of the site (21/03426/OUT). This application, which seeks consent for a further 176 dwellings, is described within the application submission as Phase 2.
- 1.2. The site slopes quite steeply upwards from Dukes Meadow Drive (rising from east to west) and is open and exposed in views from the south and east. It is currently uncultivated Grade 2 and 3 agricultural land. The Hanwell Fields Recreation Ground and pavilion lies immediately to the east of the site.

2. CONSTRAINTS

- 2.1. The application site comprises Grades 2 and 3 agricultural land and the Neithrop Fields Cutting SSSI is located within 1km of the site. The constraints for the site have also identified that the site could contain Priority Grassland Habitat and also Oxfordshire Protected and Notable Species. To the west of the site are a network of public rights of way linking Hanwell village to the north with the northern edge of Banbury. In addition to the nearby PRoW's, there is evidence of informal pathways across the application site. The site is in flood zone 1 although the constraints have identified that pooling can occur on parts the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the erection of a further 176 dwellings, described in the application as phase 2 of the development north of Dukes Meadow Drive. All matters are reserved except for access.

- 3.2. Vehicular access to the site is proposed via a new spur to the existing Dukes Meadow roundabout and the previously agreed new access to serve the Phase 1 development.

4. RELEVANT PLANNING HISTORY

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

21/03426/OUT – resolution to grant outline consent for up to 78 dwellings subject to prior completion of a Section 106 planning obligation agreement (referenced as Phase 1).

21/03484/SO – Screening Opinion to the above outline – EIA not required.

- 4.2. It was resolved to grant the outline planning permission for the 78 dwellings under 21/03426/OUT on the grounds that the site was close to very local amenities, it formed a natural bowl at the base of the slope, and any harmful landscape impact would not outweigh the benefits of the proposal having regard to the fact that the Council could not demonstrate a five-year housing land supply at the time of the determination. The Section 106 Agreement is currently being negotiated and the permission has therefore not yet been issued.

5. PRE-APPLICATION DISCUSSIONS

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

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 **22 November 2022**, although comments received after this date and before finalising this report have also been considered.

- 6.2. The numerous objections raised by third parties are summarised as follows:

- Development is taking place at frenzied pace without any thought to wildlife and conservation impacts;
- Creep towards Hanwell is objectionable as it is destroying the greenness of the area, loss of countryside;
- Would have significant impact on the heritage character of Hanwell;
- Increased traffic on roads through Hanwell, which are narrow and winding;
- Prominent site, particularly when viewed from the east;
- Area is subject to flooding;
- Object on the grounds of the Deer Act 1991, which aims to protect wild deer. Often deer are seen in the fields so will destroy the quality of life of wild deer;
- Wildlife and Countryside Act 1981 seeks to protect flora and fauna which would be damaged by this project. Regular sightings of deer, badger, hawks, red kites and bats;
- Wild Mammals Protection Act 1995 is relevant in respect to deer and badgers;
- Loss of grade II agricultural land;

- Companies cram far too many ugly homes onto very small plots with cars parked everywhere;
- Where are the facilities to support the population such as doctors surgeries, schools, dentists, vets, hospital beds, buses, police, shops;
- Banbury has lost its vibrancy, and more should be done to encourage the regeneration of the town centre;
- Volume of traffic already a major issue on congested roads getting around the town, increased pollution and issues for emergency vehicles, road widening, and improvements are required; by-pass suggested;
- Spaces and derelict sites within the town and surrounding area could better serve the purpose of providing extra housing;
- Hanwell is a small 800-year-old village with conservation area surrounded by fields; object to being swallowed up into a large housing estate of lego-brick houses that won't last;
- Buffer between Hanwell and Banbury is being incrementally eroded;
- Site is outside the plots currently in the agreed Local Plan and the assessment of the previously approved 78 houses on the southern part of the site mentioned that it was only approved due to its smaller scale. This would be considerably larger, more visible from Hanwell and directly impact upon the light pollution affecting the observatory;
- Contrary to Policy ESD13 and would destroy local green areas;
- Development would extend beyond the built-up limits of Banbury and would have a materially greater impact than the approved application 21/03426/OUT;
- The Council's HELAA assessed site as 'not suitable' for development;
- Contrary to Local Plan 1996 policies – TR7, R14, C8, C13, C15, C17 & C33;
- Precedent for further development, resulting in coalescence of Banbury town and Hanwell village;
- Area is of significant historical interest – Saxon burial grounds, impact on setting of Hanwell's conservation area and many listed buildings; also Tree Preservation Orders;
- Impact on global warming.

6.3. Letter of support – clearly people need homes, a lot have been built but are not standing empty, so there must be a demand.

6.4. 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 COUNCILS AND NEIGHBOURHOOD FORUMS

7.2. BOURTON PARISH COUNCIL: **strongly object** as follows:

- Scale of development on a greenfield site, a natural boundary between Banbury and the rural area of Hanwell is unacceptable in principle and contrary to Policy ESD15 of CLP 2011-2031, saved Policy C33 of CLP 1996 and NPPF. The development would be a serious breach of those policies;
- Parish Councils throughout Oxfordshire are currently swamped with applications from developers using the lack of a 5-year housing land supply for securing inappropriate development such that rural settlements are losing their identities and changing our landscapes beyond the recognition of Historic England's statement '*England's rural landscape is a jewel of our national heritage, formed by people living on and working the land over thousands of years*';
- With the level of existing approved development in the District, one could assume that the emerging Local Plan will indicate more than a 5-year housing land supply;
- Already can see the development in Banbury, specifically towards Bloxham and Bodicote is not adequately supported by current infrastructure;
- If accepted, the development would cast a long shadow, not only for the historic village of Hanwell with its exceptional heritage assets but also set a precedent for every Oxfordshire village desperate to retain their village identity as a rural settlement and who are currently faced with similar applications.

7.3. HANWELL PARISH COUNCIL: **strongly object** and consider the application should be refused as follows:

- Not allocated for housing and therefore contrary to Development Plan;
- Site recently assessed by the CDC 2018 HELAA (Site 036) as not suitable for development;
- Contrary to Policy ESD13 as would cause undue visual intrusion into open countryside and cause harm to important natural landscape features and topography;
- Would have seriously harmful impacts on the local area which Local Plan policies aim to prevent, namely significant urban extension not in the adopted CLP – BSC2, ESD1, piecemeal development on open countryside (saved policy C8) and loss of important landscape feature (ESD13);
- Would set a precedent for further urban development north of Dukes Meadow Drive, adversely affecting setting of surrounding villages, notably Hanwell. This is further demonstrated by previous approval 21/03426/OUT. Damaging precedent for greater coalescence of Banbury and Hanwell (saved policy C15);
- Future housing should be identified in formal updates of housing land supply through CLP for example, the balance between greenfield and previously used land as well as sustainability issues, so they can be considered in a comprehensive fashion;
- Site is not sustainable in all other respects as claimed by the submission as loss of an important and prominent landscape feature (C13, ESD13); loss of important open vistas (saved policy C33 & ESD13); loss of informal open space for residents of Hanwell Fields (BSC11); adverse impacts on environment and biodiversity (ESD10), does not enhance the area (ESD10);

adverse impact on local road networks, poor public transport (TR7, SLE4, ESD1, ESD15) and lack of further community facilities to serve the development (saved policy R14 and BSC12);

- Notional benefits of the development are outweighed by the harm;
- After COP26 must be more emphasis on overall sustainability of future development if we are to combat global warming, which can only be achieved through robust national and local planning framework, not piecemeal developments;
- Is Grade 2 and 3 best and most versatile arable land;
- Impacts on Hanwell Village include, but not limited to: increased traffic through the village; light pollution including impact on the observatory; further erosion of green buffer which conveys Hanwell's integrity as a village;
- Over the years this area has absorbed thousands of new homes and there is simply not the local infrastructure either in Hanwell or Banbury to support such over-development; enough is enough;
- Any future additional housing provision for the Banbury area must be assessed through the Cherwell Local Plan review process, so that proper consideration can be given to all the key planning issues and all potential housing sites.

7.4. BANBURY TOWN COUNCIL: **object** on the grounds of scale and siting beyond the built-up limits of the settlement, within the countryside, on a greenfield site that contributes to the rural character of the approach into Banbury. Is important in preserving the character of this edge of Banbury and would be unduly prominent in the landscape. Unacceptable in principle and contrary to Policy ESD15, saved Policy C33 and the NPPF.

CONSULTEES

- 7.5. OCC HIGHWAYS: **No objections** subject to standard conditions in respect of width of the access, Construction Traffic Management Plan and Residential Travel Plan & Residents Information Pack and Sec 106 contributions towards strategic highway works, public transport services, travel plan monitoring and public rights of way.
- 7.6. OCC LOCAL LEAD FLOOD AUTHORITY: **Objection** on several grounds – surface water to be restricted to Qbar greenfield run-off rate; provide infiltration testing results and its locations; provide watercourse/ditch ownership details and permission to discharge surface water; discharge rate to be identified on drainage plan.
- 7.7. OCC EDUCATION: **No objection** subject to Section 106 contributions towards secondary and special education.
- 7.8. OCC ARCHAEOLOGY: **Commented** the area is in an area of archaeological interest and potential; and have already accepted a Written Scheme of Investigation from an archaeological contractor for the evaluation.
- 7.9. OCC WASTE MANAGEMENT: **No objection** subject to Section 106 contributions towards household waste recycling centres.
- 7.10. CDC ECOLOGY: No comments received to date.
- 7.11. CDC ARBORICULTURE: based on a desk-based assessment, the Arboricultural Statement appears to highlight a low arboricultural impact with only 2x groups of trees of category C along with sections of hedgerow for access. The hedgerow removals

will need to be mitigated through improvements to retained hedges. At reserved matters stage a new impact assessment and method statement/tree protection plan will be required; containing replanting/landscaping plan, layout should work around category A and B features, buffers to retained hedges and higher quality trees; many category C features have cavities observed, where safe to do so, the design should seek to retain these features. Veteran tree populations are declining faster than they are being replaced, consequently unique habitats are being lost. The site contains numerous ash trees. An ash dieback condition survey should be submitted at reserved matters stage as trees previously marked for retention may require removal and subsequent planting.

7.12. CDC CONSERVATION: a heritage impact assessment should be submitted which also provides verified views of the proposed development (winter views) from the Conservation Area/Hanwell Castle grounds to corroborate the assessment made by the application that the proposed development will not be perceived in views from Hanwell Conservation Area and the impact of the development on the setting of the listed building and conservation area.

7.13. CDC ENVIRONMENTAL HEALTH: **No Objection** but recommends the imposition of conditions relating to a construction environmental management plan, noise, contamination and air quality. No comments in respect of odour and light.

7.14. CDC LANDSCAPE SERVICES: **Objection.**

7.15. CDC PLANNING POLICY: **Objection.**

7.16. CDC RECREATION AND LEISURE: seek Sec.106 contributions towards community hall facilities, outdoor and indoor sport, public art, community development worker and community development fund towards existing facilities within the locality.

7.17. CDC STRATEGIC HOUSING: **No objection** subject to revisions to the proposed affordable housing mix.

7.18. CDC LAND DRAINAGE: have no comments on the Flood Risk Assessment at this outline stage but raise several concerns as follows:

- Site is very steeply sloping and it is likely that terraces will need to be constructed to create development platforms;
- Potential for ground water routes to be interrupted which may result in the emergence of springs and high hydrostatic pressures against any retaining walls that have to be constructed;
- Sloping topography will generate high drainage flow velocities which must be limited to a maximum of 3 m/s. A series of baffles is likely to be needed;
- SuDS feature proposed is directly adjacent to the sports pavilion. The design top water level must be at least 300mm below the floor level of the pavilion;
- Applicant must show there is a safe exceedance route which will not cause risk to the pavilion or other existing development.

7.19. BBOWT: **Objection** as follows:

- Potential impact on Hanwell Brook Wetland including hydrological impact, and recreational impact;
- Potential impact on existing grassland with adder's tongue fern;

- Application does not provide adequate evidence of a net gain in biodiversity; the importance of net gain in biodiversity being in perpetuity;
- Buffer zones and management of hedgerows in order to achieve biodiversity net gain;
- Application does not provide evidence that it will help to achieve the aims of the Conservation Target Area.

7.20. THAMES WATER: **No Objection** in respect of surface water, but in terms of foul water drainage, Thames Water have been unable to determine the foul water infrastructure needs of the application and therefore recommend a condition be included in any planning approval in respect of this. In terms of water, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of the proposal and therefore also recommend a condition is attached to any planning approval regarding this.

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)

- Policy SLE4: Improved Transport and Connections
- Policy PSD1 – Presumption in favour of Sustainable Development
- Policy BSC1: District Wide Housing Distribution
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing mix
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC11: Local Standards of Provision – Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policies ESD1-5: Mitigating and Adapting to Climate Change
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- Policy C30: Design Control

8.3. Other Material Planning Considerations:

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

8.4. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is "Clean, Green and Safe", that it supports "Thriving Communities & Wellbeing", and is a District of "Opportunity & Growth". All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Landscape Impact
- Heritage impact
- Site Layout and Design Principles
- Highways and Vehicular Access
- Housing Mix and Affordable Housing
- Ecology and Biodiversity
- Flood Risk and Drainage
- Sustainability
- Section 106

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG). The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 10 of the NPPF includes reference to 'a presumption in favour of sustainable development'. Paragraph 11 states that applying the presumption to decision making means:
 - *Approving development proposals that accord with an up-to-date development plan without delay; or*
 - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year housing land supply of deliverable housing sites), granting permission unless:*
 - *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
 - *Or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.*

- 9.8. Paragraph 12 advises: *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'*.
- 9.9. Section 5 of the NPPF considers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 9.10. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years supply of housing against their housing requirement set out in the adopted strategic policies, or against their local housing need where strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer which is 5% in Cherwell's current circumstances (moved forward from later in the plan period).
- 9.11. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies, including Policy BSC1 need updating. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5-Year supply of land should be calculated using the government's standard methodology.
- 9.12. As set out in the Council's Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4-year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.13. The merits of providing additional homes (including affordable homes) on this site is therefore noted and the proposal would assist in delivering new homes and meeting overall Policy BSC1 housing requirements to 2031.

Assessment

- 9.14. The Council's housing land supply position of 5.4 therefore means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states that the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are a starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration.

- 9.15. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 176 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that serves an important function in separating Banbury from Hanwell. Given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Banbury and development would therefore be in open countryside.
- 9.16. As the application site is located beyond the existing built-up limits of Banbury, the proposal must also be assessed against saved Policies C8 and H18 of the CLP 1996. Policy C8 seeks to avoid sporadic development in the open countryside and applies to all new development proposals beyond the built-up limits of settlements. Policy H18 states that planning permission will only be granted for new residential development beyond the existing built-up limits of a settlement where the development is essential for agriculture or other existing undertakings, or where development would not conflict with other saved policies in the CLP 1996. This proposal is for a development of up to 176 dwellings, none of which would be for essential agricultural need or any identified undertaking in open countryside beyond the existing built-up limits of Banbury. The development proposed is therefore not in accordance with Policies C8 and H18 of the CLP 1996.

Conclusion

- 9.17. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing, meeting overall Policy BSC1 housing requirements to 2031.
- 9.18. The latest housing supply figure for Cherwell District is calculated at 5.4 years. Whilst the NPPF states that the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. Whilst there may be some benefits of the additional housing, including the provision of affordable housing, the significant impact upon the character and appearance of the open countryside and locality through the development of this greenfield site that would threaten coalescence between Banbury and Hanwell is a concern which must be weighed significantly against any benefits of the proposal. The proposal is therefore considered contrary to the Development Plan and Government guidance within the National Planning Policy Framework accordingly.

Landscape Impact

- 9.19. Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 requires landscape protection and enhancement opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity.
- 9.20. Paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton. The site

comprises open and prominent steeply rising ground (rising from east to west) and from Dukes Meadow Drive with the northern boundary of the site being located on the brow of the hill. The site consists of open, agricultural land which is classified Grades 2 and 3 with field hedges and trees that contribute to its rural character. The site is visible from the adjacent public right of way network.

Assessment

- 9.21. The site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (site HELAA036) – it concluded as follows: *Greenfield site outside the built-up limits. The site is considered to be unsuitable for development in this location would be prominent in the landscape, particularly when viewed from the east, on one of the highest points in the vicinity. It would lead to the loss of greenfield land and informal recreation resource for local people which is in close proximity to the existing Hanwell Fields development.*
- 9.22. The application site forms part of a parcel of land assessed by the Landscape Sensitivity Capacity Assessment prepared to inform the emerging Cherwell Local Plan Review. Although a wider parcel of land was assessed the Study concluded that the assessment unit has moderate-high sensitivity for residential and commercial development. The sensitivity to logistics development is high. This sensitivity arises from the physical character including the undulating valley slopes and openness of the assessment unit to views from the north and north-east. Observations from the top of the site showed that Grimsbury Reservoir was clearly visible as was the M40, Southam Road and Little Bourton.
- 9.23. Moreover, in describing the landscape setting of Banbury the September 2013 Banbury Green Buffer Report (paragraph 3.1.1) states; *'The town itself is strongly contained by landform, with the River Cherwell and its floodplain located on the eastern side of the town and the Sor Brook and its tributaries to the west. The rounded ridge-line located to the west and south west of the town, between the Sor Brook and Cherwell, marks the edge of development to the town, whilst to the east and north, a series of undulating hills and valleys beyond the River Cherwell create a sense of enclosure in the wider landscape.'*
- 9.24. It is noted that the Landscape and Visual Impact Assessment submitted in support of the application indicates that the site will be visible from a number of vantage points around the town. It is further noted that page 16 of the Design and Access Statement states that there are panoramic views of the development from higher ground to the west which will restrict building heights on the western part of the site.
- 9.25. The application submission and the submitted Landscape Impact Assessment has been assessed by the Landscape Officer but found it to be insufficient in its assessment of the site, advising that the site is clearly visible from the submitted viewpoints 3 and 4, in contrast to the surrounding development which is fairly well screened. The vegetation on viewpoint 6 is thin and gappy and poorly maintained and is also located behind the hedgerow, not in front. There has been no assessment made of the site from the adjacent Public Right of Way 239/9. The LVA contains very few viewpoints and as such is not thorough in its assessment of the site. No wirelines have been included which assess the landscape impact of the proposed development. Additional cross-sections are also required.

Conclusion

- 9.26. Having regard to the above, it is considered that the application has failed to demonstrate through the submission of a sufficiently detailed Landscape and Visual Impact Assessment that the proposals would not cause substantial landscape harm

to the undeveloped rural character and appearance of the site when viewed from around the town, Hanwell village and adjacent Public Rights of Way. The landscape impact of the application site is especially sensitive given its visual prominence. Its development will likely breach Banbury's contained environmental setting and erode landscape features which define Banbury as a compact historic market town. As such the development is considered to be contrary to Policies ESD10, ESD13 and ESD15 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

Heritage Impact

Legislative and policy context

- 9.27. The site if developed as proposed could affect the setting of Hanwell Conservation Area and the setting of Hanwell Castle, a Grade II listed building.
- 9.28. 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.*
- 9.29. 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.
- 9.30. 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.
- 9.31. The site is also located in an area of archaeological interest with later prehistoric through to Roman archaeological deposits recorded in the immediate vicinity. Two prehistoric ring ditches were recorded 600m west of the site along the prehistoric ditches and several undated post holes and pits which are likely to be of a similar date. A recent archaeological excavation to the west of Southam Road recorded prehistoric worked flint and Beaker Pottery (Wessex Archaeology forthcoming). A post medieval ring ditch, probably from a windmill, was also recorded on the site. This may have been built on a surviving prehistoric barrow mound. Iron Age and Roman settlement evidence has also been recorded 1km to the west of the site. Historic England have recorded the line of a Roman Road (RR 161a) from Harwell to Oxford 270m west of the application site. It is therefore likely that further archaeological deposits could survive on the site and a programme of archaeological evaluation will need to be undertaken.
- 9.32. As a consequence of the above, the applicant has been requested to submit a heritage impact assessment which also provides verified views of the proposed development (winter views) from the Conservation Area/Hanwell Castle grounds to corroborate the assessment made by the application submission that the proposed development will not be perceived in views from Hanwell Conservation Area and the impact of the development on the setting of the listed building and conservation area. To date this has not been received.

Site Layout and Design Principles

- 9.33. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ED15 which advises that new development should build on the character of Cherwell. It also advises that design standards for new development, whether housing or commercial development are equally important and seeks to provide a framework for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The CLP 1196 contains saved Policy c28, which states that *'control will be exercised over all new development to ensure the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'*. Saved Policy C30 states that *'design control will be exercised to ensure....(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*. These are all relevant to the proposals considered here.
- 9.34. The Cherwell Residential Design Guide SPD 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy. Regrettably the submission makes little reference to the Design Guide and therefore how the scheme has been designed having regard to its requirements and advice. It is however considered that the design guide is a material consideration, and the proposal should therefore accord with the requirements and advice of the Design Guide and this submission has therefore been assessed against it accordingly.
- 9.35. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve.
- 9.36. A well-designed layout will incorporate good design practice and standards. Urban form is also an important element in defining the character of a place. Design is not only about the physical appearance of a development but how it works, functions, and fits together, ensuring a quality of life for those who live there.

Assessment

- 9.37. The application is accompanied by a Design and Access Statement (DAS), but it fails to carry out a contextual analysis of Banbury and therefore how a locally distinctive development will be achieved. It also lacks sufficient detail to properly explain and illustrate how the proposed development will sit in the landscape and locality generally. Neither does it clearly set out any vision for the proposed development.
- 9.38. Parameter plans are provided on pages 26-29 of the DAS, however, these are not adequate or appropriate having regard to the nature of the site. The land use parameter plan does not include any reference to size, scale and width of landscape buffers and green infrastructure etc. It is not clear what form the green infrastructure areas between the dwellings will take and what their function and use will be. In terms of density, those shown are significantly higher than the adjacent development and will therefore be out of character with the locality. This will be further emphasised by the visual prominence of the site within the landscape and locality. Again, the storey heights indicated (up to 4 storey) are higher than those in the vicinity of the site and due to the exposed nature, the site's topography and visual prominence of the site, such heights are unlikely to be acceptable.

- 9.39. There is a considerable change in level across the site which is likely to result in the need for retaining walls and features. The sections of the DAS are not to scale, and it is therefore not possible to be clear whether the applicant's statement that most change levels will be accommodated within the green space and gardens, or how this will be successfully and appropriately achieved. Further detail and information have been requested in respect of the levels, but to date has not been forthcoming. The change in levels across the site have also been raised as an issue by both the Drainage Engineer and Landscape Officer. It is considered that as it is extremely likely that retaining features and development platforms will be required that these aspects must be considered holistically and at outline stage and included within the design and access statement to explain and illustrate how the changes in levels will be accommodated within the design for the development.
- 9.40. It is also considered that drainage design must also be considered at outline as the provision of deep, wet attenuation basins that need to be fenced for safety reasons are unlikely to be acceptable from a visual amenity point of view. These must be designed to be attractive, ecologically important features and fully integrated as part of the open space.

Conclusion

- 9.41. Having regard to the above, it is considered that the scale and form of development proposed on this prominent and elevated site would be contrary to Policy ESD15 of the adopted Cherwell local Plan and Government guidance within the National Planning Policy Framework.

Highways and Vehicular Access

- 9.42. Policy SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 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.
- 9.43. Saved Policy TR1 contained within the Cherwell Local Plan 1996 states that before proposals for development are permitted, the council will require to be satisfied that new highway, highway improvement works, traffic management measures that would be required as a consequence of allowing the development to proceed will be provided.

Assessment

- 9.44. The proposed development will be accessed via a fourth arm (western arm) of the existing Dukes Meadow Drive/Lapsley Drive roundabout. Supporting this application is a Transport Assessment (TA) that suggest a realignment that would render access from Phase 1 to be the minor arm of a simple priority junction. This is acceptable in principle subject to an updated junction capacity assessment.
- 9.45. An emergency access point that also doubles as an updated cycle track or reinforced grass area is proposed off Dukes Meadow Drive further north of the access roundabout. However, drawing number SKL-02 Rev A appended to the TA shows that the emergency access would link the development along its boundary with Phase 1, which does not serve this purpose. Clarification and detail of this access will need to be provided by a planning condition if approved. A Construction Traffic Management Plan and temporary access for construction traffic will need to be agreed.

- 9.46. The nearest bus stops to the site are located on Highlands to the south of the site, approximately 790m from the site's proposed western pedestrian/cycle access and are served by the B9 bus. The distance from the site could act as a deterrent to public transport use for those with mobility issues or small children. As with Phase 1, a transport contribution of £1.618 per dwelling is required to support the continued operation of the bus service. A Residential Travel Plan will be required to be submitted and approved as part of any approval.
- 9.47. Planning for cycling/walking, space for cycling within highways, transitions between carriageways, cycle lanes and cycle tracks, junctions and crossings, cycle parking and other equipment design within the development should follow LTN 1/20 guidance. Contributions towards upgrading the current footpath on the southern side of the carriageway to a segregated cycle and footpath in line with LTN 1/20 should be provided from Lapsley Drive roundabout to Winter Gardens Way roundabout. Contributions are also sought towards connectivity between the development and Banbury and the emerging Banbury Local Cycling and Walking Infrastructure Plan.
- 9.48. Whilst this is an outline application, it is expected that subsequent applications will show a comprehensive network throughout the site with footways provided on each side of the carriageway to make it suitably permeable with the surrounding infrastructure.
- 9.49. In terms of traffic impact, the submitted Transport Assessment has been assessed by OCC as local highway authority who consider that the person trip rates and resultant trips by mode presented in the TA are reasonable for a development of this size and in this location. The peak hour vehicular trips obtained from the trip generation exercise have been assigned on to the network using the distribution patterns obtained in 2011 Census data which is deemed acceptable.
- 9.50. In attempting to appraise the traffic impact of this development onto the local highway network, the TA has undertaken modelling exercises at the access Dukes Meadow Drive/Lapsley Drive, A423 Southam Road/Dukes Meadow Drive and Dukes Meadow Drive/B4100 Warwick Road/Walker Road. Assessment was undertaken for both the baseline scenario to forecast how these junctions would operate without and with the development traffic. The modelling undertaken on the A423 Southam Road/ Dukes Meadow Drive roundabout in the PM peak shows the RFC value for the Southam Road south to operate slightly over its designed threshold.

Conclusion

- 9.51. While OCC would have required the development to adequately mitigate the seemingly meagre impact on the network such as has been demonstrated at this roundabout, the approach captured in OCC's LTCP policies however seek only to consider road capacity improvements as the last resort. It is acknowledged that with improved public transport services and active travel opportunities, there would be a modal shift that would eventually balance out the need for the increase in road capacity.
- 9.52. In summary, it is agreed by OCC that subject to the improvements to public services and active travel infrastructure identified, the proposed development will not result in a detrimental impact on the highway network.

Housing Mix and Affordable Housing

- 9.53. The proposed development provides for up to 176 new dwellings on the site. No details of housing mix are provided at this stage. It is important to have consideration of the mix of housing when considering urban design as well as responding to

identified local housing needs. Policy BSC4 of the adopted Cherwell Local Plan 2025 seeks to encourage a mix of housing on all new developments that meets the need of the district as identified by the results of the SHMA 2014. This advises that there is a greater need for 3-bedroom properties in Cherwell and the suggested mix is shown on Table 67 of the Local Plan. Consideration of and compliance with Policy BSC4 is relevant in this respect.

- 9.54. Policy BSC3 requires the provision of 30% affordable housing which equates to 53 dwellings. The required tenure split is 70% rented and 30% Low-Cost Home Ownership (LCHLO). National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. A policy compliant affordable housing mix would therefore be 18 LCHO dwellings of which 13 would be First Homes and 5 shared ownership and 35 dwellings for social rent. The proposed tenure mix set out in the Planning Statement complies with this.

Assessment

- 9.55. In terms of housing mix, that proposed within the Planning Statement is not currently acceptable as there are insufficient 2-bed houses proposed. This number must be increased significantly as 2-bed flats and maisonettes are not considered suitable for families with children. Maisonettes are also preferred to flat as they offer greater privacy, although provided the affordable flats have the same external appearance as the market flats, flats may be considered acceptable in this instance. The number of 4-bed properties should be increased from 3 to 4. The application proposes that the proposed sizes comply with NDSS requirements which is welcomed.
- 9.56. The Developer Contributions SPD requires that 50% of the rented dwellings meet M4(2) requirements and 1% meet M4(3) requirements. Whilst 1% is less than 1 dwelling, it would contribute significantly to meeting pressing needs if one dwelling could be delivered to full wheelchair standard. There are households currently on CDC's housing register who specifically require a 3-bed wheelchair adapted property in the Banbury area.
- 9.57. All affordable housing units will need to deliver high standards/rates of energy efficiency to ensure household fuel (and water) bills are also affordable for the tenants. This supports the delivery of sustainable development and contributes to the government objective to reach Net Zero carbon.
- 9.58. The Developer Contributions SPD requires the affordable units to be indistinguishable from the market units in terms of materials used, design, parking arrangements etc. It is also expected that where appropriate, affordable housing should not be clustered in any more than 10 units of one tenure and 15 units of multiple affordable tenures with no contiguous boundary of the clusters. These matters would be addressed at reserved matters/detailed design stage.

Conclusion

- 9.59. Any planning approval will be subject to a Planning Obligation and many of the requirements above will be incorporated into the Section 106 to ensure that the affordable housing delivered accords with CDC standards, tenure mix and housing mix accordingly.

Ecology Impact

Legislative context

- 9.60. 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.
- 9.61. 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.
- 9.62. 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.
- 9.63. 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.
- 9.64. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.65. 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.

- 9.66. 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.
- 9.67. 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.
- 9.68. 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.
- 9.69. 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.
- 9.70. 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.
- 9.71. 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

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

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all;
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').

9.73. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is within 1km of Neithrop Fields Cutting SSSI and Fishponds Wood, Hanwell Local Wildlife Site (LWS) and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.74. In order for the Local Planning Authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.75. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.76. The application is supported by an ecological appraisal following site surveys between August 2020 and July 2022, based on a standard extended Phase 1 methodology. In addition, a general appraisal of fauna species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, reptiles and Badger.

9.77. The site forms the eastern part of a semi-improved grassland field, with other habitats including boundary hedgerows and scattered scrub. Features of ecological importance include the hedgerows and associated trees, which are to be retained under the proposals and will be protected during construction, with only small sections removed to facilitate access. It is proposed to compensate by new hedgerow planting which will link with the existing/retained hedgerows. Further new planting is also proposed within the development itself. In terms of protected species, potential opportunities or confirmed use of the site by badger, bats and common nesting birds have been recorded.

9.78. The submitted appraisal concludes that the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals are unlikely to result in significant harm to biodiversity.

9.79. The application however has been assessed by Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) who have raised an objection to the proposals on several grounds. Just to the east of the development site lies an area known as the Hanwell Brook Wetland which supports a range of wildflowers such as bugle, meadowsweet and greater bird's trefoil and a range of birds, dragonflies, damselflies, frogs and toads. The proximity of the proposed development site to the wetland

combined with the topography of the site which slopes steeply to the east (toward the wetland) means there is potential for a negative hydrological impact on the wetland.

- 9.80. There is also a potential impact by the development on Adder's-tongue fern which is a good indicator of ancient meadows. Although this fern is locally abundant this is because there is a high concentration of important meadows in Oxfordshire; nationally it is much less common. The submitted ecological appraisal advises that its loss could be mitigated through translocation with details to be agreed at reserved matters stage, however, BBOWT are unsure about how successful the proposed translocation of the fern is likely to be as the success of any translocation is dependent upon many different factors such as management of the new site, hydrology and fungal associations. BBOWT therefore suggest that if approved the site should be redesigned in order to avoid development on areas of grassland with Adder's-tongue fern which should remain in situ with a buffer around to protect it.
- 9.81. In terms of net gain in biodiversity, BBOWT wish to see further information to justify the metric scoring, and off-site enhancement from poor to good, especially having regard to the presence of Adders'-tongue fern and to ensure that the gain is achievable within the timescales. The additional information and detail should include the submission of a Habitat Creation and Management Plan for all the main wildlife habitats and SuDS features, which should be provided at this stage rather than conditioned for later consideration to ensure that a net gain in biodiversity can be appropriately achieved in connection with the proposed development and that it will be retained and maintained in perpetuity.
- 9.82. The site is also located very close to the North Cherwell Conservation Target Area and the submission does not include information to illustrate how the development will secure biodiversity enhancement to help achieve the aims of the Conservation Target Area in line with Policy ESD11.

Conclusion

- 9.83. Having regard to the objections raised by BBOWT above, and the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable proposed mitigation strategy to demonstrate that the proposal will not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development, and the provision of biodiversity net gain, the proposal is considered to be contrary to Policies ESD10 and ESD11 of the Cherwell Local Plan 2011-2031, Part 1 and advice contained in the PPG and NPPF.

Flood Risk and Drainage

- 9.84. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.*'
- 9.85. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.86. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be

used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

Assessment

- 9.87. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.
- 9.88. The application submission has been assessed by OCC as Local Lead Flood Authority who has raised an objection to the proposal. The objection relates to the lack of detail and information submitted with the application.
- 9.89. The submission has also been assessed by the District Council's drainage engineer who has advised that the site will be difficult to develop due to its topography and steep slope and the following must be included in any detailed design:
- The site is very steeply sloping. It is likely that terraces will have to be constructed to create development platforms. These may entail considerable excavation in rock.
 - There is a potential for ground water flow routes to be interrupted which may result in the emergence of springs and high hydrostatic pressures against any retaining walls that have to be constructed.
 - The sloping topography will generate high flow velocities which must be limited to a maximum of 3 m/s. A series of baffles is likely to be needed.
 - The SuDS feature is proposed to be directly adjacent to the sports pavilion. The design top water level must be at least 300mm below the floor level of the pavilion.
 - A safe exceedance route which will not cause risk to the pavilion or other existing development must be shown.
- 9.90. Comments in respect of the submission have also been received from Thames Water who advise that from the information submitted they are unable to determine the Foul water infrastructure needs of the development and has identified an inability of the existing water network infrastructure to accommodate the needs of the development proposal. Thames water have contacted the applicant in an attempt to obtain this information accordingly. Should the issues not be resolved, conditions are recommended to be attached to any planning consent.

Conclusion

- 9.91. To date the applicant has not responded to the LLFA's objection. Although this is an outline application with all matters other than access reserved, the issue of drainage is a material consideration particularly as the applicant seeks to use existing drainage ditches. As such, unless the applicant provides additional information the proposal is considered to conflict with Policies ESD6 and ESD7 of the CLP 2015 and advice contained within the National Planning Policy Framework.

Sustainability

- 9.92. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the adopted Cherwell Local Plan address this.
- 9.93. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaption measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.94. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: *reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions.* Any new development will be expected to consider these and address the energy needs of the development.
- 9.95. Policy ESD3 considers Sustainable Construction and states that '*all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy*'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.
- 9.96. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.
- 9.97. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

Assessment

- 9.98. The application is accompanied by an energy and sustainability report. This report confirms that the development proposed will adopt the following:
- Use of passive solar design for heating and cooling;
 - Use of SuDS drainage;
 - Sustainable and active modes of transport;
 - Electric vehicle charging;
 - Water efficient fittings to reduce water consumption to 110 litres per person per day;
 - Tree lined streets to assist in temperature reduction;
 - Use of recycled and energy efficient materials and locally sourced materials;
 - Maximise natural daylight and ventilation;
 - An all-electric heating strategy.

Conclusion

9.99. The details submitted are considered to comply with the requirements of the policies above in respect of sustainability.

Planning Obligations

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

Assessment

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

9.102. CDC Obligations:

- 30% affordable housing to NDSS and CDC requirements and standards;
- £201,215.74 contribution towards the provision or enhanced facilities at Hanwell Fields;
- £354,997.28 contribution towards outdoor sport provision at Hanwell Fields Recreation Ground and/or North Oxfordshire Community use site;
- £146,950.64 contribution towards indoor sport, - Banbury indoor tennis centre and/or improvements to the leisure centre;
- £17,631.94 contribution for community development worker to help integrate residents into the wider community;
- £7,920.00 contribution towards initiatives to support groups for residents;
- £39,424.00 contribution towards public art within the vicinity;
- £5,000 monitoring fee.

9.103. OCC Obligations:

- £157,948.71 – strategic highway works;
- £284,768 – public transport;
- £1,558 – travel plan monitoring;
- £22,564.10 – public rights of way;
- £1,395,954 – secondary education;
- £139,986 – secondary land contribution;
- £98,715 – special education;
- £16,537 – household waste and recycling centres.

9.104. Other obligations – TBC.

PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those that do not be normally refused unless outweighed by other material consideration.
- 10.2. In respect of this application, it is not considered that the principle of development can be supported being an unallocated site beyond the built-up limits of Banbury and in an inappropriate location threatening coalescence with nearby Hanwell village, contrary to Policies PSD1 and BSC1 of the adopted Cherwell Local Plan and saved Policies C8 and H18 of the adopted Cherwell Local Plan 1996.
- 10.3. In terms of landscape impact, the application has failed to demonstrate through the submission that the proposals would not cause substantial harm to the undeveloped rural character and appearance of the site when viewed from Public Rights of Way in the surrounding countryside and the surrounding area, and in particular from the north and east of the town and Dukes Meadow Drive. As such the proposal is contrary to Policies ESD10, ESD13 and ESD15 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
- 10.4. In terms of flood risk and drainage, the site lies in Flood Zone 1 and is therefore at low risk of flooding. OCC as Local Lead Flood Authority have objected to the proposal on the grounds of lack of detail and information. To date this objection has not been resolved and therefore the proposal is contrary to Policy ESD6 and ESD10 of the CLP 2015 and Government guidance within the National Planning Policy Framework.
- 10.5. In terms of impact upon ecology and habitats, having regard to the concerns raised by BBOWT which have not yet been addressed by the applicant, the Local Planning Authority cannot be satisfied that protected species and habitats will not be harmed by the development and as such the proposal fails to accord with Policy ESD10 of the CLP 2015 and Government guidance contained within the National Planning Policy Framework.
- 10.6. Further to the negative impacts of the development above, in terms of the positive benefits of the proposal, the development would contribute to the Council's Supply of Housing in the short term, would create construction jobs and also support facilities and employment in businesses, shops and services within the district. The proposals would also provide affordable housing for those in need and provide a social benefit in terms of on-site recreation and play facilities which would be expected by policy and also provide a community benefit to existing residents.
- 10.7. It is considered however, that the positive benefits above do not outweigh the significant harm which would be caused by the development and therefore the proposals are considered to be conflict with the development plan and in accordance with the development plan the proposed development is considered to represent unsustainable development which should be refused as set out above.
- 10.8. In terms of planning obligations, a section 106 has not yet been agreed or drafted. A reason for refusal relating to the lack of a completed Section 106 agreement is therefore also recommended.

10. RECOMMENDATION

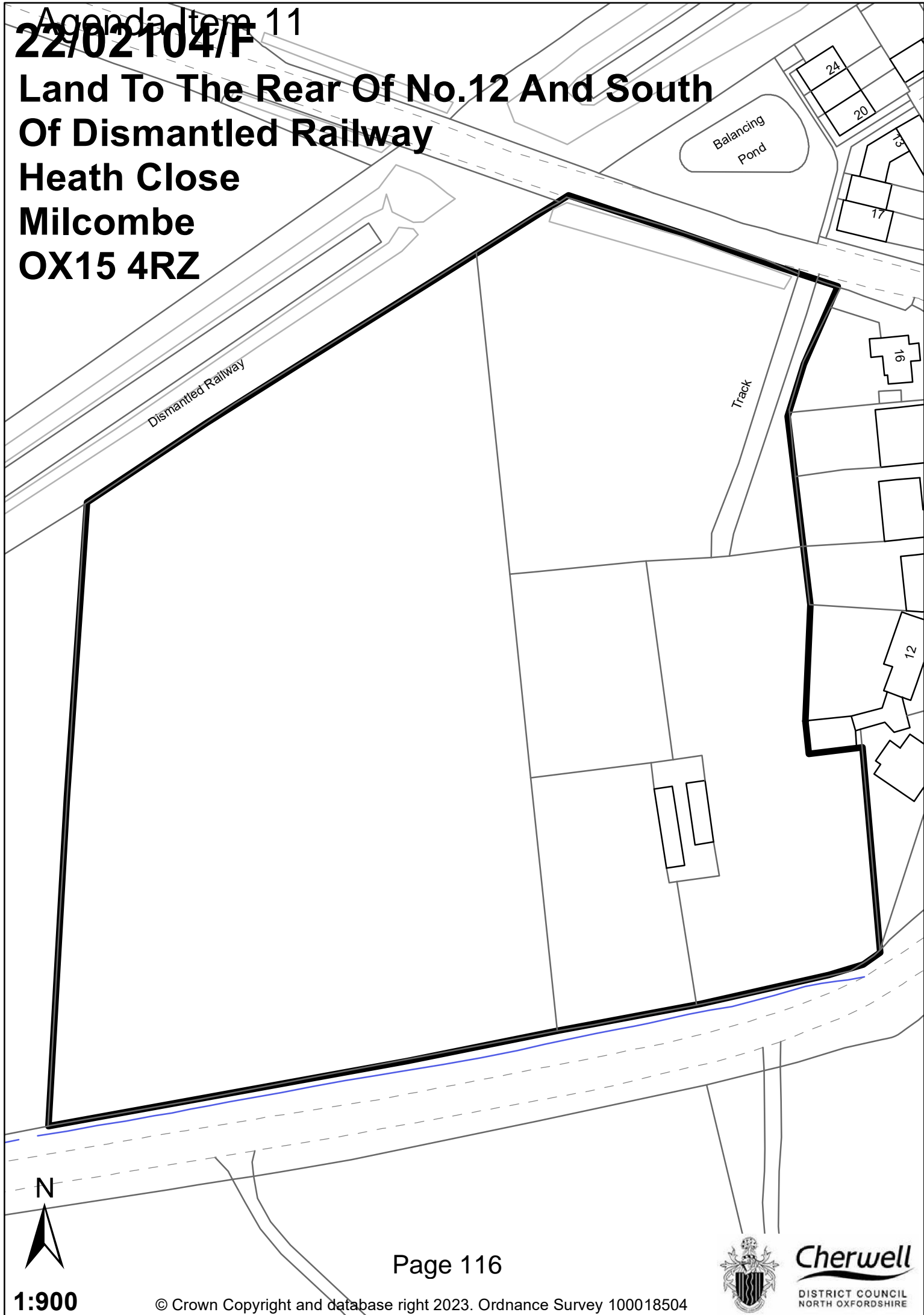
REFUSAL FOR THE REASONS SET OUT BELOW:

1. The site is located in the open countryside between Banbury town and Hanwell village. By reason of its location and proposed scale of development, the proposal would have a poor and incongruous relationship with the existing development, appearing unduly prominent and divorced and threaten coalescence between the two settlements. The development proposed would therefore have an adverse impact on the character and appearance of the area. In addition, the Council is able to demonstrate a 5-year housing land supply and therefore housing strategies in the Development Plan are up to date. Furthermore, the development would constitute residential development in the open countryside beyond the built-up limits of Banbury. The proposal is therefore contrary to Policies PSD1, BSC1, ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C8 and H18 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. The proposal lacks detail and information relating to drainage of the site and is therefore contrary to Oxfordshire County council's published guidance 'Local standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire' and policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
3. The proposal has failed to adequately demonstrate that development would not harm existing flora and fauna and ecological mitigation would successfully deliver a 10% net gain in biodiversity or protection, enhancement and connectivity with the local green infrastructure network. As such the proposal fails to accord with Policies ESD10 and ESD17 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C1 and C2 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework
4. In the absence of a satisfactory unilateral undertaking or other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF 1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the National Planning policy Framework.
5. The application proposal due to the topography and open, elevated position of the site within the landscape, beyond the built-up limits of Banbury and in open countryside would result in an unduly prominent development causing significant visual harm and landscape impact, which will breach Banbury's countryside environmental setting and erode landscape features that define Banbury as a historic market town, contrary to Policies ESD10, ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

Land To The Rear Of No.12 And South Of Dismantled Railway Heath Close Milcombe OX15 4RZ



22/02104/F

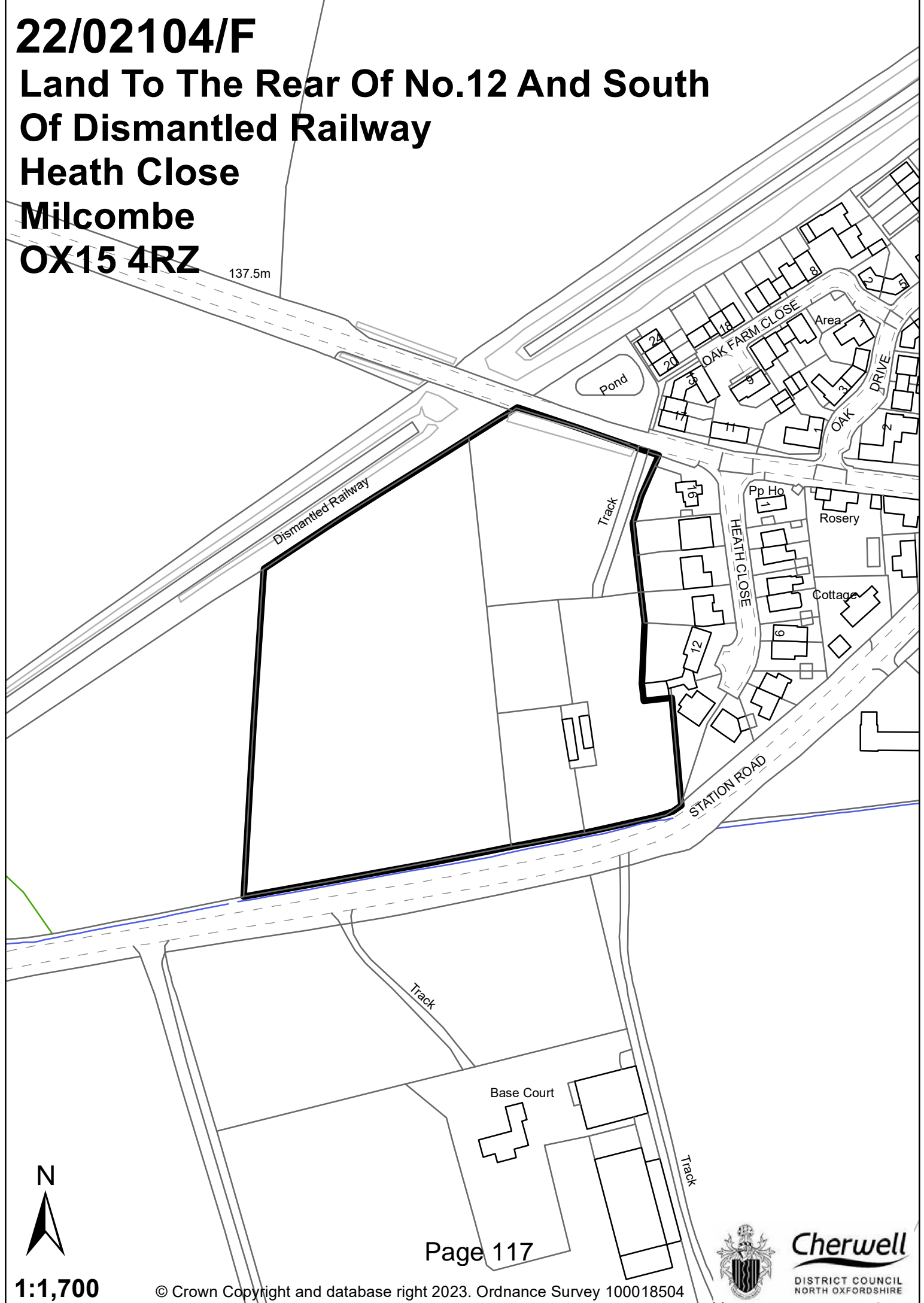
Land To The Rear Of No.12 And South Of Dismantled Railway

Heath Close

Milcombe

OX15 4RZ

137.5m



1:1,700



22/02104/F

**Land To The Rear Of No.12 And South
Of Dismantled Railway**

Heath Close

Milcombe

OX15 4RZ



N



1:1,200

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Nat Stock

Applicant: Stoic Roofing and Construction and Abbeymill Homes

Proposal: Erection of 35 two storey dwelling houses, construction of access off Rye Hill, together with garaging, parking, open space with LAP, landscaping and all enabling works

Ward: Deddington

Councillors: Councillor Andrew McHugh, Councillor Eddie Reeves and Councillor Bryn Williams

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 5 May 2023

Committee Date: 15 June 2023

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

OFFICER UPDATE:

This item was deferred from the February Planning Committee following late comments from the applicants' legal advisor. The challenge raised was that the officer had not considered the application correctly in terms of the Council's housing land supply position and the position adopted in terms of the village allocation.

Following the deferment from the planning committee officers obtained separate legal opinion to review the committee report and the legal challenge raised by the applicant. This committee report has been updated taking into account the counsel opinion for the applicant and the counsel opinion provided to the Council.

In addition, the application proposals have been amended to include a community woodland, which has now been included within the red line boundary plan.

1. APPLICATION SITE AND LOCALITY

1.1. The application site is an area of open pasture on the western edge of the village of Milcombe and is currently used for livestock grazing. In terms of area the site measures approximately 2.2Ha and maintains an existing access driveway off Rye Hill Road to the north of the site. The site maintains strong boundaries on all sides with a mix of existing mature, semi-mature landscaping and rear garden fences to existing properties in Heath Close.

1.2. The boundary to the north is marked by mature trees and the route of the dismantled railway line. The contours along the northern section of the site along the Rye Hill edge rise to allow a bridge over this dismantled railway route. To the south the boundary to the site is marked by semi-mature landscaping along the edge of Main Road leading to Hook Norton.

- 1.3. To the immediate east the site is bound by the existing residential development of Heath Close. This is a small 1960's cul-de-sac of dwellings of a mix of two-storey and single storey bungalows with access directly off Rye Hill.
- 1.4. Within the site the area is essentially open pasture with a few trees and stable buildings. Views into the site are limited from outside the site other than from the rear bedroom windows of those properties which shared a common boundary along Heath Close.

2. CONSTRAINTS

- 2.1. The application site is positioned beyond the existing built-up limits of the village on the western side and therefore is allocated as an area of open countryside. The site in terms of the development area is essentially flat with Rye Hill to the north rising to bridge the route of the dismantled railway line.
- 2.2. Milcombe is a Category A village, and the site is located in a Conservation Target Area as the Swere Valley and Upper Stour.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This proposal seeks planning permission for the development of the site for a new housing estate of 35 two-storey dwellings with associated access, open space, landscaping and infrastructure, and the inclusion of a new community woodland. The proposal would provide a mix of dwellings from detached, semi-detached and terrace form. In terms of size the proposal seeks a mix of dwellings from 2 bedroom through to 5-bedroom accommodation. The density of development at circa 20 dwellings per hectare is relatively low but appropriate for its context given its edge of settlement location. The design and form of the proposed properties are in keeping with the character and plot density of this part of Milcombe.
- 3.2. Access would be maintained off Rye Hill with an improved access junction and a single access road leading through the site. The access road would be framed by properties on both sides and the access will allow for connections with existing pedestrian routes.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

20/03290/PREAPP: proposed residential development of 47 x no dwellings comprising of detached, semi-detached houses and apartments, public open space (POS) around retained central group of trees plus Local Area of Play (LAP), at land r/o12 Heath Close, Milcombe, and south of the Dismantled Railway. The response was negative in that the site proposed a large amount of housing would conflict with the adopted policies in the Local Plan. It is therefore considered that the principle of this development is unacceptable, and that this harm outweighs the lack of a five-year housing land supply and the benefits that the proposal would bring in terms of additional housing including affordable housing.

22/00382/PREAPP: proposed residential development of 18 x 2 storey dwellings (including affordable) with new access garaging parking and landscaping. Overall, it was considered that, given the Council's current housing land supply position, the scale of the proposed development, and that Milcombe benefits from a convenience store in addition to a public house, the conflict with the Council's housing strategy and the impact on the character and appearance of the countryside through the development of greenfield land would, on balance, not outweigh the proposal's benefits. Therefore, a future application for this quantum of development in this location would be considered favourably while the Council's housing land supply position remains as it is.

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 **12 May 2023**, 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:

- Principle of development - Development should be on a brown field site not open green field; loss of green field space; Agricultural land should not be built on; Question the need for this development and additional housing; Site is not within a sustainable location in terms of access to many amenities as suggested by the applicant
- Design/Layout - Question the design of the dwellings to be a mix of stone and red brick; Concerned that the element of affordable housing is not integrated into the overall site but allocated an area within the development; Question the position of the affordable housing close to the boundaries with existing dwellings in Heath Close
- Adverse impact on heritage assets on and surrounding the site
- Development would result in an adverse impact on the local landscape character, entire site is within the area of the Swere and Upper Stour CTA, and the adjacent railway track is an area that is protected under NERC S41.
- Impact on infrastructure - More development in the village which has no services / amenities; schools are at capacity
- Impact on highway safety - Question whether Rye Hill and surrounding area can cope with much more building work and associated heavy vehicle traffic; concern over highway safety due to access point onto Rye Hill and speed of traffic using Rye Hill
- Impact on drainage - Site area known to be marshy and wet with areas of pooling water following heavy rain and drainage of the site is poor; Concern over surface water and foul water drainage throughout the village, development will make this worse
- Adverse impact on local ecology such as Great Crested Newts

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. MILCOMBE PARISH COUNCIL: **Revised Comments: Objection.** Not within the confines of Milcombe. Infrastructure, and it is likely that Milcombe will no longer be a Cat A village. Lack of doctors, dentist, primary school, secondary school places. More risk of flooding. Milcombe has already seen sufficient growth.
- 7.3. **Original Comments: No objection subject to changes.** *location of the LAP unacceptable alongside major road with no hedging to protect it.* Question details of the revised drainage report as site known to be wet, marshy and prone to flooding. Ongoing maintenance of drainage and planting needs to be tied to a legal requirement for this work to be completed, in the form of planning conditions. *Concerned that the development needs to ensure that the nature needs of great crested newts, hedgehogs, bats and birds are taken into consideration.*
- 7.4. Do not agree to use of red brick which is out of character to village as a whole, a lighter coloured brick more in keeping with the surrounding houses in Heath Close and Oak Farm phase 1. Prefer slightly fewer trees planted within the road access areas and tree outside No 32 which should be changed to a parking space. Remove external footpath extending as far as Heath Close. No 34 does not have any access from the back garden for the removal of waste bins, etc. all houses should have rear access to the back gardens.
- 7.5. *Would like to see traffic calming measures to control the speed of traffic coming down Rye Hill. There are the ongoing issues with width of the road between the Horse and Groom pub which is aggravated by the vehicles that park there. Concern regarding additional traffic strain that this development will put on an already overloaded main road through the village.*

OTHER CONSULTEES

- 7.6. OCC HIGHWAYS: **No objection** following amended details and subject to S106 contributions, an obligation to enter into a S278 agreement, planning conditions, and informative.
- 7.7. OCC ARCHAEOLOGY: **Comment.** The site has been subject to an archaeological evaluation; the results of this evaluation will need to be fully recorded through a staged programme of archaeological investigation. LEAD LOCAL FLOOD AUTHORITY (LLFA): **No objection** following receipt of amended details and subject to conditions.
- 7.8. OCC EDUCATION: **No objections** subject to S106 contribution towards primary education and special education needs.
- 7.9. CDC Land Drainage: **No objections.**
- 7.10. THAMES WATER: **No objection** subject to conditions.
- 7.11. ENVIRONMENT AGENCY: **No comments** to make.

- 7.12. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections** subject to conditions.
- 7.13. CDC ARBORICULTURAL OFFICER: **No objection** subject to conditions.
- 7.14. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST (BBOWT): **Objection**. Application does not provide adequate evidence of a net gain in biodiversity and does not provide evidence that it will help achieve the aims of the Conservation Target Area.
- Officer Comment: Following receipt of amended ecology report and a biodiversity enhancement scheme BBOT were reconsulted, but no further comments were received. The comments / objection therefore relates to the initial report and not the additional information.*
- 7.15. CDC ECOLOGY: **Comment**. Following submission of amended information in the form of a Biodiversity Impact Assessment which shows that a net gain for biodiversity on site is possible and this is acceptable. This should form part of a full LEMP showing how the various created and enhanced habitats will be managed ongoing to ensure the conditions proposed are met with finalised landscape plans.
- 7.16. NATURE SPACE: **No objections** subject to conditions.
- 7.17. CRIME PREVENTION DESIGN ADVISOR – THAMES VALLEY POLICE: **Objection**. Request a number of design changes to the site and further information requested.
- 7.18. CDC RECREATION & LEISURE: **No objections** subject to S106.
- 7.19. BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE WEST INTEGRATED CARE BOARD: **No objections** subject to S106 contribution.
- 7.20. CDC STRATEGIC HOUSING OFFICER: **No objection** subject to mix of affordable housing as part of a S106.
- 7.21. CDC LANDSCAPE OFFICER: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix

- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. 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)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Housing and Economic Needs Assessment (December 2022)

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area

- Highway impact
- Residential amenity
- Drainage
- Heritage
- Ecology impact
- Sustainable construction
- S106

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, '*The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area*'.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, '*The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car*'.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Paragraph E.10 of the Plan states, '*Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement*'.
- 9.8. Paragraph E.19 of the Local Plan states, "*If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability*".
- 9.9. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence

base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.

- 9.10. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was reviewed in the HELAA as site reference HELAA184. The accompanying HELAA report confirmed that this site is potentially suitable for residential development if the Council requires additional development land outside the built-up area of Milcombe. The site could accommodate 55 dwellings based on 25 dph on 2.2 ha which takes into account the density of the surrounding developments. The site is well screened when approaching the village from the west due to mature trees and hedges along the dismantled railway line.
- 9.11. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Milcombe is a Category A village.
- 9.12. Policy Villages 2 of the CLP 2015 states, '*A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014*'. This Policy notes, '*Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission*'.
- 9.13. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:
- i. *'Whether the land has been previously developed land or is of less environmental value*;
 - ii. *'Whether significant adverse impact on heritage and wildlife assets could be avoided*;
 - iii. *'Whether development would contribute in enhancing the built environment*;
 - iv. *'Whether best and most versatile agricultural land could be avoided*;
 - v. *'Whether significant adverse landscape and visual impacts could be avoided*;
 - vi. *'Whether satisfactory vehicular and pedestrian access/egress could be provided*;
 - vii. *'Whether the site is well located to services and facilities*;
 - viii. *'Whether necessary infrastructure could be provided*;
 - ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period*;
 - x. *'Whether land the subject of an application for planning permission could be delivered within the next five years*;
 - xi. *'Whether development would have an adverse impact on flood risk*'.

National Planning Policy Framework

- 9.14. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

- 9.15. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.16. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.17. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.18. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 9.19. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 9.20. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).

Housing Land Supply

- 9.21. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are “out of date”. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government’s standard methodology.
- 9.22. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.

Assessment

- 9.23. The Council’s housing supply position of 5.4 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.24. Policy Villages 1 of the CLP 2015 designates Milcombe as a ‘service village’ where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable ‘minor development’, regard will be given to the size of the village and the level of service provision, the site’s context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.
- 9.25. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Milcombe village and therefore within the countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised. The site is bounded by existing residential properties to the east and mature landscaping to the north, south and the route of the dismantled railway with its mature landscaping buffer acting as a significant western boundary.
- 9.26. The assessment in the 2018 HELAA is material albeit of limited weight: The purpose the use of a HELAA is to inform assessments of housing land supply and although that is an important evidence source to inform plan making it does not in itself determine whether a site should be allocated for development; it is the role of the HELAA to provide information on the range of sites which are available to meet need but it is for the development plan to determine which of the sites are the most suitable to meet those needs.

- 9.27. Milcombe is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2).
- 9.28. Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet started.
- 9.29. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,
- “There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”*
- 9.30. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will soon exceed 750 set out in the policy.
- 9.31. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.32. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached.

Policy Villages 2 Criteria

- 9.33. The applicable criteria of Policy Villages 2 are provided at paragraph 9.13 above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.
- 9.34. In this instance, the site is adjacent to a Category A village, which has a convenience store, and a public house. The village is also served by an hourly bus service (Chipping Norton to Banbury). On balance, the site is therefore considered to be within a sustainable location, albeit not as large as other Category A villages such as Bloxham, Hook Norton or Deddington.
- 9.35. It is noted that appeals have been dismissed in relation to sites at the smaller Category A villages: Weston on the Green (APP/C3105/W/16/3158925 and APP/C3105/W/19/3233293), Chesterton (APP/C3105/W/15/3130576), Finmere (APP/C3105/W/17/3169168) and Fringford (APP/C3105/W/18/3204920). In each of the aforesaid cases the Planning Inspectors gave significant weight to the sustainability of the settlement and the appropriateness of growth in these locations

under Policy Villages 2 in coming to their decisions. Milcombe has a similar population to Fringford, Wroxton and Weston on the Green; however, they do have a different service offer to Milcombe. None of these Inspectors undertook a comparative exercise – they weighed the sustainability of the settlement subject of the appeal with which they were dealing. In the same way, officers have not compared Milcombe to other settlements in assessing its sustainability credentials, but instead made an assessment of the settlement in relation to available amenities.

- 9.36. There are benefits of the additional housing including the provision of affordable housing in the area, and the site is relatively visually contained (see later in this report) the creation of a new community woodland, as well as a betterment to the existing residents through improved drainage. Regard is had to the relative size of the development proposed and to the positive conclusions of the 2018 HELAA.

Conclusion

- 9.37. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations. Whilst the application proposes dwellings at Category A village with limited facilities, and is not a main rural or urban centre, Policy Villages 2 consider that these settlements represent sustainable development, subject to complying with the criteria of that policy. In this case, whilst the 750 target of housing in these Category A villages will soon be exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance, and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, the compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

Policy

- 9.38. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.*
- 9.39. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.* The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.40. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

9.41. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

9.42. With regards to this current proposal, it is confirmed that the density of the development is at 20 dwellings per hectare which although lower than the requirements of Policy BSC2 is more a line to the density of the adjoining residential development to the east and hence more in character to the site surroundings.

Assessment

9.43. The layout of the proposal shows a single access road leading into the site with dwellings on either side fronting onto the access road. With the dwellings fronting onto the estate road the development is shown as a perimeter block design which allows for defensible space to the scheme and provide an appropriate layout form.

9.44. Concerns have been raised by the Crime Prevention Officer at Thames Valley Police regarding the design / layout of the site. Key concerns raised include the lack of gates to access routes to the rear / side of dwellings on the site along with the concern that no information is provided in terms of boundary treatment to the dwellings.

9.45. The submitted layout plan does show some gates to the rear access routes and this could be improved with the introduction of gates as the entrance to the few access routes serving the rear of some of the dwellings. In addition, although showing an indication of the boundary lines between the various plots the layout plan does not show the type of boundary treatment to be used in the development. However, this type of detail could be secured by a condition attached to any permission given.

9.46. In terms of house design the development would be all two-storey high dwellings with a mix of detached, semi-detached and terrace form. The proposals would provide an acceptable and high standard of street scene within the site and would follow the height level of the adjoining residential development in Heath Close to the east as well as the relatively new residential development to the north known as Oak Farm Drive.

9.47. With regards to facing materials, ironstone is proposed for parts of the development, namely at the entrance and along parts of the main access road and brick is proposed for the remainder of the development. The distribution is not appropriate, e.g. pepper potting of materials. Several of the dwellings are proposed in split materials, i.e. a mix of stone and brick. The Cherwell Residential Design Guide seeks a greater proportion (60%) of ironstone than is shown here and states that split materials are not acceptable. Again, these changes can be secured by a condition of any permission given.

9.48. The applicant suggests that the brick would be red brick to follow the material, palette used on the new development to the north. The Parish Council has raised concern over this approach commenting that the red brick is not characteristic of Milcombe

other than on the new development opposite this site. The Parish Council would prefer to see a lighter brick along with the ironstone which would reflect the lighter style of materials used in Milcombe. Although it is accepted that red brick is limited in terms of its presence in the village and namely on the new development opposite the use of a pale brick alongside that of the ironstone could prove difficult to achieve in a satisfactory way across the site and local bricks are generally a strong red. Notwithstanding, facing materials would be secured by a condition attached to any permission for this development.

- 9.49. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the 2015 CLP. Under the proposals submitted in October 2022, the layout provides for a LAP at the entrance to the site in addition to the retention of the group of mature trees in the central / eastern edge of the site. Concern on this location for the LAP had been expressed by the Parish Council as well as the Crime Prevention Officer – Thames Valley Police. Both raised a concern that the proposed LAP located at the entrance to the site was too close to a major road and hence a safety concern. As an alternative the Parish Council suggested that the LAP should be located in the central part of the site although this would be a concern to the crime prevention officer in that this would locate the LAP close to new dwellings and hence result in a disturbance to the residents.
- 9.50. Officers agree with the Parish Council and TVP that a central LAP location would be better for the development and although initial concerns had been expressed on the tight nature of the LAP with the internal roads, the applicant has moved plots to allow a larger area in the centre of the site to allow for the LAP to be located as requested by the Parish Council.
- 9.51. The concerns expressed by the Crime Prevention Officer are acknowledged. However, the location of the LAP would be self-policed by the plots fronting onto the area of the LAP and hence reduce the potential for problems to the local residents whose children would benefit from the facility. The additional area of open space to the rear of the mature trees in the central / part of the site would also allow for play space. For these reasons it is considered that the level of open space / play area is in accordance with the adopted policy. In addition to the on-site play areas and open space since the last committee meeting the applicant has included the area of the existing woodland tract as a community woodland which will be publicly accessible and can be placed within the control of the proposed management company for the site. It extends to an area of 0.23ha and whilst it hasn't been previously managed, the applicant is willing to submit a Woodland Management Plan (secured with or without condition) to ensure it is managed to the benefit of both biodiversity as well as the local community. This is a significant area of public space which would enhance the edge of the development as well as allow public access for walks etc beyond the necessary provision for Policy compliance.

HIGHWAYS IMPACT

- 9.52. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*

- c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.53. In addition, paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 9.54. This application seeks to retain an access point off Rye Hill although in a different / improved form via a new priority 'T' junction. Following on from onsite traffic surveys revised visibility splays of 2.4m x 167m would be provided to the left and 2.4m x 48.4m to the right as required on egress from the site and all in line with Manual for Streets (MfS) guidance and the Design Manual for Roads and Bridges. In addition to this and as outlined in the paragraphs above, subject to a Traffic Regulation Order the change in speed limit currently located along the site's frontage would be relocated to the west of the site in order to keep reduced speeds on approach to the village. All of which would help with the highway safety of the development and the revised access arrangements into the site.
- 9.55. Once within the site for the first 152m into the site (from the site access to dwelling 25 and 33) the main access road comprises a 5.5m wide carriageway with 2m wide segregated footways either side. After 152m, the main road provides turning heads for vehicles and access to dwellings 25 and 33. Beyond the main access road, shared surfaces provide access to dwellings 19-24, 34-35, associated car parking and a waste collection point (serves dwelling 19-24). After the first 94m into the site the access to the remaining dwellings would be provided via a junction off the main access road and the access road reduces to 5m but maintains 2m footways. Beyond the access road, the dwellings would be served by shared surfaces providing access.
- 9.56. The traffic statement submitted with the application highlights that the development is expected to generate relatively moderate levels of traffic at peak times and over the course of the day. Clearly the development would generate a greater level of traffic than the current arrangement, which only serves the site as a paddock, the associated stables and the rear access one of the dwellings in Heath Close. Notwithstanding this, in assessing the impact of the development in terms of traffic the transport statement highlights that, once distributed onto the wider highway network, the impact of the estimated development generated trips would be imperceptible.
- 9.57. Overall, officers agree that the residual cumulative impact of the development on the highway network is not considered to be severe in the context of paragraph 111 of the NPPF. This reflects the advice of the Local Highway Authority, which has raised no objections to the scheme from a highway safety point of view following receipt of further information.

RESIDENTIAL AMENITY

- 9.58. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.59. In this particular instance the eastern boundary to the site is marked by the rear gardens of the existing properties in Heath Close. The design of the proposal allows for the new dwellings to back onto these existing properties with new gardens and the separation distances between the new and existing exceed the requirements of the

Cherwell Residential Design Guide. This would ensure that any loss of privacy, loss of outlook and / or light is kept to a minimum.

- 9.60. In terms of within the development itself, the separation distances and plot to plot relationships are generally acceptable. There would be some overlooking of Plot 14 by Plot 6, and some of overlooking from Plots 15 to Plot 30 and in these cases tree planting would be necessary to mitigate the impact. The separation distance between Plots 19-24 and Plots 27-30 is acceptable but in these cases and others permitted development rights would need to be removed in order for future living conditions to be safeguarded. In the case of Plot 25 to Plot 26 the separation distance is substandard and the southern gable end of Plot 26 would need to be blank whereas it currently contains a first floor window. This would need to be addressed through the relocation of the window to the eastern elevation of the gable (which would also provide additional street surveillance).
- 9.61. Given the above, it is considered that subject to amendments potentially secured through conditions of any permission given the development would be made acceptable in terms of residential amenity, both for existing residents neighbouring the site and future occupiers.

DRAINAGE

- 9.62. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of the NPPF states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) *the development is appropriately flood resistant and resilient;*
 - c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) *any residual risk can be safely managed; and*
 - e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
- 9.63. Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) *take account of advice from the lead local flood authority;*
 - b) *have appropriate proposed minimum operational standards;*
 - c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) *where possible, provide multifunctional benefits.*
- 9.64. Turning to the Development Plan, Policy ESD6 of the CLP 2015 essentially replicates national policy in the NPPF with respect to assessing and managing flood risk. In

short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.65. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.66. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. Notwithstanding this, concern has been expressed by the Parish Council and some residents that the site is prone to flooding during periods of heavy rain. In support of this a number of photos of the site with areas of surface water have also been provided. Upon viewing the site following heavy rain officers note that there are areas of the site which become waterlogged, and this is also supported by the Environment Agency mapping showing that the eastern edge of the site is prone to medium flooding from surface water.
- 9.67. In response to this issue the applicant has advised in the flood risk assessment that, providing the levels are set to avoid low-lying areas and an effective drainage system is provided for the proposed development, the flood risk from surface water would be reduced to very low for the entire site area. In extreme storm events, exceeding the design storm event for the surface water drainage system, the site may experience flooding for short periods of time. The site levels would be set to direct water away from the buildings, reducing further the flood risk from surface water.
- 9.68. With regards to the drainage system across the site the applicant has confirmed that the site currently discharges greenfield run-off rates and volumes to the local ditch that runs alongside its south boundary. Therefore, a drainage system can be designed to discharge greenfield run-off rates from the site to the ditch, mimicking existing conditions. The site owner is also the riparian owner and therefore owns the land up to the centre of the ditch. As such, access to the ditch for the proposed works is available and no consent is needed to discharge into the ditch. The SUDS can be used for surface water storage and the development proposals suggest that permeable pavements and swales can be accommodated on site. In response to the concerns raised by objectors that the site and existing rear gardens flood the applicant has confirmed that the drainage strategy would significantly reduce the run-off from the site to the drainage ditch. As such the proposed works would improve the local conditions in comparison to the existing situation. The applicant continues by stating that the proposed drainage system would reduce run-off rates by 63 % for the 1 in 30 year and 73% for the 1 in 100 year compared to the existing greenfield runoff rates. This would reduce flood risk in the local area which has a recorded history of flooding from surface water.
- 9.69. The proposed roads would be adopted and would be designed to adoptable standards and surface water from the roads would discharge to the proposed SUDS. The opportunity of utilising a pond or deep swale on site was assessed and the topography of the site shows that the pond can be located in the south and the proposed site layout shows that the southwest part of the site would be the preferred location. However, preliminary calculation shows that the pond must be 1.5m deep below the lowest invert level. This means that the pond would be excessively deep with steep banks due to the limited available space on site. Therefore, a below ground attenuation tank has been considered instead, while a swale is provided to accommodate overflows during exceedance and located along the western edge of the site close to the route of the dismantled railway line.
- 9.70. Following an initial objection to the scheme from the LLFA, the applicant has revised the drainage details with a detailed drainage strategy within which the applicant has

confirmed that a SuDS scheme would be incorporated into the drainage of the site. This would ensure that the development would not result in any flooding of the site nor any flood risk to adjoining land parcels within the area. The LLFA has considered the revised details and confirmed no objections subject to conditions. For this reason, it is considered that the drainage of the site is acceptable and would result in a betterment to the existing situation.

HERITAGE

- 9.71. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states that in granting planning permission for development which affects a listed building or its setting, 'a Local Planning Authority must 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.
- 9.72. Paragraph 199 of the NPPF directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.73. Although the site is not recorded as being within a Conservation Area nor adjoining a listed building, the County Archaeologist has requested that in accordance with the National Planning Policy Framework (NPPF 2021, paragraph 189), prior to the determination of any planning application for this site the applicant should be responsible for the implementation of an archaeological field evaluation, on the basis of the submitted archaeological desk-based assessment which has outlined the archaeological potential of the site. The site lies in an area of archaeological interest and potential, located within proximity of a deserted medieval village (PRN 10785). Archaeological investigations immediately north of the proposal site recorded medieval settlement evidence (EOX 3129), and a further archaeological evaluation 100m northeast of the proposal site recorded a number of ditches which are likely field boundaries (EOX 6081). This settlement and agricultural activity could likely continue into the development area, and historic mapping has shown that the site has remained undeveloped, suggesting any archaeological remains could survive on the site.
- 9.74. In response to this request the applicant undertook an archaeological field evaluation, which has been submitted to the Council for review. The County Archaeologist is content with the field evaluation, and as a result recommends a number of conditions to be imposed.

ECOLOGY IMPACT

Legislative context

- 9.75. 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.

- 9.76. 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.
- 9.77. 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.
- 9.78. 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.
- 9.79. 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

- 9.80. 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.
- 9.81. 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.

- 9.82. 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.
- 9.83. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.84. 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.
- 9.85. 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.
- 9.86. The Planning Practice Guidance dated 2014 postdates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

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

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.88. This application is supported by a detailed ecology assessment as well as a further Biodiversity Net Gain Assessment together with supporting details and calculations of a net gain in biodiversity across the site. The ecology assessment highlights that the semi-improved grassland of the site is generally species-poor though contains populations of plants such as cuckooflower and field woodrush that are associated with more diverse grassland communities such as lowland meadows. Other habitats include small areas of amenity grassland, ruderal vegetation and planted trees and shrubs, with hawthorn dominated scrub on the north and west edges. An overgrown

hedgerow along the south boundary is also dominated by hawthorn but contains other shrubs at low frequency and a small number of mostly semi-mature ash and oak standards.

- 9.89. The ecology assessment confirms that there was no evidence of bats in the existing stable and garage buildings on the site and had negligible potential to support roosting bats with few potential roosting opportunities due to their flat roofs and the timber construction of the stables. The report also confirmed that no evidence of nesting birds was found in the buildings, but a check for nesting birds will need to be undertaken prior to demolition work commencing and the clearance of any woody vegetation, which should ideally avoid the bird nesting season. In addition to this the report also advised that there was no evidence of badgers was found, and no reptiles and amphibians were recorded. The horse grazed grassland of the site would provide relatively poor terrestrial habitat for reptiles and amphibians, though the adjacent woodland and scrub could support these species. The site is on the boundary of red and amber impact zones for great crested newts identified as part of the South Midlands District Licensing Scheme, which means great crested newts are likely to be present in the area, though there are no records within 500m of the site.
- 9.90. Turning to the Biodiversity Net Gain Assessment, the calculations show that the development would ensure that across the site there would be a net gain in terms of biodiversity. This includes a 11.69% gain in terms of habitat and a 55.34% gain in terms of hedgerow habitat. In considering this information the Council's Ecology Officer has confirmed that the site can provide a net gain in biodiversity which is considered acceptable and should be captured by a condition. Members will note that there is still outstanding objection from Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust; further consultation was carried out following receipt of the amended ecology information, but no further comments were received. It is considered that based upon the confirmation from the Council's own Ecology Officer that the details provided are acceptable ensures 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,

SUSTAINABLE CONSTRUCTION

- 9.91. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Development Plan

- 9.92. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of,

taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

- 9.93. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.94. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*

Assessment

- 9.95. This application is supported by a detailed energy and sustainability report. This report confirms that the development proposed will adopt the following key features:
- Fabric specification improved significantly from Part L 2013 standards in order to achieve the new Part L 2021 requirements;
 - Responsible sourcing of materials and disposal of construction waste;
 - 100% low energy light fittings;
 - Provision of Air Source Heat Pumps to all dwellings;
 - Use of Waste Water Heat Recovery to reduce energy demand and Carbon emissions;
 - The provision of connection points for EV charging points to all parking spaces adjacent to a dwelling;

- Potable water use designed to be 110 litres per person per day, equivalent to Code for Sustainable Homes level 4.

9.96. The details submitted are considered to comply with the requirements of the Policies covering the sustainability features required across new development.

S106

9.97. Paragraph 54 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:*

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

9.98. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the *Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:*

- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

9.99. Policy BSC 3 of the CLP 2015 states, amongst other things that at *Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

9.100. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

9.101. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for 35 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.

9.102. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 12.25 units which would be rounded up to 13 units with a tenure split of 70% rented and 30% intermediate including First Homes provision. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes. The applicant has confirmed that the development would provide the necessary element of affordable housing as required under this Policy, and the submitted plans show 13 units.

9.103. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements and health care contributions necessary for the development as outlined by the comments of the consultees. The County Council have also requested a contribution towards public transport services, as well as entering into a S278 agreement.

9.104. The application is supported by a draft heads of terms of the agreement are likely to include the following:

- Affordable housing;
- Offsite sport (indoor and outdoor) and recreation contributions;
- Community hall contribution;
- Bus service contribution;
- Household waste recycling centre contribution;
- Education contributions.

It is expected that these matters will be negotiated with the LPA during the course of the planning application process.

9.105. Although the draft heads of terms do not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. Notwithstanding this, the applicant has confirmed that they are willing to enter into a S106 agreement to cover the costs of the items outlined in the consultee comments. A commitment to this has been made by the applicant and solicitor details provided to allow for this process to proceed. As such it is considered that in the event that permission was to be approved for this development it would be the subject of an agreed S106 being in place. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan

unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits - Economic

- 10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided these should also be afforded limited positive weight.

Social

- 10.3. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.4. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.
- 10.5. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.
- 10.6. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Environmental

- 10.7. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.8. The proposals commit to the provision of a sustainable construction methods, which should be given positive weight.
- 10.9. The proposed drainage strategy would improve the drainage on the site and have the potential to assist in reducing the issue of water logging rear gardens of properties in Health Close. This would be a positive contribution and weighs in favour of the application.
- 10.10. Whilst Milcombe has limited services, public transport links and employment opportunities, it is defined as a Category A village within the adopted Local Plan and it does have an hourly bus service as well as a village store and is close to Bloxham a much larger Category A village, which should be given positive weight.
- 10.11.

Negative impacts

- 10.12. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.13. The application site is positioned beyond the existing built-up limits of the village on the western side and is an area of countryside. Moderate weight is therefore attached

to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

10.14. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. In this instance, it is clear that the site is relatively well screened by mature and semi-mature landscaping along three boundaries and adjoins the rear gardens of existing residential properties on the fourth boundary. As such the development would have limited impact on the wider landscape and views of / into the village and would not be seen as an isolated development in the open countryside.

Conclusion

10.15. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.16. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 35 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded or will soon exceed 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District.

10.17. Overall, it is considered that the identified harm to the character and appearance of the locality is outweighed by the benefits of the scheme and it is recommended that planning permission is granted.

11. RECOMMENDATION

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

- (a) NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED FOLLOWING THE ARCHAEOLOGY FIELD WORK AND**
- (b) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- (c) 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 CONTRIBUTIONS OUTLINED IN APPENDIX A ATTACHED TO THIS COMMITTEE REPORT.**

CONDITIONS

Time Limit

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 ML PL13, ML PL12, MIL PL52, MIL PL45, 7908 LSP ASP 3 RAev A, MIL PL16, MIL PL15, MIL PL14, MIL PL04, MIL PL05,

MIL PL06, MIL PL08, MIL PL09, MIL PL10, MIL PL03, MIL PL43, MIL PL41, MIL PL17, MIL PL11, MIL PL18, MIL PL19, MIL PL20, MIL PL21, MIL PL22, MIL PL23, MIL PL25, MIL PL27, MIL PL28, MIL PL29, MIL PL30, MIL PL31, MIL PL40, MIL PL51, received 14/07/2022 and amended plans MIL PL42 Rev A, MIL PL44 Rev A, received 02/08/2022 and amended plans 8220308_6201 Rev C, MIL PL50 Rev B, 8220308_62202 Rev C, MIL PL 24 Rev A, 8220308_6103, 8220308_6102 Rev B, received 20/10/2022 and plan MIL PL22 Rev A received 03/11/2022, received 16/01/2023 MIL PL01 Rev A, MIL PL02 Rev P, MIL PL54 REV D and MIL PL55 Rev D received 20/04/2023 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. 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 development shall not be carried out other than in accordance with the approved LEMP.

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

4. No development hereby permitted shall take place other than in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Land West of Heath Close, Milcombe: Impact Plan for great crested newt District Licensing (Version 2)", dated 18th October 2022

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

5. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

6. The approved drainage system shall be implemented in full accordance with the approved Detailed Design prior to the first occupation of any dwelling on the site:

Document: Flood Risk and Drainage Assessment
Ref: 30322
Issue: September 2022
Drawing: Below Ground Drainage Layout Sheet 1
Drawing No: 30322/6001, P05
Drawing: Below Ground Drainage Layout Sheet 2
Drawing No: 30322/6002, P05

Drawing: Exceedance flow plan
Drawing No: SK 6150
Issue: 22/09/2022
Drawing: Below Ground Drainage Details Sheet 1
Drawing no: 30322/6101, P01
Drawing: Below Ground Drainage Details Sheet 2
Drawing no: 30322/6102, P01
Drawing: Below Ground Drainage Details Sheet 3
Drawing no: 30322/6103, P01
All relevant Hydraulic calculations produced via Microdrainage
Date: 22/09/2022
File: SWS 2.MDX

Reason:

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

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

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

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

8. Samples of the tiles/slates (including ridge tiles) to be used in the covering of the roof of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. 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 that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The external walls of the dwelling(s) to be constructed out of stone shall be constructed in weathered ironstone which shall be laid, dressed, coursed and in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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

10. The external walls of the dwellings to be constructed out of brick shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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

11. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings 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 and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking provision for vehicles to be accommodated within the site, including details of the proposed surfacing and drainage of the provision, has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the [buildings/dwellings]. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

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

13. No development shall commence unless and until a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the details approved in the Construction Traffic Management Plan.

Reason: In the interests of highway safety, and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

14. Prior to first occupation of any dwelling hereby approved a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the garage(s) shown on the approved plans shall be retained for the garaging of private motor vehicles and shall not be converted to provide additional living accommodation.

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

16. 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 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.

17. All planting, seeding or turfing comprised in the approved details of landscape strategy plan shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling on the site or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority. 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 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.

18. A schedule of landscape maintenance of the landscape details as shown in the Landscape Schedule for life of the development 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.

19. 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.

20. If a potential risk from contamination is identified as a result of the work carried out under condition 20, 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.

21. If contamination is found by undertaking the work carried out under condition 21 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.

22. 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 22. 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.

23. 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.

24. No development shall commence unless and until a report has been submitted to and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996

25. 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.

26. 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 and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity and highway safety to comply with Government advice in The National Planning Policy Framework 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

27. No development shall take place until the existing tree(s) to be retained have been protected in accordance with an Arboricultural Method Statement which details the protective measures where Root Protection Areas are impacted. A pre-commencement site meeting must be arranged to ensure tree protection has been put in place and regular monitoring will be required to ensure the protection remains in place for the duration of the development for compliance.

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. 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.

INFORMATIVE NOTES

1. The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to offset the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively, the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the

provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

3. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning Obligation		Regulation 122 Assessment	
Detail	Amount	Trigger point	
Public Transport	£39,655	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Health	£34,848.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary - Insufficient Consulting rooms in local GP's to cope with increased population growth as a direct result of the increase in dwellings.</p> <p>Directly related – For use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Community Hall facilities	£40,009.84 – final figure to be agreed.	Prior to the First Occupation of any Dwelling on the Site	<p>Necessary - contribution towards improvements at Milcombe Village Hall, including disabled access, disabled toilets and heating, so the facility can be used by more members of the community</p>

			<p>Directly related – For use of future occupiers by the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>
Outdoor Sport Provision	£70,596.05	Off-site Outdoor Sports Facilities Contribution in the following instalments:- 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p>Necessary - contribution towards the purchase of land in Milcombe for outdoor sports pitches and associated building / equipment or towards the improvement of facilities at Bloxham Recreation Ground.</p> <p>Directly related – For use by future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Indoor Sports Provision	£29,223.14	Off-site Indoor Sports Facilities Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	<p>Necessary - off-site indoor sport contribution towards improvements at Milcombe Village Hall to allow for the provision of indoor sporting opportunities such as badminton and fitness classes.</p> <p>Directly related – For use by future occupiers of the development</p>

			<p>Fairly and reasonably related in scale and kind – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access</p>
Public Realm / Public Art	£7,840.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary - Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. Public art and the quality of the public realm are important considerations in the design and layout of a development.</p> <p>Directly related – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p>Fairly and reasonably related in scale and kind – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and</p>

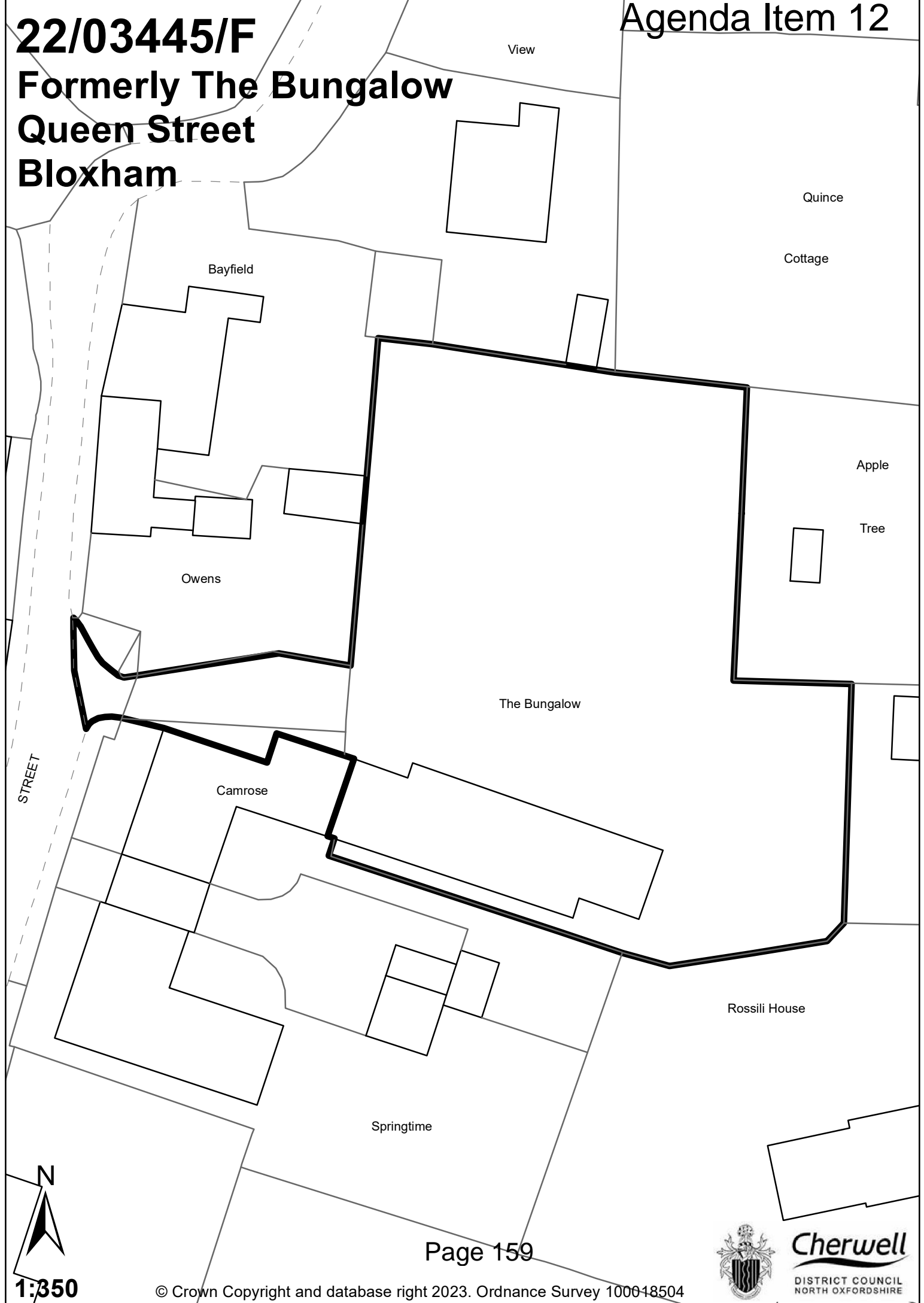
			sculpture can plan an important role in making interesting and exciting places that people enjoy using.
Primary Education	£226,540.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary to provide adequate education provision in Bloxham primary school as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Special Education	£17,948.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary to provide adequate education provision in Bloxham primary school as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Waste Management	£3,289.00	TBC	Necessary The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and

			<p>infrastructure meaning the pressures of new developments are increasingly felt.</p> <p>Directly related. Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
LAP	£36,135.03 or Management company	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – Site based LAP required in accordance with Policy BSC10.</p> <p>Directly related – contribution towards the maintenance of the site-based LAP.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to play and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Affordable Housing	35% with a tenure split of 70% rented and 30% intermediate	Not Occupy or cause or permit the Occupation of more than fifty per cent (50%) of the Market Dwellings until each area comprising the Affordable	Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan

	including 25% First Homes provision.	Housing Site has been offered to a Registered Provider	Directly related – The affordable housing would be provided on-site in conjunction with open market housing Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.
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22/03445/F

**Formerly The Bungalow
Queen Street
Bloxham**

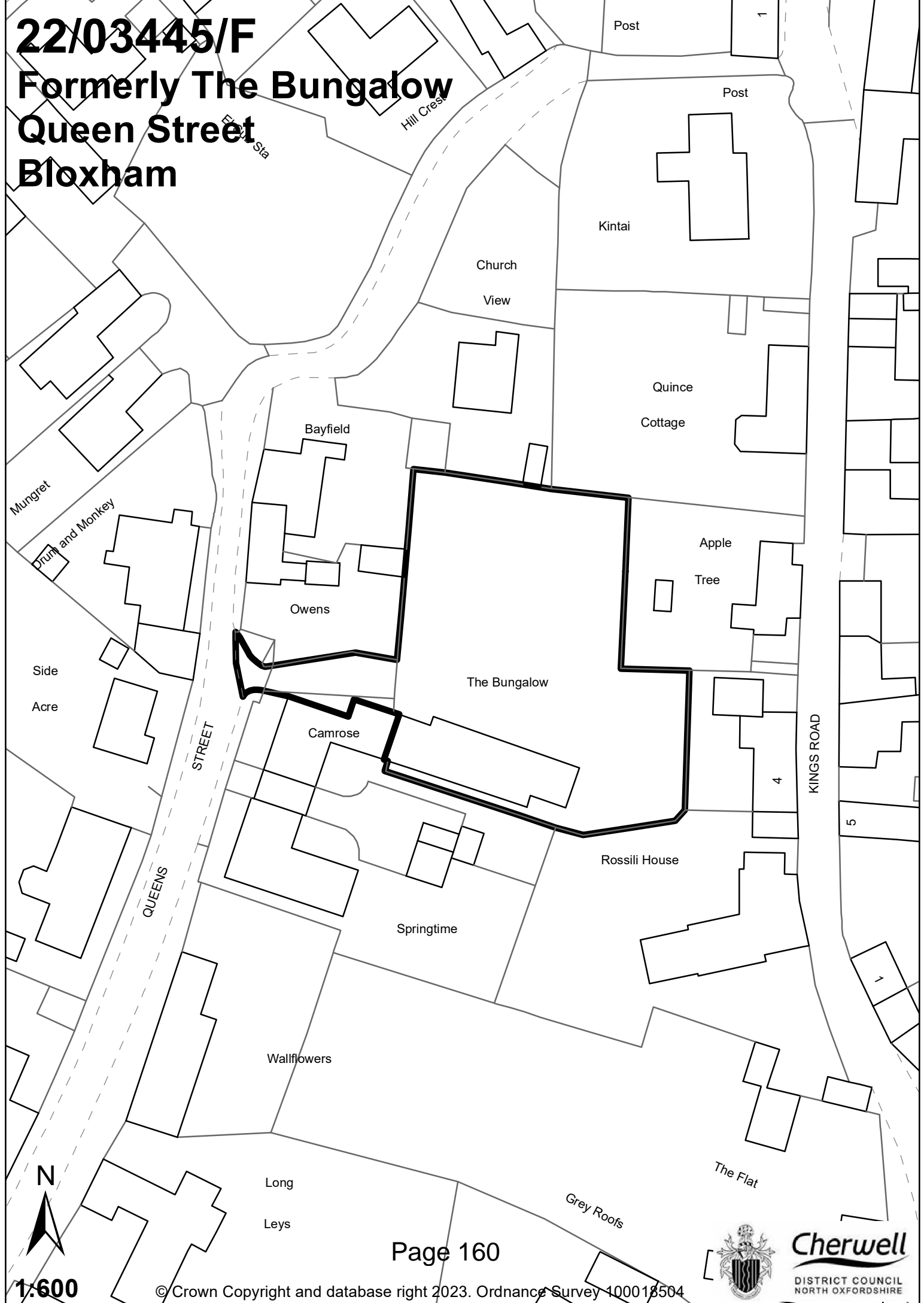


22/03445/F

Formerly The Bungalow

Queen Street

Bloxham



22/03445/F

Formerly The Bungalow
Queen Street
Bloxham



1:400

Case Officer: Nat Stock

Applicant: Mr John Tibbetts

Proposal: Single storey reduced level extension to existing bungalow, with associated landscaping

Ward: Adderbury, Bloxham and Bodicote

Councillors: Councillor Hingley, Councillor Nell, Councillor Pattenden

Reason for Referral: Referred by Assistant Director Planning and Development because of its controversy

Expiry Date: 10 January 2023

Committee Date: 15 June 2023

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an irregular parcel of land set between Queens Street to the west and Kings Road to the east, within Bloxham village. Within the site, adjacent to the southern boundary, is an existing single storey linear dwelling finished in red brick under a slate roof which is known as 'The Bungalow'. The western end of the dwelling is attached to the neighbouring property 'Camrose'. The house is set at a slightly lower level than its garden to the north but other the site is relatively level.
- 1.2. The site is bound by a combination of stone walling and relatively high leylandii hedging, except for the southern boundary which is delineated by fencing and a low brick wall. Access to the site is gained from Queens Street, between the properties known as Owens and Camrose.
- 1.3. The site is surrounded by other dwellings, including Camrose to the south west, Owens and Bayfield to the west, Church View to the north, Quince Cottage to the north east, Apple Tree and Orchard Cottage to the east and Rossili House to the south east. The surrounding land is relatively level.

2. CONSTRAINTS

- 2.1. The following constraints apply to the site:
- 2.2. The site lies within Bloxham Conservation Area;
- 2.3. Orchard Cottage to the east of the site is a Grade II listed building. Further Grade II listed buildings are present on Queen Street and Kings Road;
- 2.4. The site has minor groundwater vulnerability (aquifers);
- 2.5. More than 30% of homes are at or above the Radon Action Level;
- 2.6. The site lies within Bloxham Neighbourhood Plan Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development primarily comprises two single storey extensions to the existing bungalow; a sunken extension to the north and a small extension to the east.
- 3.2. The main extension to the north comprises a central curved element, sunken into the ground by 0.8m relative to the floor level of the existing bungalow (between 1.36m and 2.11m below existing ground level). This part of the extension has expansive glazing to its south west elevation which faces into a sunken courtyard. The walls are finished in ironstone and the roof is laid in dark grey standing seam metal.
- 3.3. To the north west of the curved part of the extension is a triple garage, also sunken relative to the existing ground level and finished with a flat roof laid in grass. Access to the garage is via a sloped grass vehicle ramp. The grass flat roof over the garage extends around the north of the curved part of the extension and over a further sunken projection to the north east housing a WC, utility and store/plant room.
- 3.4. The north extension is connected to the existing bungalow by a linking structure comprising mostly glazed walls with ironstone supports and a standing seam roof. The floor level of the linking structure is the same as the existing bungalow; internal steps and a ramp lead down into the north extension.
- 3.5. The smaller eastern extension continues the linear form of the existing bungalow to form an enlarged bedroom suite. The existing bungalow is proposed to be internally reconfigured to provide sleeping accommodation, with living accommodation provided within the northern extension. It is also proposed to clad the exterior of the existing bungalow (which is brick) in ironstone, reconfigure the roof profile and mount solar panels on the south roof slope of the existing bungalow. The access to the site remains unchanged.
- 3.6. The designs have been amended during the course of the application to reduce the footprint of the northern extension, pulling it further away from the northern and eastern boundaries. The red line boundary has also been reduced around the access.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. **00/02395/F** - Demolition of existing bungalow, construction of 9 No. three and four bedroom houses with associated new access and garaging and requiring the felling of trees, including a flowering cherry, within a Conservation Area – REFUSED and DISMISSED AT APPEAL
- 4.3. The appeal was dismissed for three reasons: harm to the conservation area; harm to the setting of Orchard Cottage and the detrimental impact on the highway.
- 4.4. **10/00551/F** - Construction of replacement dwelling and two new dwellings. Alterations to vehicular accesses to Queens Street and Kings Road, Bloxham. ALLOWED ON APPEAL. The sole reason for refusal related to highway safety.
- 4.5. **12/00087/F** - Variation of condition 14 of 10/00551/F – PERMITTED
- 4.6. **12/01477/F** - Variation of condition 2 of 10/00551/F - Replace approved drawing B4/TE/14 for Plot 2 with drawings E08(BR)-05a and 6b – PERMITTED
- 4.7. **13/00885/F** - Variation of Condition 2 of 10/00551/F - Condition to be varied to replace approved drawing B4/TE/15 for Plot 3 with drawings E08(BR)-07a, 08b and 10a – PERMITTED

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. **22/00882/PREAPP:** This enquiry concerned two proposals, either to extend the existing bungalow or build a new dwelling on the site with the existing bungalow forming an ancillary structure.
- 5.3. Officers advised that whilst the principle of either development would be acceptable it was unlikely either would be supported due to the impact on the Conservation Area.
- 5.4. **22/02164/PREAPP:** This enquiry proposed a sunken extension to the existing property. Officers acknowledged this was a positive change and would result in a much reduced visual impact but noted that the relationship between the extension and surrounding boundary treatments would be key. Due to the lack of detailed plans, Officers were unable to offer a firm view on the acceptability of the scheme.

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 **13 December 2022**, 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:
- 6.3. 23 letters of objection covering the following matters:
 - Harm to the character of the area
 - Harm to the Conservation Area
 - Overdevelopment of the site
 - Development in residential gardens is contrary to the Bloxham Neighbourhood Plan
 - Light pollution from large areas of glass
 - Loss of traditional orchard space
 - Access encroaches on neighbouring property
 - Impact on residential amenity
 - Impact on stability of existing boundary walls
 - Harm to setting of adjacent listed buildings
 - Impact on biodiversity and habitats
 - Impact on neighbours during construction
- 6.4. 1 letter of comment raising the following points

- Incorrect presentation of boundaries
- Impact on biodiversity
- Proposal undermines design intention of original development of the former Bungalow site
- Inappropriate materials
- Impact during construction
- Proposal doesn't comply with neighbourhood plan

6.5. 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 COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BLOXHAM PARISH COUNCIL: **Objection** –

- Proposal materially harms the living conditions of neighbouring residents because it is too close to the boundary line. There will be loss of light and privacy.
- Proposal detracts from the character and appearance of the area because it is not in keeping with the other properties in the street
- Impact on stability of the neighbouring walls along the boundary
- Loss of greenspace.
- Proposal does not contribute to the rural character of the village because it is over development
- Over development of the site and does not retain undeveloped gap which is important in preserving the character of a loss knit settlement structure.
- If the LPA is minded to approve the application a Traffic Management Plan should be provided to mitigate the impact on neighbours during the building work.

OTHER CONSULTEES

7.3. CDC LAND DRAINAGE: Drainage/Flood risk – no comments

7.4. OCC ARCHAEOLOGY: Recommends archaeology investigations are secured by condition.

7.5. OCC HIGHWAYS: No objections – proposal is unlikely to have any detrimental impact on the highway in terms of safety or convenience.

7.6. CDC Environmental Protection:

Noise: No comments

Contaminated Land: No comments

Air Quality: No comments

Odour: No comments

Light: No comments

7.7. CDC BUILDING CONTROL: A Building Regulations application will be required. If building within 3 metres of a public sewer, or within 1 metre of a public lateral drain, you will need to obtain a Build-Over Agreement with the relevant sewerage undertaker.

7.8. CDC CONSERVATION:

7.9. *Significance:* Within a conservation area with a grade II Listed cottage adjacent to the site at the rear. Significance of the site is its location and the contribution it makes to the setting of the Listed Building, Orchard Cottage and the 'Historic Residential' character area of the Bloxham Conservation area.

7.10. *Appraisal:* Site is located in the centre of the historic residential character area in Bloxham. Characteristics of the area include relatively modest dwellings that site adjacent to the road with gardens to the rear.

7.11. Proposed building is not traditional; however, the site is mostly enclosed and as the building is to be sunken the impact and prominence will be reduced. Views to St Mary's Church will be preserved. Design has large amount of glazing which would cause light emissions, but as this is a domestic property, this is not believed to be a reason to resist the proposals. Based on the plans there are concerns that the building will sit higher than the boundary wall and it is suggested that the extension should remain below the height of boundary structures. Concern over whether hedge to east would remain and impact on boundary structures given proximity of proposals. More information on boundary treatments is needed. Concern over scale of proposals, suggest building footprint be reduced. More soft landscaping recommended.

7.12. Overall proposals not considered to harm the significance of nearby listed buildings but some harm may arise to the character of the conservation area.

7.13. *Comments:* May be some harm to the significance of the heritage assets but this could be reduced or mitigated if the building is reduced in size, the landscaping rethought, boundary treatments clarified and the building height confirmed.

7.14. *Conditions:* Materials, levels, landscaping, boundary treatments, doors and windows, control of outbuildings.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the

'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 (Presumption in favour of sustainable development)
- SLE4 (Improved transport and connections)
- BSC2 (Effective use of land and housing density)
- ESD1 (Mitigating and adapting to climate change)
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3 (Sustainable construction)
- ESD5 (Renewable energy)
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10 (Protection and enhancement of biodiversity and the natural environment)
- ESD15 (the character of the built and historic environment)
- Villages 1 (Village Categorisation)

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 (Development proposals affecting a listed building)
- C23 (Retention of features contributing to character or appearance of a conservation area)
- C28 (Layout and Design of new development)
- C30 (Design Control)
- C33 (Protection of important gaps of undeveloped land)

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 Bloxham Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- BL2 – Sustainable housing and size of developments
- BL3 – Connectivity
- BL4 – Parking
- BL5 – Parking
- BL6 – Adaptation to climate change
- BL7 – Flooding
- BL9 – Residential amenity
- BL10 – Conservation Area
- BL11 – Rural Character
- BL12 – Importance of space and key street scenes and views

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Bloxham Conservation Area Appraisal May 2007
- Bloxham Conservation Area Appraisal Draft February 2020
- Cherwell Residential Design Guide SPD

- Home Extensions and Alterations Design Guide
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- 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
- Design, and impact on the character of the area, including heritage assets
- Heritage impact
- Residential amenity
- Highway impact
- Flooding and drainage
- Ecology impact

Principle of Development

9.2. Policy Villages 1 of the Cherwell Local Plan 2015 (‘CLP 2015’) explains that Bloxham is a Category A village where minor development, infilling and conversions are acceptable.

9.3. The site comprises an existing dwelling and its curtilage set within the built-up limits of Bloxham. The proposal is to extend the existing dwelling and as such there is no change of use of the land. Given the general presumption in favour of development within existing settlements, Officers consider the principle of extending the existing dwelling to be acceptable.

Design, and impact on the character of the area, including heritage assets

Policy Context

9.4. Policy ESD15 of the CLP 2015 explains that ‘*Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*’.

9.5. Policy ESD15 also guides new development that affects the historic environment and heritage assets. It requires new development to ‘*conserve, sustain and enhance designated and non-designated heritage assets*’. This includes respecting the traditional pattern of routes, spaces, blocks, plots and enclosures along with the form, scale and massing of buildings. The NPPF explains that heritage assets, including Conservation Areas, are an irreplaceable resource. Paragraph 199 states that ‘*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)*’.

9.6. Saved policy C33 of the Cherwell Local Plan 1996 (‘CLP 1996’) explains that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.

- 9.7. Policy BL10 of the Bloxham Neighbourhood Plan ('NP') requires that proposals with the Conservation Area preserve or enhance the character of the area and take account of the 2007 Conservation Area Appraisal.
- 9.8. Policy BL11 of the NP encourages all development to respect the local character and historic and nature assets of the area. The design and materials chosen should preserve or enhance the rural heritage, landscape and sense of place. In particular new development should relate in scale, massing and layout to neighbouring properties, reflect local distinctiveness and preserve existing areas of open space.
- 9.9. Policy BL12 of the NP notes that development on residential gardens will not usually be permitted.
- 9.10. As the site is within a Conservation Area and is within the setting of a listed building (Orchard Cottage) the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) applies. Section 72(1) 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.*
- 9.11. 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.
- 9.12. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echo this guidance.

Site Context

- 9.13. The application site lies within Bloxham Conservation Area. The Conservation Area Appraisal for Bloxham (2007) ('CAA') identifies the site as lying in the Historic Residential Character Area. The CAA explains that this character area is defined by its winding narrow streets, strong building line and residential land use. The majority of houses are detached and set within their own grounds. Most buildings are two stories high and finished in ironstone.
- 9.14. The CAA (2007) highlights the importance of views from Queen Street over the site towards the Church. The site is not, however, identified as important open space or referenced in the 'trees, hedges, verges, open spaces' section of the CAA (11.7). The draft Conservation Area Appraisal (2020) notes that the northern end of Queens Street retains its character as an edge of rural settlement despite being surrounded by 20th century housing. The draft also highlights the importance of views of the Church spire across the site, as per the 2007 CAA.
- 9.15. The application site occupies a back land position between Queens Street to the west and Kings Road to the east. It is surrounded by residential properties and their gardens with the only connection between the site and the public highway being the narrow drive to the west, leading onto Queen Street. The site is enclosed by a combination of high stone walling, fencing and hedging.

- 9.16. The position and enclosure of the site limits public views into the site with the main view being from the west, up the access drive. From this position the existing entrance gates and stone boundary walling can be seen, along with the roof and gable of the existing bungalow. The Church spire is visible in the background along with the roofs of properties along Kings Road. When the access gates are open a limited view into the site is possible. To the south of the access point are a pair of modern houses designed in the local vernacular whilst to the north is an older ironstone cottage. Further north along Queen Street there is a view south over the site between the properties known as Bayfield and Church View. However, this view is limited by the garage to Church View and existing vegetation.
- 9.17. Due to the position of properties along Kings Road and their boundary walls, there are no public views of the site from Kings Road, though there would be views from the first floor of the properties along the west side of the road. Neighbouring properties on Queen Street also have views into the site from their upper windows.
- 9.18. Within the 2000 planning appeal (00/02395/F) for 9 dwellings the Inspector noted that *'it is clear that this is an undeveloped site; there is no vehicular access to it, and no roofs appear over the surrounding boundary walls and hedges. Its presence as an undeveloped space adds to the distinctive texture of the village'*.
- 9.19. This context has changed to moderate degree with the construction of The Bungalow and its associated access, however when considering the application for The Bungalow (10/00551/F) the Case Officer noted that the property would not appear as developing the site and the Inspector considering the appeal for that application did not raise any concerns on this point.
- 9.20. To the east of the site is Orchard Cottage, a grade II listed dwelling finished in ironstone rubble under a thatched roof fronting Kings Road.

Assessment

- 9.21. Though it is an independent dwelling, the existing bungalow, by virtue of its single storey scale and brick finish, appears as a modest outbuilding associated with Camrose which fronts the highway. It is also inconspicuous in the street scene given it is set back from the highway and presents a short gable elevation to the road. As a result of these features, the case officer for the original planning application for the bungalow noted that the bungalow would not appear as overdevelopment of the site.
- 9.22. The proposed extensions to the bungalow represent substantial additions. The existing property has a footprint of approximately 193 sq m whilst the proposed extensions have a footprint of approximately 375 sq m. The total site area, excluding the access, is 1,475 sq m. This means that at present 13% of the site is covered in buildings and the proposal would increase that to 38%.
- 9.23. To mitigate concern expressed by Officers at pre-application stage over the potential for harm to the Conservation Area the majority of the north extension is proposed to be sunk into the ground with the intention that it sits lower than the surrounding boundary treatments and therefore would not be visible from the public realm.
- 9.24. Relative to existing ground levels the main part of the extension would be between 1.27m and 2.1m below the existing ground levels on site. The existing boundary treatments around the property vary in height but are generally around 2m in height (except for the leylandii hedge). Based on the cross sections provided by the Architect, the extension would sit below the height of the northern boundary wall and fence and would not therefore be visible from the public realm or private gardens. It would be visible from first floor windows.

- 9.25. Compared to the western boundary wall, the garage would be substantially below the height of the wall but the ridge of the curved part of the extension just exceeds the top of the northern part of this wall. However, at this point the main extension is set into the site therefore any view of the ridge would be very slight, if possible at all from the public realm.
- 9.26. The western boundary wall falls gently towards the site entrance potentially exposing more the proposed extension roof however at the same time the extension curves away from the western boundary. Queen Street sits at a slightly lower level than the application site meaning that views towards the site are angled slightly upward. This reduces visibility into the site, however it may still be possible to glimpse parts of the roof of the extension. Despite being lower than the main extension, by virtue of its alignment with the site entrance the most visible part of the extension would be the linking structure connecting it to the existing bungalow, particularly when the entrance gates are open.
- 9.27. From the south there are no public views into the site, with the existing bungalow effectively screening the new extension. Similarly, from the east, the existing properties along Kings Road screen the site from the public realm and the cross sections indicate that the main extension would not exceed the height of the existing boundary fence, though the smaller eastern extension would be visible from neighbouring gardens.
- 9.28. The CAA identifies that the view across the site from Queen Street towards the Church spire is important to the Conservation Area. Given the sunken design of the main extension, Officers are satisfied that these views would be retained and would be unaffected by the proposals.
- 9.29. Considerable concern has been expressed by residents over the proposal and its impact on the Conservation Area. Officers agree that the scheme represents a significant redevelopment of the site and that this is a sensitive site within the Conservation Area given its size, position and previous uses. The site is not, though, subject to any specific designation within the Conservation Area, it is not identified as important open space and none of the trees or vegetation are marked as being important. There is also no public access to the site and, as described above, very limited views into the site are available from public viewpoints. It appears widely accepted that the land was previously an orchard; however, it is now a maintained private residential garden. In Officers' view, aside from the views afforded of the Church the value of the site to the Conservation Area centres on the separation it provides between buildings which gives a lower density feel to the locality. It is also apparent that residents value the verdant nature of the site.
- 9.30. The sunken nature of the proposed northern extension would largely maintain the open character of the site when viewed from Queen Street. Whilst Officers acknowledge that small parts of the roof may be visible, the dark grey finish of the roof covering, combined with the minimal amount that would be visible, would ensure the building does not catch the eye. The extensive glazing proposed on the curved part of the main extension would not be visible from the highway. The linking structure would be more visible as discussed above, but this would be seen in the context of the existing bungalow and Officers do not consider this would be harmful to the character of the area.
- 9.31. Officers acknowledge that a significant proportion of the garden would be built on and the Bloxham Neighbourhood Plan resists developing gardens (policy BL12). However, it remains that the majority would not be covered by buildings and the extension would be well screened from the public realm. In the absence of visual

harm, Officers do not consider it would be reasonable to recommend refusal on this policy conflict.

- 9.32. It is indicated that new landscaping would be included as part of the scheme, including individual trees and hedges within and around the site. Landscaping cannot be relied upon to make an unacceptable scheme acceptable but can help to soften the impact of new development. Officers consider that landscaping of the site would help to maintain the verdant character of the site prized by residents; however, the submitted landscaping scheme has not been updated following amendments to the scheme and lacks sufficient detail. As such, a landscaping scheme and maintenance plan are recommended to be required by planning condition.
- 9.33. Concern has been raised over light spillage from the new glazing. There is potential for light spillage from the glazing; however, the overhang of the roof would limit upward light spillage. Given the area is residential and there is sporadic street lighting on Queen Street and Kings Road, Officers do not consider the degree of light spillage would be harmful. External lighting could have a more significant effect and therefore a condition requiring details of all external lighting is recommended.
- 9.34. Turning to the design of the main extension, the use of a curved form, standing seam roof covering, extensive glazing and grass roof combine to give the scheme a contemporary appearance. This contrasts with the surrounding vernacular properties; however, there is no particular requirement that new development must be vernacular, only that it must be sensitive to the local character of the area.
- 9.35. In this regard the single storey nature of the extension is considered appropriate given two storey properties typically front the highway and lower ancillary structures are generally set to the rear. This ensures the general pattern of development in the area is maintained.
- 9.36. The curved form of the extension is not a typical feature of the area but would be well screened from the public realm and therefore wouldn't be harmful to the character of the area. Similarly, the extensive glazing is mostly screened and the grass roof wouldn't be visible. The standing seam roof would be glimpsed from Queen Street, particularly in views up the driveway, and this is not a material seen elsewhere in the locality. The smooth finish and uniform seams contrast with the texture of traditional slate or tile roofs; however, the colour is similar to a slate roof. As such, whilst the material would not be to everyone's taste, Officers consider the material complements the traditional materials in the locality when used in a more secluded site such as this. The use of ironstone for the walls provides a clear link with the traditional properties in the area. Conditions are, however, recommended to secure material samples and details to ensure the final materials are suitable for the area.
- 9.37. With regard to the reprofiling of the existing bungalow roof, the ridge would increase in height by 150mm and the roof would continue to be finished in slate. As such officers do not consider this would harm the character of the area. Whilst the roof would be asymmetrical this would not be apparent from the public realm. The addition of solar panels to the roof is a significant addition, but as these are on the southern roof slope, the existing properties to the south (Camrose and Springtime) screen views from the public realm.
- 9.38. Turning to the smaller eastern extension, this continues the linear form of the existing bungalow and is well screened from the public realm. As such, and given it utilises the existing form of the bungalow, Officers do not consider this element would result in any harm to the character or appearance of the area.

- 9.39. Recladding the existing bungalow in ironstone slightly changes the subservient relationship between the property and Camrose but, given the material is common in the Conservation Area and is seen on other outbuildings, Officers do not consider this change to be harmful.
- 9.40. There would be significant amounts of excavation required to construct the extensions and some of the excavations would be in close proximity of boundary walls that make a contribution to the character and appearance of the Conservation Area. In order to ensure the walls are protected during construction Officers consider it is proportionate to impose a condition requiring details how the walls would be protected.
- 9.41. With regard to the impact of the proposals on the setting of nearby listed buildings, Officers consider the only building that may be affected is Orchard Cottage. There are other listed buildings in the vicinity; however, given the separation distances and intervening built form, these are not considered to be affected. In respect of Orchard Cottage, Officers consider the residential setting of the building, its relationship with other properties on Kings Road and the spaces around the property all contribute to its significance as an example of traditional buildings in the area.
- 9.42. Given the low form of the proposed extensions and the continued residential land use of the site, Officers do not consider that the significance of Orchard Cottage would be harmed by the proposals.

Conclusion

- 9.43. The proposal is an unusual scheme on a sensitive site. That said, Officers are of the view that the sunken nature of the proposed building maintains the important views of the Church and avoids the site appearing overdeveloped when viewed from the public realm. Subject to conditions relating to materials, lighting, landscaping and protection of the existing boundary walls, Officers do not consider the scheme would harm the character and appearance of the Conservation Area or the harm the significance of the adjacent listed building.

Residential Amenity

Policy Context

- 9.44. Policy ESD15 of the CLP 2015 requires new development to deliver '*high quality safe, attractive, durable and healthy places to live and work in*' and to '*Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*'.
- 9.45. Paragraph 185 of the NPPF requires development to be appropriate to its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 9.46. Policy BL9 of the NP requires that proposals ensure the living conditions of neighbouring residents are not materially harmed, amongst other amenity considerations.

Assessment

- 9.47. The site comprises an existing dwelling and its curtilage. The proposal would not change the residential use of the site but would involve the addition of two extensions onto the site. The site is surrounded by residential properties and their gardens.

- 9.48. The larger northern extension is mostly sunken into the ground (the exception is the linking structure) and as such Officers do not consider the physical form of the building would be overbearing on any neighbouring resident or result in any loss of light.
- 9.49. In respect of privacy, as the proposal is mostly sunken and is only a single storey, the proposed windows would not give rise to any unacceptable loss of privacy for neighbouring residents. Any intervisibility between the proposed windows and existing properties is little different to any existing ground level views from the garden of the bungalow.
- 9.50. In respect of the reprofiling of the roof to the existing bungalow, the small increase in ridge height (150mm) is considered not to adversely affect the amenities of Camrose, particularly as it is to the north of that property. Similarly, by virtue of the scale of the eastern extension and its relationship with surrounding properties, Officers do not consider this would unacceptably harm the amenities of any existing residents.
- 9.51. Significant concern has been raised by residents over the impact of the construction of the extensions. These concerns are understandable, particularly given the extent of excavations that will be necessary; however, the application could not be refused on this issue. Instead, it is recommended a Construction Management Plan is required by planning condition to control, amongst other matters, the hours of work and measures to control dust emissions.

Conclusion

- 9.52. Officers are satisfied that the proposed extensions will not adversely affect the amenities of any neighbouring residents however it is recommended that a condition be imposed to secure a Construction Management Plan to control the impact of the construction phase on nearby residents.

Highway Impact

Policy Context

- 9.53. Saved policy TR7 of the CLP 1996 resists development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads. Paragraph 111 of the NPPF notes that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.
- 9.54. Policy BL6 of the NP requires dwellings with three or more bedrooms to have at least two parking spaces on plot in addition to 0.5 visitor spaces per dwelling. Garages should be well related to the properties and be sized to accommodate modern cars. Policy BL5 resists proposals that reduce off street parking to existing dwellings unless sufficient parking is retained.

Assessment

- 9.55. The site comprises an existing two bedroom dwelling with a single garage and generous driveway with sufficient space for several cars. Though the proposed development would significantly enlarge the existing property, it would remain a single dwelling and only gain one bedroom. No changes to the existing access are proposed however the existing driveway would be reconfigured and a new triple garage built.
- 9.56. OCC Highways have not objected to the scheme advising that it is unlikely to have a detrimental impact on the highway. Given the number of dwellings on the site would

not change and the scheme includes ample parking, Officers have no reason to disagree with OCC Highway's position.

- 9.57. It is, however, noted that the existing access is narrow, and Queen Street is also a narrow road with limited on street parking. In this context the construction phase of the proposed extension has the potential to cause significant disruption to the public highway. This is not a reason the application could be refused; all construction activities involve a degree of disruption. However, it is necessary for this to be carefully managed. Officers therefore consider it reasonable to require details of contractor parking, delivery arrangements, road sweeping and vehicle cleaning measures as part of the Construction Management Plan to be required by planning condition, as explained above.
- 9.58. Officers also note that concern has been raised by a member of the public over previous changes made to the highway in connection with the original construction of the bungalow. This matter is not considered relevant to the current application as no changes are proposed or required to the site access as part of this planning application.

Conclusion

- 9.59. The proposed development is considered unlikely to have a significant detrimental impact on the highway and therefore no objection to the scheme is raised on highway grounds. It is however necessary to control the impacts of the construction phase on Queen Street by requiring relevant information through a Construction Management Plan condition.

Ecology Impact

Legislative context

- 9.60. 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.
- 9.61. 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.
- 9.62. 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.
- 9.63. 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.

9.64. 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

9.65. Paragraph 174 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.

9.66. Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.67. Paragraph 185 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.

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

9.69. 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.

9.70. The Planning Practice Guidance on Protected Species and Development states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

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

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

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an ‘extended phase 1 survey’), which is useful for assessing whether a species-specific survey is needed, in cases where it’s not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren’t affected at each stage (this is known as a ‘condition survey’)

9.72. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a well-managed, closely mown lawn with fencing, stone walls and established conifer hedges to the boundaries. There are several trees within the site that would be removed and the existing roof to the bungalow would be replaced. The existing roof is however modern and contains no obvious crevices for bats to occupy whilst the trees are modest fruit trees and conifers.

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

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposal is considered acceptable in principle and though it represents a significant extension to the existing building this has not been found to cause harm to the character, appearance and significance of the Conservation Area or the nearby listed building, subject to recommended planning conditions. There are no residential amenity concerns, highway safety issues or ecological constraints. As such the proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission is recommended to be granted.

11. RECOMMENDATION

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

CONDITIONS

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

5349/MAP A – OS Map

5349/01 – Survey Drawing Site Plan

5349/02 – Survey Drawing Floor Plans

5349/03 – Survey Drawing Elevations

5349/20P – Scheme Drawing Proposed Plans

5349/21J – Scheme Drawing Proposed Site Plan

5349/22H – Scheme Drawing Proposed Elevations

5349/23/A – Scheme Drawing Proposed Elevations

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers and in the interests of local highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. 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;
 - 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.

4. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. Following the approval of the Written Scheme of Investigation referred to in condition 4, 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 (2021).

6. Full details of the construction and planting of the green roof on the extension, together with details of the maintenance programme that ensures the delivery and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the buildings above slab level. The green roofs shall be constructed in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason: To ensure the delivery of green infrastructure and biodiversity gain in accordance with Government guidance contained within the National Planning Policy Framework.

7. A schedule of materials and finishes to be used in the external walls, windows, doors and roof of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to safeguard the character and appearance of the area and 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.

8. No development shall commence above slab level until a stone sample panel (minimum 1 metre squared in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, where indicated on the approved drawings the external walls of the dwellings, garages (where applicable) and the boundary walls shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter. The sample panel shall be constructed in a position

that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets 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.

9. 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.

(d) details of all new and existing boundary treatments, including their height and materials.

Such details shall be provided prior to the development progressing above ground floor slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority.

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

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

10. 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 extension 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 Policy ESD15 of the Cherwell Local Plan 2011 – 2031

Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. 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 and operated in accordance with the approved scheme at all times thereafter.

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 and Government advice in The National Planning Policy Framework.

12. Prior to any excavations on site a method statement explained how the existing stone boundary walls will be protected from damage during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved scheme at all times.

Reason: To safeguard the preservation and retention of the existing historic boundary walls to comply with Saved Policy C23 of the Cherwell Local Plan 1996 and Government guidance contained within the Section 16 of the National Planning Policy Framework.

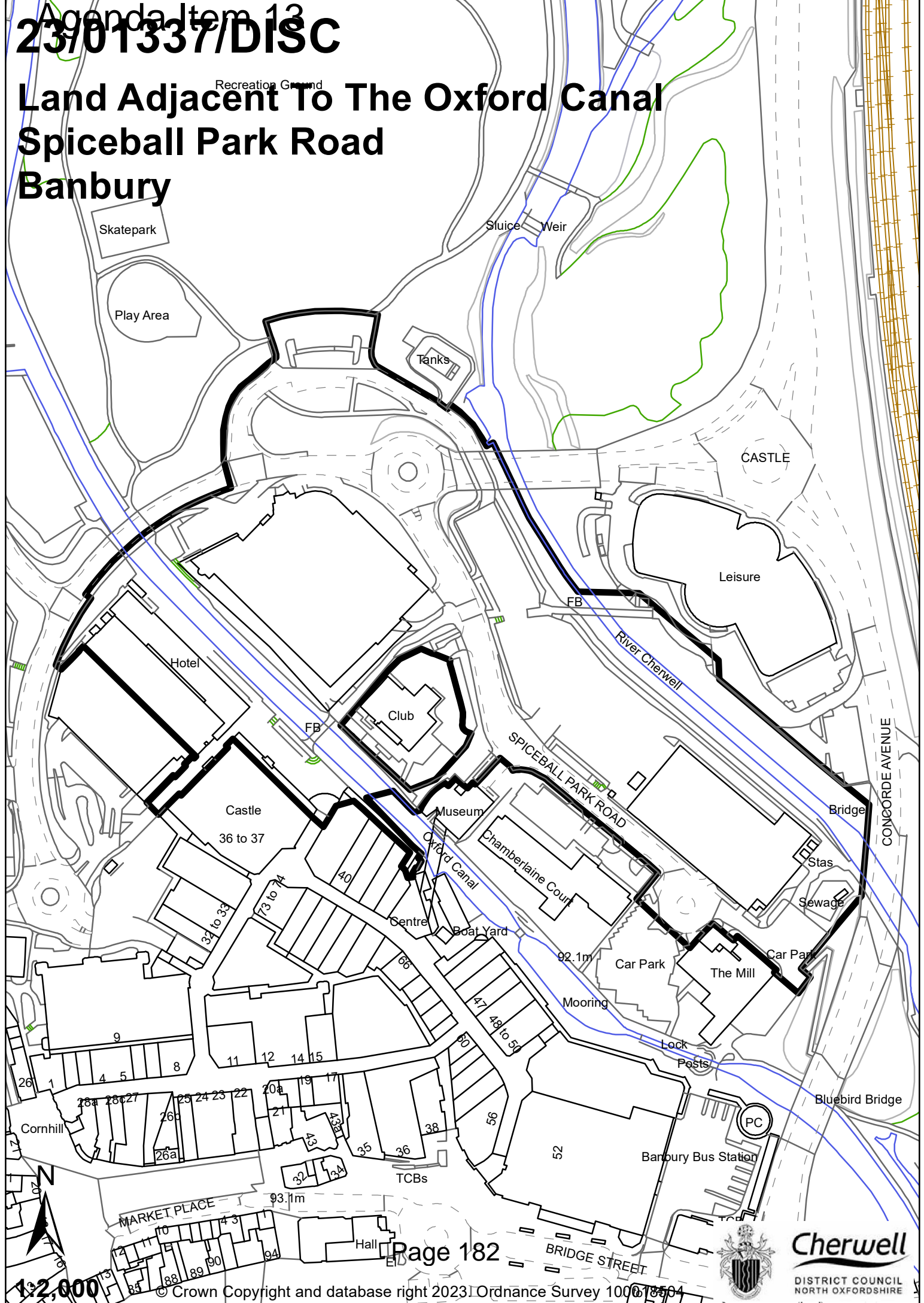
INFORMATIVE

1. The applicant is reminded of their responsibilities in respect of protected species and that the granting of planning permission does not discharge those responsibilities.

CASE OFFICER: Nat Stock

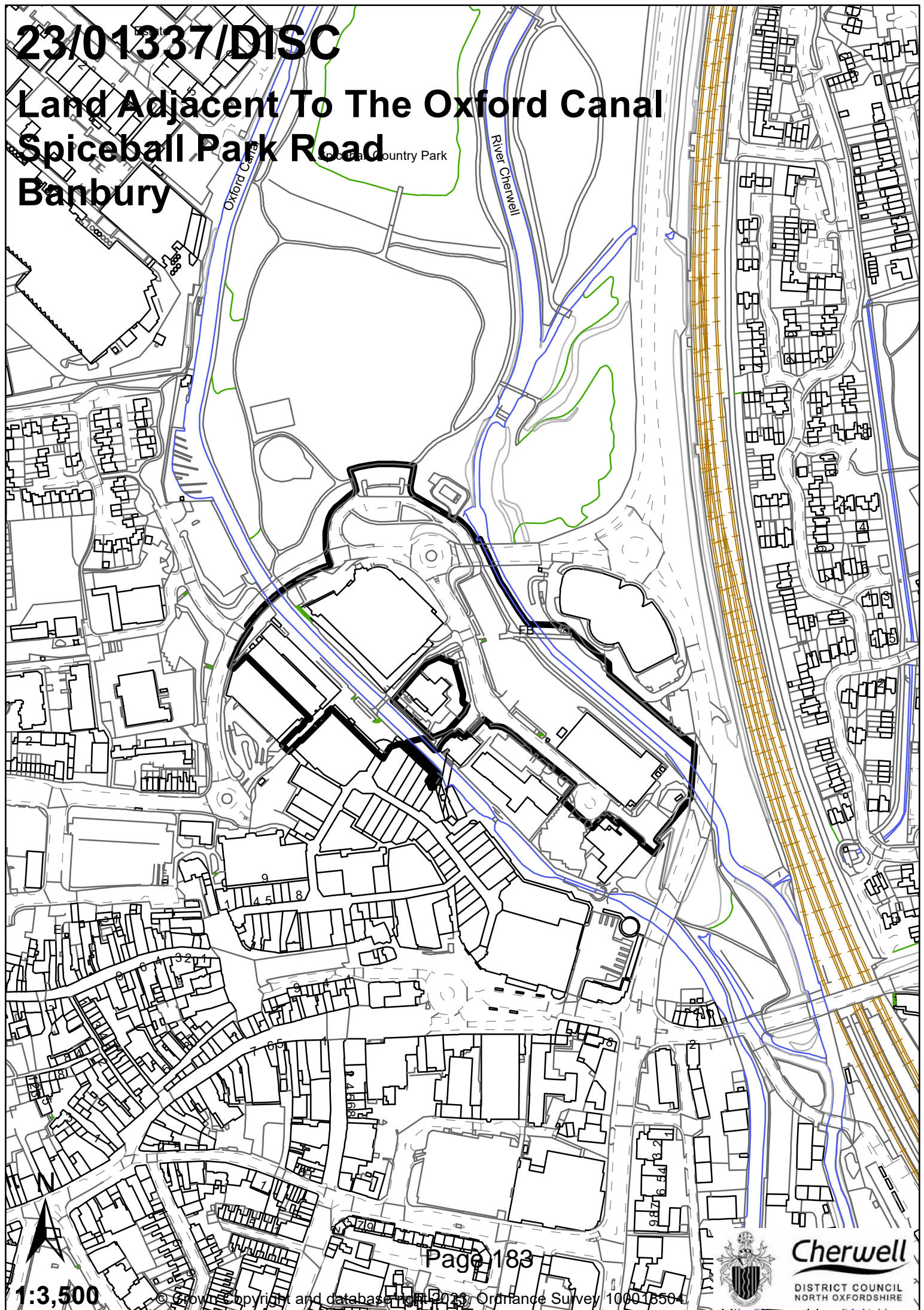
Agenda Item 13 23/01337/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



23/01337/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



23/01337/DISC

Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury



1:2,500

Case Officer: Andy Bateson

Applicant: Cherwell District Council

Proposal: Discharge of Condition 7 (Landscape Management Plan) of 17/00284/REM at Castle Quay 2, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury

Ward: Banbury Cross And Neithrop

Councillors: Cllr Becky Clarke, Cllr Matt Hodgson, Cllr Dr Chukwudi Okeke

Reason for Referral: Application affects Council's own land, and the Council is the applicant

Expiry Date: 12 July 2023

Committee Date: 15 June 2023

**RECOMMENDATION: DELEGATE AUTHORITY TO THE ASSISTANT DIRECTOR
PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO
CONDITIONS & EXPIRY OF THE PUBLICITY PERIOD WITH CONSULTÉES**

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site comprises the Castle Quay 2 development area, which extends from the Block A Premier Inn hotel at the west end, beyond the canal and around the Block B cinema, restaurants, leisure complex and its multi-storey car park, extending south along Spiceball Park Road and around the Block C Lidl supermarket and multi-storey car park at the east end of the site, adjacent the River Cherwell and all south of Cherwell Drive.
- 1.2. The application site lies within Banbury's designated Town Centre and the Oxford Canal Conservation Area.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. The application seeks to retrospectively discharge condition 7 (Landscape Management Plan) of 17/00284/REM for the whole of the Castle Quay 2 development area.



Figure 1 - Banbury Castle Quay 2 Illustrative Landscape Masterplan

3. RELEVANT PLANNING HISTORY

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

13/01601/OUT

Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

16/02366/OUT

Removal/Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block; and Condition 9 to be removed, as no longer justified. Approved.

17/00284/REM

Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved.

21/00921/DISC

Discharge of condition 3 (external lighting), 7 (Landscape Management Plan), 10 (Flood Management Plan) and 12 (shopping trolley parking) of 17/00284/REM. Partially Approved, but excluding Condition 7 (Landscape Management Plan), which was not approved.

22/01915/DISC

Discharge of Condition 7 (Landscape Management Plan) of 17/00284/REM. Application Withdrawn.

4. RESPONSE TO PUBLICITY

- 4.1. Public consultation was not carried out in respect to this application because there is not a requirement to consult on this application type. No comments have been raised by third parties.

5. RESPONSE TO CONSULTATION

- 5.1. 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.

CDC LANDSCAPE OFFICER

- 5.2. Previously raised objection to the proposed discharge of Condition 7 in respect to earlier applications 21/00921/DISC and 22/01915/DISC on the basis that the Landscape Management Plan (LMP) needed the following amendments to be made before the condition could be discharged:

- The LMP must cover hard as well as soft landscaping features. This should include graffiti removal, skateboarding damage, paving, step and handrail repairs, chewing gum removal and jet wash cleaning of surfaces. An obligation to replace like for like paving rather than jarring macadam infill where utilities require maintenance and repairs within modular unit paved areas. Colour matching of materials is important;
- Pest control must be mentioned, and regulations complied with. There may be rats and wasps nests in and around the planting areas that should be eradicated as soon as they are discovered by the contractor;
- Consider irrigation system maintenance for the watering of plants especially climbers at the base of walls (rain shadow areas);
- References to the appropriate and current British Standards and current legislation;
- All risings, not just 'Excessive' arising's to be removed from the site in respect of tree works and landscape maintenance;
- I would expect the Legal responsibilities of the parties, the landscape contractor and management company should be addressed under the Management Company Structure, with the appropriate insurances, along with the stated compliance with health and safety law and the implementation of landscape-related risk assessments are essential; and
- Not only should the soft landscape works be risk assessed but also the hard landscape rectification works (temporary footpath closures, directional signage, etc).

The LMP has subsequently been amended in this latest application submission to reflect the criticisms previously raised and now includes management of all hard as well as soft landscape features, references pest control measures, irrigation maintenance, BS standards, all risings and legal responsibilities.

The response of CDC's Landscape Officer to this updated LMP was still awaited at the time of drafting this Committee report and will be updated, if and when available. The deadline for comment expires on 21 June 2023.

6. APPRAISAL

- 6.1. Condition 7 of application 17/00284/REM requires submission of acceptable details in respect to a Landscape Management Plan prior to first occupation of the approved Castle Quay 2 development.

- 6.2. However, as Block A – the hotel, Block B – the cinema and leisure complex and Block C – the retail store and their respective car parks are all now complete and occupied, such occupation is presently in contravention of this condition. The proposed discharge of Condition 7 is therefore retrospective and is necessary to achieve legal compliance.
- 6.3. Earlier submissions of a LMP for Castle Quay 2, as referenced under applications 21/00921/DISC and 22/01915/DISC were deemed unacceptable for the reasons specified above in paragraph 5.2 of this report.
- 6.4. The modifications included in this Rev 01 submission appear to address all the matters raised by the Council’s Landscape Officer in his criticism of the original submissions and therefore appear acceptable for discharge of the condition. However, confirmation of acceptance has been sought from the Landscape Officer and at the time of writing was still awaited. The consultation period expires on 21 June 2023.

7. RECOMMENDATION

- 7.1. Subject to expiry of the consultee publicity period with no new material objection, that **delegated authority be given to the Assistant Director for Planning & Development to grant planning permission for the discharge of Condition 7 (Landscape Management Plan) of 17/00284/REM** for the whole of the Castle Quay 2 development in accordance with the ‘Landscape Maintenance & Management Plan’ prepared by Gillespies, Ref: P21450-00-001-0500 Rev 01, dated 6th April 2023.

Case Officer: Andy Bateson

Cherwell District Council

Planning Committee

15 June 2023

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public.

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

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

2.0 Introduction

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

3.0 Report Details

New Appeals

- 3.1 **22/02403/F – 19 Fairford Way, Bicester, Oxon, OX26 4YG.**

RETROSPECTIVE - Change of Use from amenity land to domestic garden and erection of fence along the boundary line adjacent to footpath.

Officers Recommendation: Refusal.

Method of Determination: Written Representation.

Start Date: 18.05.2023.

Appeal Reference: 23/00073/REF

- 3.2 **22/02969/F – Attock Ho., Church Lane, Horton-Cum-Studley, Oxford, OX33 1AW**

Ground floor extension to the rear with a green roof and roof light.

Officers Recommendation: Refusal.

Method of Determination: Written Representation (Fast Track)

Start Date: 18. 05.2023.

Appeal Reference: 23/00074/REF

New Enforcement Appeals

None

Appeals in Progress

3.3 20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of newbuildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021.

Appeal reference: 21/00037/REF

3.4 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations, and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of newbuildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021.

Appeal reference: 21/00036/REF

3.5 22/00173/CLUP – 15 Arccott Road, Piddington, OX25 1PS

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation: Refused (Delegated)

Method of determination: Written Representations

Start Date: 05.05.2022.

Appeal reference: 22/00023/REF

3.6 21/00078/ENF – Cherwell Concrete – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers, and storage tanks.

Officers Recommendation: Enforcement Notice

Method of Determination: Written Representation

Start Date: 09.002.2023.

Appeal Reference Number: 23/00061/ENF

3.7 21/00078/ENF – Mr & Mrs Murphy – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers and storage tanks.

Officers Recommendation: Enforcement Notice
Method of Determination: Written Representation
Start Date: 09.02.2023.
Appeal Reference Number: 23/00060/ENF

3.8 21/01630/OUT – Firethorne Development Ltd – Land at Northwest Bicester, Home Farm, Lower Farm and SGR2 Caversfield.

Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination.

Officer Recommendation: Refusal.
Method of determination: Inquiry.
Start Date: 16.02.2023.
Appeal Reference Number: 23/00062/NON

3.9 21/03066/OUT – Land North of Banbury Road, Finmere, MK18 4BW

OUTLINE application for up to 30 Dwellings and detailed access from Banbury Road, with all other matters reserved.

Officers Recommendations: Refusal (Committee)
Method of Determination: Hearing.
Start Date: 09/03/2023.
Appeal Reference: 23/00065/REF

3.10 22/01354/OUT – 6 Goldsmith Close, Bicester, Oxon, OX26 2XT

OUTLINE application - Proposed new single dwelling to side garden of the existing property (Resubmission of 21/01041/OUT)

Officers Recommendation: Refusal (Delegated).
Method of Determination: Written Representation.
Start Date: 13/03/2023.
Appeal Reference: 23/00066/REF

3.11 22/01772/PIP – Land to Rear of Bridge House, Wendlebury, Oxon, OX25 2PW.

Residential development of 2-3 dwellings.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation
Start Date: 13/03/2023.
Appeal reference: 23/00067/REF

3.12 **22/01645/OUT – Part of OS Parcel 01621, Fulwell Road, Finmere, MK18 4AS**

Outline application for the erection of 5 dwellings with all matters reserved except for the principal means of access to Fulwell Road.

Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 27.03.2023.
Appeal Reference: 23/00068/REF

3.13 **22/01696/LB – Rectory Farmhouse, Back Lane, Epwell, Banbury, OX15 6LG**

Insertion of a dormer window to roof of existing lean-to extension to rear of listed farmhouse.

Officers Recommendation: Refusal
Method of Determination: Written Representation.
Start Date: 20.04.2023.
Appeal Reference: 23/00070/REF

3.14 **22/02133/F – 18 Fairford Way, Bicester, OX26 4YG**

RETROSPECTIVE – Replacement of 7FT high, 5FT wide conifer hedge with 3 fence panels with concrete posts.

Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 26.04.2023.
Appeal Reference: 23/0007/REF.

Forthcoming Public Inquiries & Hearings between 18 May 2023 - 15 June 2023

3.15 **21/01630/OUT – Firethorne Development Ltd - Land at Northwest Bicester Home Farm, Lower Farm and SGR2 Caversfield.**

Outline planning application for up to 530 residential dwellings (within Use Class C3) open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination.

Officer Recommendation: Refusal (Committee).
Method of determination: Inquiry.
Start Date: 16.02.2023.
Appeal Reference Number: 23/00062/NON.
Date of Inquiry: 06.06.2023 - 16.06.2023 (10 Day).

3.16 **21/03066/OUT – Land North of Banbury Road, Finmere, MK18 4BW**

OUTLINE application for up to 30 Dwellings and detailed access from Banbury Road, with all other matters reserved.

Officers Recommendations: Refusal (Committee)

Method of Determination: Hearing.

Start Date: 09/03/2023.

Appeal Reference Number: 23/00065/REF

Date of Hearing: 14.06.2023.

Appeal Results

3.17 **20/01122/F – The Planning Inspector dismissed the appeal by Mr Patrick Foster for a Material Change of Use of land to use as a residential caravan site for 12no gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant at OS Parcel 9635 Northeast of HM Bullington Prison Widnell Lane, Piddington**

Method of determination: Hearing

Hearing Date: Tuesday 22nd November 2022

Hearing Venue: River Cherwell Meeting Room, Bodicote House

Start Date: 08.10.2021

Appeal reference: 21/00033/REF

The appeal site is a site which has a history of applications and appeals relating to the proposed development.

The Council lost the argument on the matter of whether the proposals could be mitigated in terms of the character of the countryside as it was felt that neighbouring land (within the appellant's ownership) could be utilised to mitigate the impacts. The Inspector also dealt with a recent Court case on the definition of the Gypsy and Traveller communities and raised concerns about the Council's Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2017 (GTAA). The Inspector concluded that there was a likely increase in the need for pitches across the district, particularly with the closure of some sites (e.g., Newlands Caravan Park and the Station site in Banbury). Further work will therefore be needed soon to address the matters raised on need to provide robust evidence for future applications and appeals.

The appeal follows a similar appeal dismissal on neighbouring land which was also dismissed on matters relating to protected species. The information submitted with the appeal was generally considered out of date and more recent evidence presented by the appellant was not specific to the site or the proposals. On Flood Risk the Inspector noted and agreed with the submissions of the LLFA which was different to the position previously held on neighbouring sites.

The Inspector concluded that matters relating to protected species and flood risk were matters which outweighed the modest benefits of the proposals and dismissed the appeal. The Local Planning Authority also applied for costs and whilst the Inspector noted the concerns raised, he did not consider that the behaviour of the appellant merited an award of costs in this instance.

3.18 **21/03190/F - The Inspector dismissed the appeal by Sharon Haddy and Mandy Borton for the erection of a dwelling, detached garage, widening of vehicular access and all associated works at Land North of Camp Road, East of Holly Trees and 1 Jalna Lodge, Upper Heyford**

Method of determination: Written representation

Start Date: 21.06.2022

Appeal Reference: 22/00034/NON

The Inspector identified the main issues as whether the site is a suitable location for development with regard to the Council's spatial strategy for the area, and the effect of the proposal on the significance of the Rousham Conservation Area and setting of the Upper Heyford Conservation Area.

The Inspector found that the site was not within the built-up limits of the village, although the proposal would not result in a new isolated home in the countryside given that it would be located on the edge of Upper Heyford village and within walking distance of Heyford Park, providing access to a range of local facilities and services. The site is also in very close proximity to a bus stop on Camp Road providing services to Bicester, thus supporting local services and helping to enhance and maintain the vitality of the rural communities. However, the Inspector had no substantive evidence of an essential need for the proposed dwelling, and it would therefore be contrary to the Council's spatial strategy and conflict with saved Policy H18 of the CLP 1996 and Policy ESD 1 of the CLP 2015.

With regards to the Conservation Areas, the Inspector found that the site in its current undeveloped form makes a positive contribution to both the Rousham Conservation Area and the Upper Heyford Conservation Area. The site is beyond the edge of a settlement and despite not being farmed, it has an open and rural character which adds to the significance of both Conservation Areas. The dwelling, domestic curtilage and boundary treatments would be prominent, and would encroach into the open countryside setting of the village and would not relate to the historic linear pattern of the settlement, harming the significance of the Rousham Conservation Area and the setting, and significance, of the Upper Heyford Conservation Area. The harm would be less than substantial. The public benefits arising from the scheme were deemed to be modest and did not outweigh the harm identified.

3.19 **22/01908/TEL56 – The Inspector allowed the appeal by CK Hutchison Networks (UK) Ltd for the Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets at Street Record, Lucerne Avenue, Bicester.**

Officer Recommendation: Refusal

Method of Determination: Written Representation

Start Date: 13.02.2023

Appeal Reference Number: 23/00059/REF

The Inspector identified the main issues being the effect of the proposed mast on living conditions at nearby properties with particular regards to matters of outlook and visual impact.

On visiting the site, the inspector found that the boundary hedge is about 6m tall, and quite broad and dense. The nearby trees are of varying heights, with some, a good deal taller, although spaced with gaps between in some cases. All were in full leaf, and although this would be different in winter, the inspector found that even then, the hedge

in particular would be likely to continue to provide a considerable amount of screening, due to its breadth and density.

Although the mast proposed would be taller than either the hedge or the trees, it was found that the screening would still be highly effective in relation to many potential viewpoints, and especially those closest to the site itself. In addition, as well as providing screening, the inspector saw that the vegetation has the effect of creating a clear visual and physical separation between the housing areas and the roadside environment of Lords Lane. This sense of separation is further reinforced by the design and layout of the dwellings, with the main focus being directed inwards towards the shared, enclosed spaces of the access ways, rather than beyond.

In summarising, the Inspector concluded that the effect of the mast would be neither unduly imposing or overbearing and that living conditions would thus materially be unharmed. In addition, that the development would comply with the relevant development plan policies and advance the NPPFs aims for the expansion of advanced telecommunications networks in the national interest.

3.20 21/02573/F – The Inspector Dismissed the appeal by GG Oxford Investment Ltd for the proposed Demolition of existing building and erection of building to form 48 no apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure at Waverley House, Queens Avenue, Bicester, OX26 2PY.

Officer Recommendation: Refusal
Method of Determination: Hearing
Hearing Date: 18th April 2023
Hearing Venue: John Paul II Centre, Bicester
Start Date: 24.01.2023.
Appeal Reference: 23/00054/REF

Following the withdrawal of two reasons for refusal (one relating to drainage, the other relating to planning obligations), the appeal dealt with the three remaining reasons for refusal which were:

(i) the effect of the proposed development on the character and appearance of the area, having particular regard to the setting of the adjacent Locally Listed Building and the Bicester Conservation Area.

(ii) whether the demolition and loss of the Locally Listed Building on the site would be acceptable and its impact on the setting of the adjacent Locally Listed Building and the Bicester Conservation Area; and

(iii) whether the proposed development would make appropriate provision for off-street visitor parking in the interest of highway safety.

The Inspector upheld the majority of Council's objections to the scheme, as set out in these reasons for refusal. He concluded that:

- The proposal would have a harmful effect on the character and appearance of the area, including the setting of the adjacent Locally Listed Building at the Police House and the Bicester Conservation Area.
- The proposal would have an unacceptable impact on highways safety and would lead to on-street parking.

Disappointingly, the Inspector attributed a low degree of harm to the loss of this Non-Designated Heritage Asset, and accepted the appellant's argument that, due to viability constraints (at the time he made his decision), there is no reasonable prospect of this building being converted. The Inspector also reached a view that an additional third storey (the current building is two storeys) being introduced to a development on this site "*would not necessarily be harmful in principle*".

The Appellants had lodged an application for costs against the Council which case officers rebutted. The Inspector refused the appellants costs application.

The Council's Five Year Housing Land Supply position was also discussed at the appeal. The Inspector concluded, in paragraph 64 of his decision letter, that the Council is able to demonstrate a Five Year Housing Land Supply.

Overall, the Inspector found there to be insufficient public benefit arising from this proposal to offset the identified harm that the scheme would bring.

4.0 Conclusion and Reasons for Recommendations

The report provides the current position on planning appeals which Members are invited to note.

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

None. The report is presented for information.

7.0 Implications

7.1 Financial and Resource Implications

There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:

Kelly Wheeler-Finance Business Partner, 01295 221570

Kelly.wheeler@cherwell-dc.gov.uk

7.2 Legal Implications

As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Shahin Ismail, Interim Deputy Monitoring Officer – shahin.ismail@cherwell-dc.gov.uk

7.3 Risk Implications

This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:
Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556
Celia.Prado-Teeling@Cherwell-dc.gov.uk

7.3 **Equality & Diversity Implications**

This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:
Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556
Celia.Prado-Teeling@Cherwell-dc.gov.uk

8.0 **Decision Information**

Key Decision:

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Various, depending on appeal.

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Dan Sames, Portfolio Holder for Planning & Development

Document Information

Appendix Number and Title

None

Background papers

None

Report Author and contact details.

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