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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 6 June 2024

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor Barry Wood (Chairman)

Councillor Rebecca Biegel
Councillor John Broad
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Andrew McHugh
Councillor Rob Parkinson
Councillor Les Sibley

Councillor Amanda Watkins (Vice-Chairman)

Councillor Chris Brant
Councillor Becky Clarke MBE
Councillor Grace Conway-Murray
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Substitutes

Councillor Phil Chapman
Councillor Andrew Crichton
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor Dorothy Walker
Councillor Douglas Webb

Councillor Nick Cotter
Councillor Harry Knight
Councillor Lynne Parsons
Councillor Edward Fraser Reeves
Councillor Linda Ward
Councillor John Willett

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 - 59)

To confirm as correct records the Minutes of the meetings of the Committee held on 21 March 2024 and 22 May 2024.

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. **OS Parcel 4347 East Of Pipal Cottage, Oxford Road, Kidlington** (Pages 62 - 132) **23/01233/OUT**
9. **Land South of Bloxham Road, Bloxham Road, Milcombe** (Pages 133 - 158) **23/01144/OUT**
10. **Land West of Church Ley Field Adjacent to Blackthorn Road, Ambrosden** (Pages 159 - 227) **23/03071/OUT**
11. **Land North of Manor Farm, Noke** (Pages 228 - 249) **22/01682/F**
12. **Land North and Adjacent to Mill Lane, Stratton Audley** (Pages 250 - 275) **22/03873/F**
13. **Gosford Hill School, Oxford Road, Kidlington, OX5 2NT** (Pages 276 - 309) **24/00070/F**
14. **242 Broughton Road, Banbury, OX16 9QL** (Pages 310 - 318) **24/00246/F**
15. **Cherwell District Council, Lock29, Castle Quay, Banbury, OX16 5UN** (Pages 319 - 325) **24/00600/CDC**

Review and Monitoring Reports

16. Appeals Progress Report (Pages 326 - 343)

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

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The meeting will be recorded by the council for live and/or subsequent broadcast on the

council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber or joining virtually, you are consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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Queries Regarding this Agenda

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

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 29 May 2024

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 21 March 2024 at 4.00 pm

Present:

Councillor George Reynolds (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 Julian Nedelcu
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Amanda Watkins
Councillor Barry Wood

Substitute Members:

Councillor Douglas Webb (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)

Officers:

Paul Seckington, Head of Development Management
Andy Bateson, Team Leader - North Area Major Developments
Nat Stock, Team Leader - North Area General Developments
Linda Griffiths, Principal Planning Officer
Katherine Daniels, Principal Planning Officer
Imogen Hopkin, Senior Planning Officer
Michael Sackey, Senior Planning Officer
Karen Jordan, Deputy Principal Solicitor
Matt Swinford, Democratic and Elections Officer
Natasha Clark, Governance and Elections Manager

Declarations of Interest

9. OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry 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.

11. Laurels Farm Dark Lane Wroxton OX15 6QQ.

Councillor Douglas Webb, Declaration, as he leased land from the applicant and was an acquaintance of the tenant of the land and would leave the meeting for the duration of the item after speaking as Ward Member on the item.

12. Grange Farm Chapel Lane Balscote OX15 6JN.

Councillor Douglas Webb, Declaration, as he leased land from the applicant and was an acquaintance of the tenant of the land and would leave the meeting for the duration of the item after speaking as Ward Member on the item.

13. Land Adjacent To The Old Manor House 7 The Green Shutford OX15 6PJ.

Councillor George Reynolds, Other Registerable Interest, as a Member of Shutford Parish Council and advised that they would not participate in the debate of the item and abstain from the vote.

14. DCS Group UK Ltd Oceans House Noral Way Banbury OX16 2AA.

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.

16. Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester.

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

17. Unit 14 Expeditionary Road Ambrosden Bicester OX25 2EJ.

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester 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 Nigel Simpson, 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 Simon Holland, Other Registerable Interest, as a Non-Executive Director of Graven Hill Village Development Company Limited.

Councillor Simon Holland, Other Registerable Interest, as a Non-Executive Director of Graven Hill Village Holdings Limited.

18. Development Brief for Local Plan Partial Review site PR8 - Land East of the A44.

Councillor Fiona Mawson, Other Registerable Interest, as a member of Yarnton Parish Council.

113 **Requests to Address the Meeting**

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

114 **Minutes**

The Minutes of the meeting held on 15 February 2024 were agreed as a correct record and signed by the Chairman.

115 **Chairman's Announcements**

The Chairman made the following announcement:

1. 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.
2. Advised members of the public attending the meeting that only registered speakers may address the Committee and requested that they did not cause a disturbance.

116 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

118 **OS Parcel 9195 North Of Claydon Road Cropredy**

The Committee considered application 23/00977/OUT, an outline planning application (except for access) for a residential development of up to 60 dwellings (Use Class C3) including a community facility, new vehicular and pedestrian access off Claydon Road, public open space and associated landscaping, earthworks, parking, engineering works and infrastructure at OS Parcel 9195 North of Claydon Road Cropredy for Obsidian Strategic Asset Management Ltd.

Bob Garland, on behalf of Cropredy Parish Council, and Martin Barber, on behalf of Keep Cropredy Rural Residents Group, addressed the Committee in objection to the application.

Steven Sensecall, on behalf of the agent for the applicant, Carter Jonas, and Dr Tom Holyoake, from Cropredy Doctors Surgery, addressed the Committee in support of the application.

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

Resolved

That, in line with the officer's recommendation, application 23/00977/OUT be delegated to the Assistant Director for Planning and Development to approve subject to the conditions set out below (and any amendments to those conditions as deemed necessary) and the completion of a planning obligation under Section 106 of the town and country planning act 1990, as substituted by the Planning and compensation act 1991, necessary mitigation as set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary).

It was further resolved that if the Section 106 agreement/undertaking was not completed by 5 April 2024 and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, the Assistant for Planning and Development be 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 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 Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

Conditions

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters)

have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

TBC

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

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

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy

ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to the submission of any reserved matters and 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 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.

7. If contamination is found by undertaking the work carried out under condition 6, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

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.

10. No development shall commence unless and until a specialist acoustic consultants report that demonstrates that the World Health Organisations guideline noise value for outdoor areas of 50 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common has been submitted to and approved in writing by the Local Planning Authority. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. The acoustic barriers shall be installed prior to the first occupation of the affected dwellings and the first use of the common areas in full accordance with the approved details and shall be retained as such thereafter.

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 and Government guidance contained within the National Planning Policy Framework.

11. No development shall commence unless and until a detailed air quality impact assessment to identify the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with a proposal for abatement

measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: In the interests of residential 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.

12. No development approved by this planning permission shall commence until such a time as a scheme to protect land at risk of flooding as shown in the approved Flood Risk Assessment reference 016_8210439_SM_Flood_Risk_Assessment, Issue 5, dated 16 August 2023, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Details of hard and soft landscaping schemes
- Details of existing and proposed ground levels

The scheme shall demonstrate that flood risk will not increase and shall be fully implemented and subsequently maintained as approved for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and prevent flooding elsewhere.

13. No development shall commence unless and 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 implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall include:

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

- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of the development, 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 satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

15. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

16. No development shall commence unless and until full details of the means of access between the land and the adjacent plot, including, position, layout, construction, drainage have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

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

17. No development shall commence unless and until a plan detailing the layout of the car parking area has been submitted to and approved by the Local Planning Authority. The Car Park Layout Plan must set out so that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed.

Reason: in the interest of highway safety

18. No development shall commence unless and until a swept path analysis all vehicles including Delivery and Emergency Service vehicles (such as a Fire Tender has been submitted to and approved in writing by the Local Planning Authority to demonstrate that all vehicles can safely and easily enter and exit the parking space for all the parking bays.

Reason: In the interest of highway safety

19. No development shall commence unless and until details of the cycle parking areas, including dimensions and means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport.

20. No development shall commence unless and until full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements have been submitted to and approved in writing by the Local Planning Authority.

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

21. No building shall be occupied until the vehicular accesses, driveways, car, and cycle parking spaces, turning areas (for cars and refuse vehicles of not less than 11.6m in length), and parking courts that serve the buildings has been constructed, laid out, surfaced, lit, and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

22. Prior to the implementation of the development a plan showing details of the site's Pedestrian and Cycle routes connectivity with existing pedestrian and cycle routes close to development and PROW should be provided for approval by Local Planning Authority. Reason: in the interest of sustainable travel.

23. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

24. Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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

25. No development shall commence until a Construction Environmental Management Plan (CEMP) 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. Storage of plant and materials used in constructing the development;
- d. Wheel washing facilities/ road sweeping;
- e. Measures to control the emission of dust and dirt during construction;
- f. Delivery and construction working hours;

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

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

26. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters application for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity

enhancement measures shall be carried out and retained in accordance with the approved details.

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

27. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been 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 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains (MM2) of the Ecological Appraisal carried out by Aspect Ecology dated June 2020, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

29. No dwelling shall be occupied until details have been submitted to and approved in writing, to demonstrate the dwellings have been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

31. Following the approval of the Written Scheme of Investigation referred to in condition 1, 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

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OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury

The Committee considered application 23/03428/OUT, an outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse at OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury for Greystoke CB.

Rob Kinchin-Smith, on behalf of Banbury Civic Society, CPRE Oxfordshire and Farthinghoe Parish Council, addressed the Committee in objection to the application.

David Hutchison, on behalf of the agent for the applicant, Pegasus Planning Group, addressed the Committee in support of the application.

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

Resolved

The, in line with the officer's recommendation, application 23/03428/OUT, be refused for the following reasons:

1. The proposal is located on an unallocated site and development would represent an urbanising form of development which by reason of its location and proposed land use would result in a cluster of large warehouse buildings poorly related to Banbury that would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character, appearance and quality of the area. This identified harm would

significantly and demonstrably outweigh the benefits of the proposal. Development would therefore fail to accord with Cherwell Local Plan 2011-2031 Part 1 policies ESD10, ESD13 and ESD15 and Cherwell Local Plan 1996 saved policies C7, C8 and EMP4, and with national policy guidance given in the National Planning Policy Framework.

2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future employees would be highly reliant on the private car to access their workplace, which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development would therefore conflict with policies PSD1, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.
3. The application site is located in an unsustainable location for cycling and walking. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011- 2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
4. The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
5. Any further development around Junction 11 of the M40 would add to the severe congestion and air quality problems on the A422, particularly along Hennef Way. This development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
6. Safe and suitable operation of affected highway junctions has not been demonstrated by use of a suitable analysis tool. It has been agreed with the Applicant's transport consultant and National Highways that microsimulation modelling (such as VISSIM) is required to accurately represent the flow of vehicles at all primary local junctions and the interaction between them. Without agreed results of such analysis and

resultant appropriate mitigation, the proposal is contrary to policies SLE1, SLE4 and INF1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

7. It has not been demonstrated that a signalised crossing of the A361 Daventry Road for pedestrians and cyclists may be incorporated at a safe and suitable location, and the associated access into the site has not been indicated. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
8. The site is located close to and west of an existing Air Quality Management Zone and the proposal fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
9. The proposal fails to assess the potential economic impact upon Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic and congestion on the local highway network rendering Banbury a less sustainable location. The proposal is therefore contrary to policies SLE1 and SLE2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
10. The proposal lacks detail and information relating to the 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", policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
11. The application has failed to demonstrate through the submission of a robust Landscape and Visual Impact Assessment that the proposals on this prominent site would not cause substantial landscape harm to the undeveloped rural character and appearance of the site and its surroundings when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.

12. The application has demonstrated, through its submission of an Agricultural Land Classification (ALC) Assessment, that the impacts of the proposal would result in loss of best and most versatile (Grade 3a) agricultural land. As such, the proposal is considered contrary to Government guidance outlined in paragraph 180 b) of the NPPF.
13. The application has failed to adequately demonstrate that development would not harm existing flora and fauna and that 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 Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
14. In the absence of an appropriate protected species survey covering all protected species on site, the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with policy ESD10 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
15. In the absence of a satisfactory 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 workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

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Land To Rear Of Wheelwright Cottage Main Street North Newington

The Committee considered application 23/02071/F for a new build dwelling at land to the rear Of Wheelwright Cottage Main Street North Newington for Mr Kambiz Khabiri.

Susia Barnes, local resident, addressed the Committee in objection to the application.

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

Contrary to the officers' recommendation, it was proposed by Councillor Webb and seconded by Councillor Reynolds that application 23/02071/F be refused, for the following reasons (wording of refusal reasons delegated to officers)

1. The proposed development is not an infill development or a conversion. The proposal would therefore be contrary to the Council's housing strategy.
2. The development would result in overdevelopment of the site and inappropriate development in the location and would fail to preserve the character and appearance of the Conservation Area and would adversely affect the living conditions of neighbours. This would be contrary Policies ESD15 and Villages 1 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. The application failed to demonstrate the proposed dwelling would be served by a satisfactory vehicular access and would therefore result in parking being displaced to the public highway contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Resolved

That, contract to the officer's recommendation, application 23/03109/F be refused for the following reasons:

1. By reason of its siting and its spatial relationship to surrounding development, the proposed development would not be infill development and by reason of its nature the proposed development is not a conversion. New residential development is only permitted at North Newington where it comprises conversion or appropriate infilling. The proposal therefore conflicts with the Council's housing strategy. In addition, by reason of its scale and siting, the proposal would result in overdevelopment of the site and inappropriate development in this location and would fail to preserve the character and appearance of the Conservation Area and would adversely affect the living conditions of neighbours. The identified harm, which in the case of that caused to the Conservation Area is less than substantial, would significantly and demonstrably outweigh the proposal's benefits. The proposal thus fails to accord with Policies ESD15 and Villages 1 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.
2. The applicant has failed to demonstrate that the proposed dwelling would be served by a satisfactory vehicular access. As such the proposed development cannot provide accessible onplot parking and would therefore result in parking being displaced to the public highway. The local area already suffers from a lack of availability of suitable on-street parking. The additional on-street parking and the need to accommodate servicing and delivery vehicles associated with proposed dwelling would lead to increased pressure for on-street parking in a part of the village unable to accommodate it. This could lead to inappropriate parking on or near the bend in the main road through the village adjacent

to the application site. Any resultant increase in on-street parking would adversely affect the safety and convenience of highway users, contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

121 **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.

Councillor Webb addressed the Committee as Local Ward Member. Councillor Webb then left the meeting for the rest of the item.

Chris Ferguson, on behalf of the applicant, Trinity College, addressed the Committee in support of the application.

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

Contrary to the officer's recommendation, it was proposed by Councillor Reynolds and seconded by Councillor Holland that the application be approved, subject to conditions which were to be agreed and delegated to the Assistant Director Planning and Development and completion of a S106 legal agreement.

Resolved

That, contrary to the officer's recommendation, application 23/00130/F be approved, subject to conditions and S106 legal agreement (to be delegated and agreed with the Assistant Director Planning and Development).

122 **Grange Farm Chapel Lane Balscote OX15 6JN**

The Committee considered application 23/00129/F for the erection of agricultural buildings, hardstanding and other associated works at Grange Farm, Chapel Lane, Balscote, OX15 6JN for Trinity College.

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

Resolved

That, in line with the officer's recommendation, application 23/00129/F be delegated to the Assistant Director for Planning and Development to approve

subject to conditions set out below (and any amendment to those conditions as deemed necessary):

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 following plans and documents: Site Location Plan (6163/5 Rev P5), General Purpose Store Plan and Elevations (6163/4 Rev P5), Elevations of Grain and Straw Store and Temporary Housing for Mobile Drier (6163/2 Rev P6).

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. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. A method statement for enhancing birds/bats and invertebrates on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. The biodiversity enhancement measures approved pursuant to the requirements of this condition shall be carried out prior to occupation and shall be retained thereafter in accordance with the approved details.

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

5. No development shall commence on site until the existing tree(s) to be retained on site have been protected in accordance with the measures set out below. The protection measures shall be maintained until the approved development is completed.

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

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

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

d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

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

6. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Document
Flood Risk Assessment
Ref: 990-FRA-01-B Issue: April 2023

Drawing
Proposed Exceedance Route
Drawing No: 990-FRA04, Rev A

Drawing
Proposed Drainage Strategy
Drawing No: 990-FRA03, Rev D

All relevant Hydraulic calculations
Date 13/04/2023
File: 990-Drainage Design Calc Rev C.pfd

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

7. Prior to the first occupation of the development, 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 satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVE The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.

123

Land Adjacent To The Old Manor House 7 The Green Shutford OX15 6PJ

The Committee considered application 23/02682/F for the erection of a single dwelling with associated landscaping and a new vehicular entrance onto existing access at land adjacent to the Old Manor House, 7 The Green, Shutford, OX15 6PJ for Ms Clinton.

Lynne Parsons, neighbour, and Rachel Mizen, neighbour, addressed the Committee in objection to the application.

Matt Chadwick, on behalf of the agent for the applicant, JPPC, addressed the Committee in support of the application.

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

Contrary to the officer's recommendation, it was proposed by Councillor Webb and seconded by Councillor Holland that application 23/02682/F be refused for the reason that the design and size of the development being overdevelopment for the site and contrary to Policies ESD15 of Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

On being put to the vote, the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Wood and seconded by Councillor Chapman that application 23/02682/F be approved in line with the officer recommendation.

Resolved

That, in line with the officer's recommendation, application 23/02682/F, be delegated to the Assistant Director for Planning and Development to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

Conditions

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall not be carried out otherwise than in complete accordance with the approved plans: OMHS/01B, OMHS/02B, OMHS/03B, OMHS/04B, OMHS/05B, OMHS/07, Arboricultural Implications Plan (284-OMHS-DRW-AIP) – 01", "Tree Constraints Plan (284-OMHS-DRW-TCP) – 01, Tree Protection Plan (284-OMHS-DRW-TPP) – 01, "BS5837: 2012 Tree Survey and "ARBORICULTURAL IMPACT ASSESSMENT – 284-OMHS-RPT-AIA (Revision No 1 – 18th January 2024)".

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.

Construction Environment Management Plan (CEMP)

3. No development shall commence unless and until a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site, together with the details of the consultation and communication to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved CEMP.

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

Stone sample

4. 4. No development shall commence above slab level until a stone sample panel (minimum 1 sq m in size, and using lime based mortar with brushed or rubbed joints) 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 dwelling (where applicable) 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 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 and the significance of heritage assets 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.

Samples of external materials.

5. No development shall commence above slab level unless and until samples of the materials to be used externally in the construction of the walls and roof of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 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.

Biodiversity Enhancement

6. No development shall commence above slab level unless and until a method statement for enhancing biodiversity on site to include wildlife friendly planting, bird and bat provisions, hedgehog highways through any boundary fencing/walls and restricted exterior lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to the first occupation of the development in accordance with the approved details and shall be retained as such thereafter.

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

Sustainability and Energy Statement

7. No development shall commence until a Sustainability and Energy Statement, outlining the measures to reduce carbon emissions and energy use during both the construction and operational phase of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2 and ESD3 of the Cherwell Local Plan 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Scheme for the provision and implementation of foul and surface water drainage

8. No development shall commence above slab level unless and until a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of the dwelling hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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.

Construction Traffic Management Plan (CTMP)

9. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. The development shall not be carried out other than in full accordance with the approved CTMP.

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

Access: Full Details

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

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

A scheme for landscaping

11. 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 (comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle) 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 hard landscaping including hard surface areas, driveway, parking, pedestrian areas and steps.

(c) boundary treatments

Such details shall be provided prior to the development progressing above 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.

Removal of vegetation (including trees)

12. Notwithstanding the details submitted, all removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal. Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

All planting, seeding or turfing

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

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Desk study and site walk over to identify all potential contaminative

14. 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.

Potential risk from contamination

15. If a potential risk from contamination is identified as a result of the work carried out under condition (14), 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.

If contamination is found by undertaking the work carried out under condition (14)

16. If contamination is found by undertaking the work carried out under condition (14), 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.

If remedial works have been identified in condition (14)

17. If remedial works have been identified in condition (16), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (16). A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that 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.

Contamination not previously identified.

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

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

Joinery details

19. Prior to their installation, full details of the doors, windows and roof lantern to the dwelling hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows and their surrounds shall be installed within the buildings in strict accordance with the approved details and shall be retained as such thereafter.

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 and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Arboricultural details

20. The proposed development shall be completed in full adherence to the Arboricultural details submitted to the LPA – Document Ref 284-OMHS-RPT-AIA inc Plans/drawings. Any variations to the details of the documents and plans must only be undertaken after the proposed variations have been agreed in writing by the LPA.

Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990, 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.

Cycle Parking Provision

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

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

Full details of the arrangements for the storage and collection of refuse and recycling.

22. Prior to the first occupation of the development hereby approved full details of the arrangements for the storage and collection of refuse and recycling from the site, including the location of storage areas, shall be submitted to and approved in writing by the Local Planning Authority. The refuse bin storage area(s) shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter remain unobstructed except for the storage of refuse bins and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to ensure a satisfactory living environment for the occupiers of the development and to comply with Policy ESD 15 of the Cherwell Local Plan 20112031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Regulation 43 of the Habitat and Species Regulations 2017 (as amended)

23. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Bats and Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

PD Restrictions (extensions)

24. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended or enlarged, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and residential amenity 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.

PD Restrictions (windows or openings)

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting or amending those Orders with or without modification), no additional windows, doors or any other openings shall be inserted in the dwelling without the grant of further specific planning permission from the Local Planning Authority.

Reason - To safeguard the living conditions of neighbouring residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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DCS Group UK Ltd Oceans House Noral Way Banbury OX16 2AA

The Committee considered application 21/01854/F, which sought consent for work at DCS Group UK Ltd, Oceans House, Noral Way, Banbury OX16 2AA, following the grant of permission for the erection of a warehouse extension, relocation of lorry park and driver's amenity building, together with associated external works. The proposals comprised the following changes: -

- The area immediately in front of the warehouse has been simplified to reflect the need for more manoeuvring space for the lorries, and the need to separate further the circulation of cars from lorries on the site;
- The "future parking extension area" of the previous application has been designed and built out;
- There is a new extension to the east elevation of the proposed warehouse (420m²), which will house fork lift chargers;
- Two mezzanine levels have been added within the latest warehouse extension, to provide 2,000m² of additional floorspace;
- A new entrance canopy and an additional area of second floor offices has been added to the proposals. No change in staff numbers is forecast, with the additional space providing meetings rooms, an executive office suite allowing relief to more cramped office conditions elsewhere;
- New "over-cladding" has been introduced along the north elevation; and
- A replacement lorry drivers café.

Claudia Jones, on behalf of the agent for the application, Morgan Elliot Planning, address the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, address of the public speaker and the written updates.

Resolved

That, in line with the officer's recommendation, application 21/01854/F be delegated to the Assistant Director for Planning and Development to grant permission subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

Conditions

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:
 - Location Plan – 0707/008_[-]
 - Proposed Site Plan – 0707/009_[B]
 - Proposed Ground Floor Plan – 0707/010_[B]
 - Proposed First Floor Plan – 0707/011_[B]
 - Proposed Second Floor Plan – 0707/012_[B]
 - Truck Stop Café Plans and Elevations – 0711/001 [D]
 - Proposed Elevations – 0707/016_[A]

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

Cycle Storage Provision

3. Prior to the first use or occupation of the warehouse extension 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.

Extraction Ventilation Equipment

4. Prior to the installation of any commercial kitchen exhaust system to be installed to serve the truck drivers cafe within the approved development, a noise and odour impact assessment shall be submitted for the prior written approval of the local planning authority. The noise and odour assessment shall include details of a scheme for minimising emissions of noise and of cooking odour/grease from the proposed kitchen exhaust system. The noise assessment shall be undertaken in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound whilst the cooking fume odour/grease assessment will be undertaken in accordance with the EMAQ Update to the 2014 report on Control of Odour and Noise from Commercial Kitchen Exhaust Systems prepared by NETCEN for the Department for Environment Food and Rural Affairs The scheme shall

be implemented in strict accordance with the approved details and shall thereafter be retained, serviced and maintained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties from the adverse effects of noise/odour and grease from commercial kitchen exhaust'. systems installed and meet the aims of the National Planning Policy Framework.

Unexpected Land Contamination

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

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

Drainage Strategy

6. Notwithstanding the previously submitted drainage strategy, before any above ground works commence, a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the extensions hereby approved and thereafter retained as such.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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. Provision of Parking,

Turning and Loading/Unloading Area

7. The proposed HGV parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use of the warehouse extension hereby permitted. The parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

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

External Lighting

8. 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: 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.

125 **Land East Of Larsen Road Heyford Park**

The Committee considered application 22/03063/F, for the erection of 123 dwellings (formerly 126) with access from Camp Road, provision of public open space and associated infrastructure at Land East Of Larsen Road, Heyford Park for David Wilson Homes (Southern).

David Hutchison from Pegasus Planning Group on behalf of Dorchester Group, interested party, addressed the Committee in objection to the application.

Estelle Hutchinson, on behalf of the applicant, David Wilson Homes (Southern), addressed the Committee in support of the application.

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

Resolved

That, in line with the officer's recommendation, application 22/03063/F be delegated to the Assistant Director for Planning and Development to grant permission subject to:

- i. Conditions set out below (and any amendment to those conditions as may be deemed necessary);
- ii. The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the heads of terms listed at paragraph 9.95 of the officer's report (and any amendments as deemed necessary);
- iii. Naturespace licence agreement.

It was further resolved that if the section 106 agreement/undertaking was not completed by 31 March 2024 and the permission was not able to be issued by the date and no extension of time had been agreed between the parties, the Assistant Director for Planning and Development be 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 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 Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

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 forms and the following plans and documents:

- Planning Layout – 0778-102-COL
- Location Plan – 0778-101
- Housetype Booklet – 0778-HTB-ISSUE 3
- Garages – 0778-109A
- External Detailing – 0778-106A
- Boundary Fencing – Db Sd13 006B
- Boundary Walls – Db Sd13 004D
- Arboricultural Protection Plans – 22 0728 V4 and 22 0729 V4
- Refuse Vehicle Swept Path – 22 192 002B
- Fire Tender Swept Path – 22 192 004
- Drainage Strategy – 22 192 100C and 22 192 106C

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. The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:

- A proposed east and west scheme of access for pedestrians and cyclists to Larsen Road.

Reason: For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviers and slates 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 schedule.

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.

5. Prior to the commencement of the development hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the approved details.

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

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

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

1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of the open space and play space within the site including the LAP and LEAP together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space and play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space and play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

10. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cycle paths including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

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

11. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

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

12. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

13. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

14. Prior to first occupation of any dwelling, 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 Government guidance contained within the National Planning Policy Framework.

15. 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.

16. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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.

17. 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.

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

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

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

19. 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: To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety 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.

20. A method statement for enhancing the bat/bird/invertebrate provision per dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

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

Reason: To ensure that 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 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 a potential risk from contamination is identified as a result of the work carried out under condition 21, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

23. If contamination is found by undertaking the work carried out under condition 22, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

24. If remedial works have been identified in condition 23, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

26. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development".

27. Notwithstanding any previously agreed play space details, full details of the provision, landscaping, specification of play equipment and treatment of play space(s) within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter the play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Larsen Road Phase 1 and 2 combined: Impact Plan for great crested newt district licensing' Version 3 dated 19th October 2021.

Reason: In order to ensure that any 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-OR94.

29. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR94), 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 any negative impacts to great crested newts.

30. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WMLOR94 and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

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

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

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Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester

The Committee considered application 23/03073/HYBRID, a hybrid application comprising in full for the construction of an 82-apartment affordable extra care home (C2 use class) with associated open space / green infrastructure, landscaping, car / cycle parking, service infrastructure (drainage, highways, lighting), engineering operations, creation of new vehicular access and re-instatement of existing access to footpath, and in outline, the construction of up to 14 residential (C3 use class) dwellings with associated landscaping, service infrastructure (highways, drainage, lighting) at Phase 2 SW Bicester Kingsmere, Parcel R, East Of Ludlow Road, Bicester, for PHL Ltd & Countryside Properties (Bicester) Ltd.

Sarah R Smith, on behalf of the agent, Rapleys LLP, addressed the Committee in support of the application.

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

Resolved

That, in line with the officer's recommendation, application 23/03073/HYBRID be delegated to the Assistant Director for Planning and Development to grant permission, subject to:

- the conditions set out below (and any amendments to those deemed necessary)
- the completion of a planning obligation under section 106 of the Town and County Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the necessary mitigation as set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary).
- Planning application 23/03086/F being granted.

Conditions

Full Application

Time Limit

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

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

2. That prior to first occupation of the extra care facility hereby approved, a Car parking management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme approved.

Reason: In the interest of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

3. Prior to the first occupation of the extra care facility hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

4. That prior to the first occupation of the extra care, a detailed plan showing the cycle parking provision and facilities 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 and thereafter retained and maintained as such.

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

5. Prior to the commencement of any development above slab level and notwithstanding the details submitted, A schedule of materials and finishes, including the submission of samples and sample panels of bricks and limestone to be constructed on site (minimum 1 squared metre in size) to be used in the construction of the external walls of the extra care building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the approved details and samples.

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 adopted Cherwell Local Plan 2011-2031, the approved Kingsmere Phase 2 Design code 2028 and Government guidance within the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building, including the windows and doors (and their surrounds), guttering etc shall be submitted to and approved in writing by the local planning authority prior to any construction above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the details are appropriate to the locality and are locally distinctive and ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the first occupation of the building 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 adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. A scheme for the suitable treatment of the sub-station and air source heat pumps against the transmission of sound and/or vibration on the proposed or existing residential units shall be submitted to and approved in writing by the Local Planning Authority and the measures implemented in accordance with the approved scheme at all times.

HYBRID

Compliance with Plans

9. 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: [...] TBC

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

10. No development shall be occupied until confirmation has been provided that either: (i) all network upgrades required to accommodate the additional demand to serve the development have been completed; or (ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan has been agreed with Thames Water, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

11. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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 within the National Planning Policy Framework.

12. The approved drainage system shall be implemented in accordance with the approved Detailed Design as shown on the following drawings: Land Parcel R drainage layout reference 02/801 Rev E; 23047-ARC-XX-XX-DR-C-5000-P5DRAINAGE GA; Impermeable Area Plan 5500-P4; Section 104 adopted Drainage GA 5200-P4 and Appendix E – Surface Water Drainage Calculation, prior to the use of the building commencing.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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.

13. Construction shall not begin until/prior to the approval of reserved matters; a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall include: (i) a compliance report to demonstrate how the scheme complies with the 'Local Standards and Guidance for Surface Water Drainage on major development in Oxfordshire'; (ii) Full drainage calculation for all events up to and including the 1 in 100 year plus 40% climate change; (iii) A Flood Exceedance Conveyance Plan; (iv) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable); (v) Detailed design and drainage layout drawings of the SUDS proposals including cross section details; (vi) Detailed maintenance management plan in accordance with Section 32 of the CIRA C753 including maintenance schedules for each drainage element; (vii) Details of how water quality will be managed during construction and post development in perpetuity; (xvi) Confirmation of any outfall details and (xi) Consent for any connections into third party drainage systems.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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.

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: (i) As built plans in both pdf and shp format; (ii) photographs to document each key stage of the drainage system when installed on site; (iii) photographs to document the completed installation of the drainage structures on site; (iv) the name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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. Prior to the commencement of development on any part or phase of the development site, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed sensitively for bats in accordance with the BCT lighting guidance (ILP Bat Conservation Trust Guidance Note 08/23) with a colour temperature of 2700 degrees kelvin or under. The lighting plan should also take into account any trees, landscaping and bat box location. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection of ecology and biodiversity to accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

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

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

17. Full details of a scheme for the location of bat, bird, owl and invertebrate boxes (which may be integral to the building construction) (on that phase/part of development) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building on that phase or part of the development, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the

adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. Prior to the first occupation a Full Travel Plan for the care home and a Residential Travel Information Pack for the housing development should be submitted to the Local Planning Authority. The Travel Plan for the care home and the Residential Travel Information Pack for the housing development shall be independent submissions.

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

19. Construction Environmental and Traffic Management Plan – TBC

OUTLINE

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

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

21. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

22. Prior to the approval of any related reserved matters, a detailed Surface Water management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information listed in the condition. Reason: Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and

property 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.

127 **Unit 14 Expeditionary Road Ambrosden Bicester OX25 2EJ**

The Committee considered application, 24/00251/CDC, for a new security fence to the vehicle parking areas at Unit 14 Expeditionary Road, Ambrosden, Bicester, OX25 2EJ for Cherwell District Council,

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

Resolved

That, in line with the officer's recommendation, application 24/00251/CDC be delegated to the Assistant Director for Planning and Development to approve subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

Time Limit

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

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

Compliance with Plans

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

Drawing 01 – Proposed Security Fencing and Drawing 02 – Location Plan

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

128 **Development Brief for Local Plan Partial Review site PR8 - Land East of the A44**

The Assistant Director Planning and Development submitted a report to seek the Planning Committee's approval of the Development Brief for Local Plan Part 1 Review allocated site PR8 – Land East of the A44.

Resolved

- (1) That the Development Brief for site PR8 (Land East of the A44) of the Cherwell Local Plan 2011-2031 Partial Review, t Appendix 1 to the report, subject to (i) the changes recommended in paragraphs 4.40 – 4.45 of the report, (ii) further changes being considered in response to comments made to the December 2023 consultation and which are marked as TBC in Appendix 2 to the report, and (ii) an additional three week consultation period following the 21 March 2024 Planning Committee be approved.
- (2) That the Assistant Director - Planning and Development, in consultation with the Chairman. be authorised to publish the Development Brief, subject to (i) any minor amendments arising from the further public consultation agreed as resolution (1) or the December 2023 consultation and (ii) any necessary presentational or other minor corrections.

129 **Local Validation List Report**

The Assistant Director Planning and Development submitted a report that set out the consultation responses to the proposed Local Validation List and to approve the use of the list when validating planning applications.

Resolved

- (1) That the Local Validation List be approved, with the finalised wording of the list and appendices delegated to the Head of Development Management, prior to publication.

130 **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 9.30 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 22 May 2024 at 7.56 pm

Present:

Councillor Barry Wood (Chairman)
Councillor Amanda Watkins (Vice-Chairman)
Councillor Rebecca Biegel
Councillor Chris Brant
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Grace Conway-Murray
Councillor Dr Isabel Creed
Councillor Ian Harwood
Councillor David Hingley
Councillor Fiona Mawson
Councillor Andrew McHugh
Councillor Lesley McLean
Councillor Rob Parkinson
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill

1 Appointment of Chairman for the municipal year 2024/2025

It was proposed by Councillor Rogers and seconded by Councillor Harwood that Councillor Wood be elected Chairman of the Planning Committee.

There were no further nominations.

Resolved

- (1) That Councillor Wood be elected Chairman of the Planning Committee for the municipal year 2024/2025.

2 Appointment of Vice-Chairman for the municipal year 2024/2025

It was proposed by Councillor Clarke and seconded by Councillor Biegel that Councillor Watkins be elected Vice-Chairman of the Planning Committee.

There were no further nominations.

Resolved

- (1) That Councillor Watkins be elected Vice-Chairman of the Planning Committee for the municipal year 2024/2025.

The meeting ended at 7.57 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 6 June 2024

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	OS Parcel 4347 East Of Pipal Cottage, Oxford Road, Kidlington	23/01233/OUT	Kidlington East	Approval*	Linda Griffiths
9	Land South of Bloxham Road, Bloxham Road, Milcombe	23/01144/OUT	Adderbury, Bloxham and Bodicote; Deddington	Refusal	Katherine Daniels
10	Land West of Church Ley Field Adjacent to Blackthorn Road, Ambrosden	23/03071/OUT	Launton and Otmoor	Approval*	Sophie Browne
11	Land North of Manor Farm, Noke	22/01682/F	Launton and Otmoor	Approval*	Rebekah Morgan
12	Land North and Adjacent to Mill Lane, Stratton Audley	22/03873/F	Fringford and Heyfords; Launton and Otmoor; Bicester North and Caversfield; Bicester East	Approval*	Rebekah Morgan
13	Gosford Hill School, Oxford Road, Kidlington, OX5 2NT	24/00070/F	Kidlington East	Approval*	Emma Whitley
14	242 Broughton Road, Banbury, OX16 9QL	24/00246/F	Banbury Calthorpe And Easington	Approval*	Astrid Burden
15	Cherwell District Council Lock29 Castle Quay Banbury OX16 5UN	24/00600/CDC	Banbury Cross And Neithrop	Approval*	Michael Sackey

*Subject to conditions

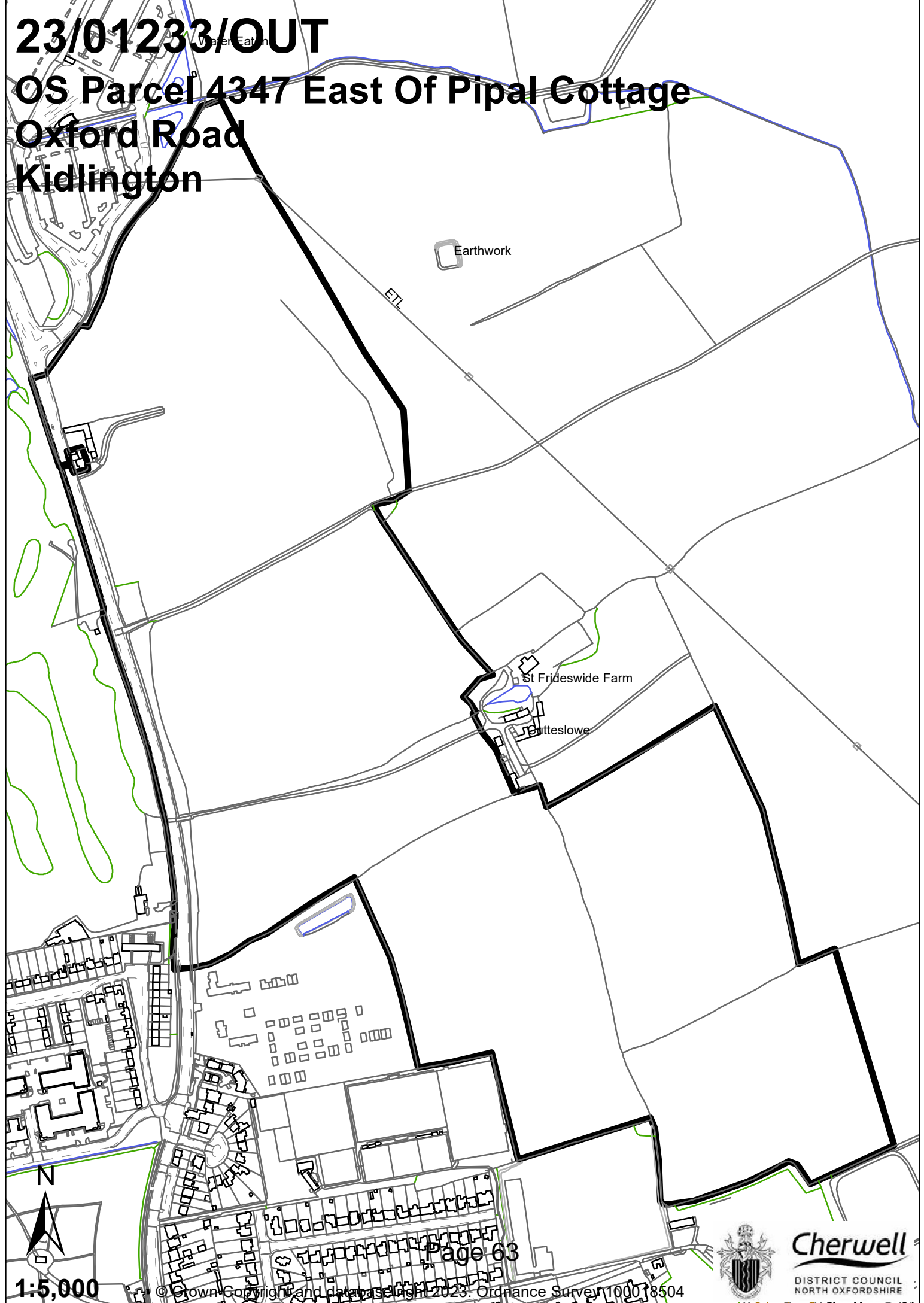
Cherwell District Council Democratic and Elections Team, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA

OS Parcel 4347 East Of Pipal Cottage
Oxford Road
Kidlington



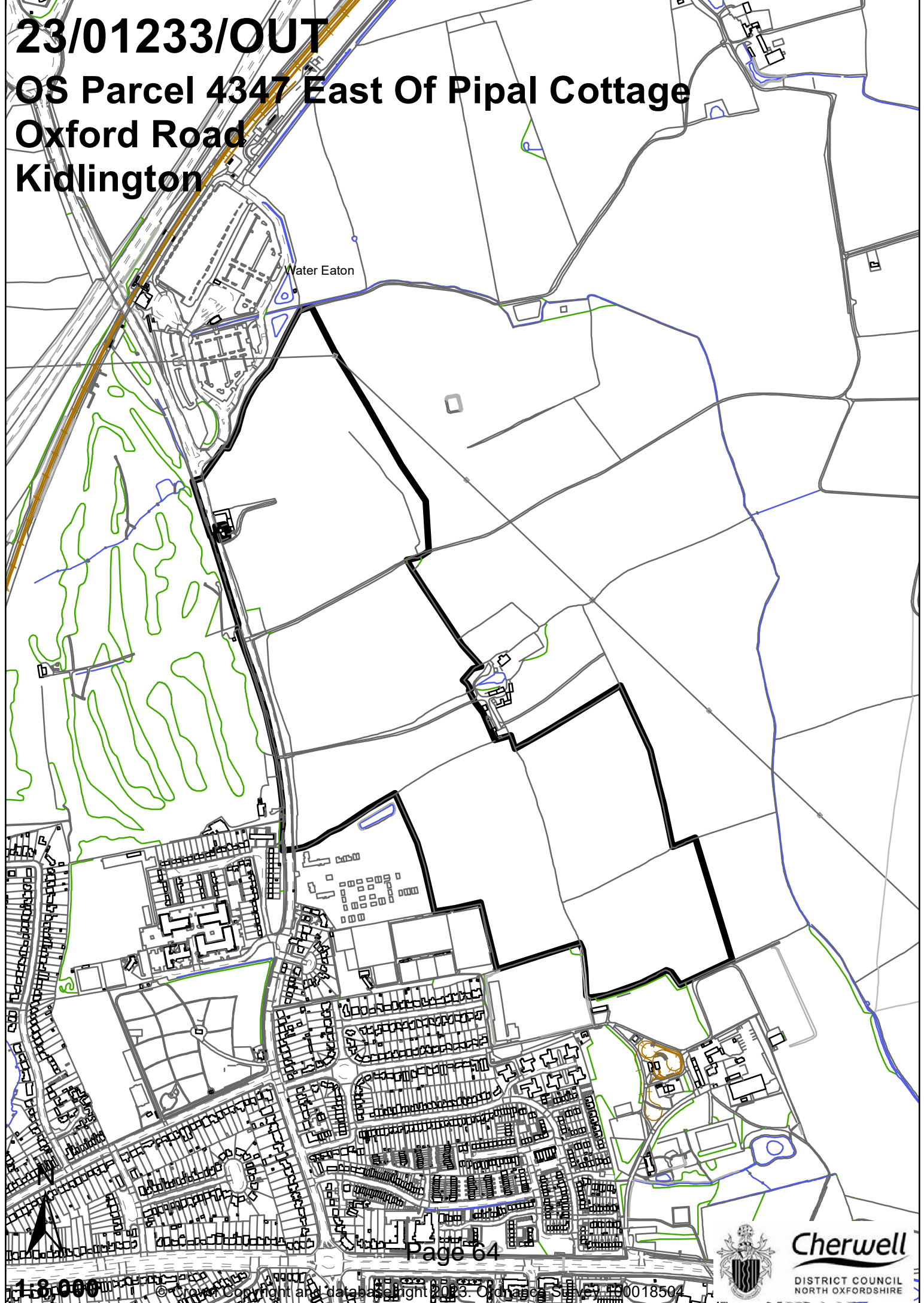
23/01233/OUT

OS Parcel 4347 East Of Pipal Cottage
Oxford Road
Kidlington



23/01233/OUT

OS Parcel 4347 East Of Pipal Cottage Oxford Road Kidlington



Water Eaton



Case Officer: Linda Griffiths

Applicant: Bellway Homes Limited and Christ Church, Oxford

Proposal: Outline application (with all matters except access reserved for future consideration) for the demolition of existing buildings and the erection of up to 800 dwellings (Class C3); a two form entry primary school; a local centre (comprising convenience retailing (not less than 350sqm and up to 500sqm (Class E(a))), business uses (Class E(g)(i)) and/or financial and professional uses (Class E(c)) up to 500sqm, café or restaurant use (Class E(b)) up to 200sqm; community building (Class E and F2); car and cycle parking); associated play areas, allotments, public open green space and landscaping; new vehicular, pedestrian and cycle access points; internal roads, paths and communal parking infrastructure; associated works, infrastructure (including Sustainable Urban Drainage, services and utilities) and ancillary development. Works to the Oxford Road in the vicinity of the site to include, pedestrian and cycle infrastructure, drainage, bus stops, landscaping and ancillary development

Ward: Kidlington East

Councillors: Councillor Mawson, Councillor Middleton, Councillor Ward

Reason for Referral: Major development

Expiry Date: 29 July 2024

Committee Date: 6th June 2024

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the east of the A4165 Oxford Road to the north of Oxford. The northern boundary adjoins Oxford Parkway Park and Ride site. To the east, the site boundary crosses an open field, then follows field boundaries around St Frideswide Farm to the south, where the southern boundary adjoins Cutteslowe Park, Banbury Road North Sports Ground and an adjacent field. The land to the south of the southern site boundary is within the administrative area of Oxford City Council and this land is currently being developed for residential purposes by Croudace.
- 1.2. The site extends in total to 45.8ha and the field boundaries within the site are delineated by mature, native hedgerows of variable species and composition and structure and are relatively species rich. Two small areas of broad-leaved woodland are present within the western edge of the site alongside Oxford Road.

- 1.3. The site generally falls away from two main high points, the first being located within the centre of the site along the western boundary with the Oxford Road, with land falling to the north, and to the east towards St Frideswide Farm. The second point is located along the southern boundary. With land falling towards the Cherwell Valley and River Cherwell, and to the north towards St Frideswide Farm.
- 1.4. The site is irregular in shape and consists mainly of agricultural land, used as arable fields. Pipal Barns are also located within the northwestern part of the site and are accessed from, and with a site frontage onto the A4165. Pipal Cottage is a small traditional vernacular building located outside the site adjacent to Oxford Road and was previously associated with Pipal Barns. Vehicular access to Pipal Cottage is gained directly from Oxford Road. St Frideswide farmhouse, a Grade II* listed building and its associated farm buildings are located just outside the eastern site boundary.
- 1.5. Vehicular access to the site is currently available from two points on Oxford Road. The northern point is a bridleway and provides access to Water Eaton Manor and the southern point comprises the historic access to St Frideswide Farm.

2. CONSTRAINTS

- 2.1. The application site which is currently in agricultural use is grade 3b agricultural quality for the majority (36.4ha) with a small area within the centre of the site classified as Grade 2 (2.5ha) and an area to the south classified as Grade 3a (2.9ha).
- 2.2. The site is crossed east to west by a bridleway along the Water Eaton track which crosses the Oxford Road and continues through the golf club site opposite (which is allocated for residential development) and a public right of way which runs in a northeast-southwest direction in the southern part of the site ending at the Oxford City boundary. A permissive footpath also runs along the southern boundary of the application site, located within Cutteslowe Park.
- 2.3. A designated heritage asset, St Frideswide Grade II* listed farmhouse and associated Grade II listed garden wall are located immediately to the east of the site just outside the site boundary. Pipal Cottage and associated barns are non-designated heritage assets located within and adjacent to the north-western boundary of the site. The Oxfordshire Historic Environment Records also show four non-designated heritage assets within the site boundary including the remains of two bronze age barrows, possible Roma 'ridgeway' and a milestone.
- 2.4. The site supports a network of species-poor and species-rich hedgerows, a narrow band of broadleaved woodland, scattered mature broadleaved trees and dense scrub. Native hedgerows and broadleaved woodland are of local value and are deemed to be priority habitats. The site constraints have identified a number of Protected and Notable Species may be present on the site and the historic orchard to St Frideswide Farm, a NERC habitat lies just to the east of the site. There are a number of SSSIs within 2km of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application site comprises 45.8 hectares of the allocated site. It includes some of the Oxford Road outside the allocated boundary and excludes the allocation parcel to be retained for agricultural use. It proposes 800 dwellings and commits to provide 50% affordable homes on the site.
- 3.2. The application which also proposes a local centre, community building and primary school and associated infrastructure exceeds the Policy PR6a allocation of 690 dwellings in the adopted Cherwell Local Plan Partial Review by 110 residential units.

- 3.3. Two new vehicular accesses will be provided into the site, the southern vehicular access will be in the form of a 3 arm Cycle Optimised Protected Signals (CYCLOPS) junction. This junction is designed to be capable of accommodating a fourth/western arm for access into PR6b which would be constructed as part of the PR6b development when that comes forward. The northern vehicular access into the site will take the form of a left in, left out priority junction with a full set back for cycle crossing. The existing vehicular accesses to St Frideswide farm and Water Eaton from Oxford Road will be closed to vehicular traffic. Alternative access to these properties will be provided through the development. A walking/cycle superhighway is proposed along Oxford Road, and this has resulted in the need to completely remove all the existing trees and vegetation along the Oxford Road frontage. A new landscape buffer will be required as mitigation.
- 3.4. All matters are reserved except means of access which is to be considered as part of this application submission. The application is accompanied by illustrative plans including an indicative site layout, masterplan indicating the location of uses, heights parameter plan and landscape strategy.
- 3.5. The application is 'EIA development' and subject to full Environmental Impact Assessment which accompanies this application alongside a full suite of other technical information.
- 3.6. *Timescales for Delivery*: The site has already been purchased from Christchurch by a housebuilder Bellway who are also an applicant in respect of this application and are keen to submit reserved matters and start on site as soon as possible in the event that planning permission is granted.

4. RELEVANT PLANNING HISTORY

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

21/01635/SCOP – Scoping Opinion relating to Environmental Impact Assessment (EIA) issued 9th June 2021 seeking an EIA.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal under application number 21/02269/PREAPP:
- 5.2. There was considerable discussion at pre-application over several months which also included public consultation events, including Enquiry by Design and Design Review which aided discussions around the proposed masterplan which has now been submitted as part of this planning application. Much of the discussion focussed in the main around the location of the primary school and transport matters.
- 5.3. A number of matters remained outstanding at the end of pre-application discussions relating to: (i) the importance of providing and agreeing parameters for the proposed green infrastructure/open space/wildlife corridors throughout the development; (ii) transport modelling; (iii) heritage assets and the impact of the proposed development on St Frideswide Farm, despite repeated requests, no heritage impact assessment to enable an understanding of the proposals on heritage assets was not forthcoming; (iv) landscape impact assessment, no landscape impact assessment was submitted despite repeated requests to understand the visual and landscape impact of the scale, height and quantum of development proposed; (v) ecology assessments and net biodiversity gain, no assessments were submitted to understand the implications of the removal of all the existing vegetation along Oxford Road which are currently important wildlife corridors and habitats; (vi) sustainability and (vii) building heights

which as proposed were considered to be out of scale and character with the surrounding development and Oxford Road generally.

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 **10 May 2024**, following an amended submission which also included additional information 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:

- Impact on Grade II* listed St Frideswide Farmhouse and grade II listed wall which have been isolated within its agricultural setting since 16th century and is a heritage receptor of high sensitivity. The original historic track should be protected and maintained.
- Harm, significance and public benefits must be very carefully considered in respect of the setting of St Frideswide Farmhouse bearing in mind that heritage assets are irreplaceable and in this case the setting of the farmhouse will be irreplaceably changed – any harm needs clear and convincing justification.
- The photomontages clearly show a very great visual encroachment of the development into the setting of St Frideswide Farmhouse which is unmitigated by the proposed planting of vegetation. Further remedial measures – either reducing building heights in the vicinity of the farmhouse or increasing the height and density of screening vegetation is required. The CDC conservation officer specifically asked for heights no greater than 2 storeys near St Frideswide Farm, not 2-3 storeys.
- Concern about impact of flooding on St Frideswide Farm as a consequence of the development.
- Contrary to the Archaeology and Heritage Assessment Report, St Frideswide Farmhouse was in fact designed for excellent outward views from windows consistent with its historical period and the new buildings will be visible from the first floor of the farmhouse from the north and south.
- Former Water Eaton Copse should be replanted to strengthen Northeast boundary.
- Height of up to 18m along Banbury Road is too high, approach into Oxford is currently green and tree-lined, but 4 storey flats will be unattractive, unwelcoming and out of keeping with the current low-rise development and this green gap will be lost forever.
- More green zone required as a buffer between the new buildings and Oxford Road.
- Too many dwellings
- A medical centre should be provided on site as medical facilities in the area are already overstretched.

- 50% affordable housing provision is welcomed, but this should include housing for those with disabilities and the elderly and must be integrated with the market dwellings.
- Concern about loss of hedgerow and trees and natural habitat to Oxford Road, mitigation will need to be effective. Existing wildlife corridors should be maintained, including the woodland immediately adjacent to Oxford Road.
- No satisfactory mitigation for loss of habitat for ground nesting farmland birds and note that the proposed habitat enhancement measures do not and cannot adequately compensate for loss of habitat for ground nesting farmland birds.
- Access to Cutteslowe Park for the development will need to provide contributions for its upkeep, impact on height of buildings on Cutteslowe Park requires careful consideration.
- Need to ensure sustainability and energy efficiency as stated in the application is delivered, should be a more definite aim within the application, no mention of solar panels. Dwellings should be planned and orientated north/south or northeast/southwest for maximum solar gain with triple glazing and carbon neutral building.
- Increased traffic, air pollution and noise, particularly if the football stadium also goes ahead.
- Impact on Pipal Cottage in terms of building heights, loss of barns, footpath/cycleway in proximity to Pipal Cottage, access to Pipal Cottage must be maintained, loss of hedge to front of Pipal Cottage.
- Access to open space is a long walk for many dwellings.
- Lack of full assessment of the site for the possibility of Roman remains and apparent Roman Road running parallel to Oxford Road before construction is undertaken.
- Surprised and dismayed at lack of 'extra care' housing provision on the site as there is a demand for elderly and disabled housing.
- CYCLOX welcome the improvements for cycling but advise these must be LTN 1/20 compliant.
- Objection to the plans to remove the southbound bus lane from the Kidlington Roundabout to the Oxford Parkway junction resulting in increased bus journey times at odds with the council's policies to achieve better bus connectivity, frequency and capacity.
- Support as Oxford has one of the worst housing crises in the country and rents are high, ideal location adjacent to train station with frequent service into city centre.
- The application is well considered and will help the Oxford housing crisis and economic viability of the city and should be approved.
- Objection on behalf of Heidelberg materials who operate from the railhead adjacent to the Park and Ride, the access road to which will be within 50m of the proposed housing. The railhead is a significant supplier of aggregates in the region and it is vital that the lawful activities of the railhead are not

compromised or prejudiced by the new development, the approved operational hours being 0600-1900 hours Monday to Friday and 0600 to 1300 on Saturdays. Hanson are very concerned that the proposed housing will create sensitive receptors that may well be disturbed by the lawful operation of the railhead. This is against the 'agent of change' principle in the NPPF and recommends that specific noise monitoring is undertaken to establish the level of noise emissions along the access road when the railhead is dispatching heavy goods vehicles during a busy period to establish the level of mitigation needed for the houses.

- 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. GOSFORD AND WATER EATON PARISH COUNCIL: **object** on the grounds of increase in numbers and height of buildings; use of management companies and resultant charge to residents and standards of maintenance; lack of information relating to recreation provision; demolition of Pipal Barns due to historic significance and which could be re-utilised as council office and council hub; lack of information regarding the community hub; lack of parking provision; lack of nursery education and special needs provision and lack of youth provision, complete removal of this land for use by Skylarks which are a red-list species and it will also affect other bird species too, offsite mitigation with specific farmland management should be provided. Not clear how long-distance views along east-west historic routes are being retained. Are the allotment proposals sufficient? There are roosting bats in Pipal Barns.

Update following revised submission: No further comments received at the time of writing the report.

- 7.3. KIDLINGTON PARISH COUNCIL: **object** on the grounds of overdevelopment as 800 dwellings is not in accordance with the adopted local plan and dwellings are too close to Oxford Road and should be reduced in height; how will water supply issue be dealt with; Sec 106 heads of terms lack detail and substance; significant loss of existing trees is unacceptable, including the removal of those from the Oxford Road frontage. Kidlington Parish Council however **support** the new tree planting; Cutteslowe Park extension; links with LCWIP and cycle superhighway; improved cycle and pedestrian access from site to Oxford Parkway.

Update following revised submission: **notes** the increase in housing numbers on this site and hopes that this will be taken into account when considering future housing numbers in the Local Plan 2040.

- 7.4. OXFORD CITY COUNCIL: **support** and welcome this application and the provision of new housing to meet Oxford's Unmet Housing Need. The submitted parameters plan is broadly supported however, it should be amended to make clear that the 'yellow areas' are two to three storey up to 10m maximum in height and the outer edges should be 2 storey with rooms in the roof to directly respond to existing development in the area. The development adjacent to the Croudace scheme should respect the height of that scheme. The PRoW into the Croudace scheme must meet that provided within the Croudace scheme. There is insufficient information to assess

the proposals in terms of biodiversity net gain. Care should be taken to appropriately respect and integrate this site with the adjacent Croudace scheme.

Update following revised submission: **comment** that the masterplan routes and PRoW do not align with roads and footpaths within the adjacent Croudace development and disappointing to see that no changes have been made to the maximum heights adjacent to the Croudace development and reiterate that these should be restricted to 2/3 storeys and 10m maximum height. Amendments to the parameter heights along the Oxford Road are welcomed. Care should be taken to ensure that hedges around the hockey club do not overshadow the proposed allotments. There should not be substantial boundary vegetation adjacent to the Croudace scheme causing a green barrier between the two developments. Confirmation of a pedestrian/cycle route connection into the Water Eaton Park and Ride is welcomed

CONSULTEES

7.5. CDC PLANNING POLICY: **Acceptable in principle** subject to all other policy requirements being met and need to be satisfied the additional 110 homes above the 690 allocated in Policy PR6a do not compromise the delivery of the policy requirements on site including:

- A sensitive relationship with the Cherwell Valley setting
- Protection of orchard and waterbody adjoining the site at St Frideswide Farm
- Securing an active frontage along the Oxford Road while maintaining a well treed landscape
- Incorporation in the design of the site archaeological features including the tumuli to the east of Oxford Road
- The provision of play areas and allotments to adopted standards within the developable area
- Ensuring the corridor along the eastern edge of the site helps minimise the visual and landscape impact of the proposal, with particular regard to the setting of St Frideswide Farmhouse and wall and the Cherwell Valley beyond, and creates a clear distinction between the site and the Green Belt
- Future reserved matters applications should provide for the green corridor width sought in the Local Plan and Development Brief for the site. If demonstrated that no further design solution is possible the width should not be reduced further than the C. 4m reduction in width indicated on the proposal's indicative drawings to accommodate the primary school.

7.6. CDC ENVIRONMENTAL HEALTH: **No Objection**

7.7. CDC CONSERVATION OFFICER: **No objection in principle but express some concerns.** The heritage assets affected by the development are St Frideswide Farmhouse Grade II* Listed Building, Grade II Listed Wall approximately 10m to northeast of St Frideswide Farmhouse, range of farmstead outbuildings to St. Frideswide to be treated as being protected by the Grade II* listing of St Frideswide, The Water Eaton Estate and Middle Farmhouse are not considered to be directly affected by the development although screening could still help. Non-designated heritage assets within the site boundary are a milestone and Pipal Barns, forming a farmstead at Pipal Cottage and Pipal Cottage which is outside the red line boundary

of the application site. In terms of archaeology, the earthwork and buried remains of two Anglo-Saxon round barrows, possible Roman ridgeway/buried remains of late pre-historic to Romano-British settlement activity. Also, evidence of historic field patterns and historic routeways.

- 7.8. The screening to the north-northwest of St Frideswide Farm is not considered to be dense vegetation and there are also views through the vegetation to the west and south west. Closer montage views are required of the farmhouse in its setting to establish if the development will be seen and to judge the effectiveness of the screening. These drawings should also include regular timescales to show how the proposed buffer planting is projected to mature and mitigate against any harm to the setting, privacy and tranquillity of the heritage assets.
- 7.9. The Grade II* listed St Frideswide Farmhouse nestles quietly in its rural landscape. The listed garden wall, orchard, associated remains of a moat, pond, lawn, farmstead and views to the land that supported the living are all important factors which contribute to the significance of the Heritage Asset. The farm is also away from street lighting and enjoys the tranquillity of a country setting. The less than substantial harm has not been fully qualified in the submission with concerns about the 11m height of the school and the proposed heights of buildings to the south and south-west of St Frideswide Farmhouse up to 10m and 11.5m where the ground rises in height.
- 7.10. The pathway through the eastern buffer will be at a higher level than St Frideswide Farmhouse and overlooking must be avoided whilst also protecting the views of and from St Frideswide.
- 7.11. Concerns regarding a new route for farm vehicles and its impact on both the setting of the heritage assets, and Cutteslowe DMV site. This should not be left to a reserved matter.
- 7.12. The planning statement identifies Pipal Cottage as a non-designated heritage asset but does not specifically mention the stone and timber barns. Although the design and access statement suggest the barns could be retained, the submitted illustrative plan shows the barns being demolished, their retention is strongly encouraged, it is a recognisable tie to the agricultural land and an integral part of the site's history which should not be swept away. The barns together with Pipal Cottage form an important and recognisable landmark on Oxford Road.
- 7.13. The issue of building heights needs to be addressed, Pipal Cottage is a modest vernacular farmhouse and the street scene would be incongruous with 14m buildings immediately adjacent this vernacular building. The hedgerow to the south and east of Pipal Cottage is considered to have some significance in terms of a surviving route marker but is to be removed. The development needs to provide further mitigation to become acceptable adjacent to these non-designated heritage assets. The demolition of Pipal Barns is not supported.

Update following revised submission: **No Objection in principle but some concerns remain** as above and as discussed in the appraisal below.

- 7.14. CDC STRATEGIC HOUSING: **Request** that the housing mix as proposed is altered to include a larger number of 4-bed dwellings, and, if possible, some 5 and/or 6-bed dwellings. It is recognised that this will have an economic impact and would require a compromise on other provision and welcome a discussion about how this can be achieved. A broad indicative affordable housing mix of 1-bed 27%; 2-bed 30%; 3-bed 33% and 4-bed+ 10% is suggested.

Update following revised submission: **comment** that all rented dwellings should be delivered as social rent as this is the most affordable tenure for households on Oxford City's housing register. If affordable rent is delivered it must be capped at Local Housing Allowance rates. In line with Government policy, 25% of the affordable housing is required as First Homes which were introduced after the Local Plan Review was adopted. The tenure split required will therefore be 70% social rent, 25% First Homes and 5% Shared Ownership. An Oxford city local connection will apply to all First Homes for the first three months of marketing.

- 7.15. CDC LANDSCAPE OFFICER: **No objection** but comment that in order to provide reassurance that the maturing 'treescape' at 15 years is effective at reducing the significance of effect, an accurate visualisation should be provided based on the EDP VP 15 Wireframe. It is important to successfully establish woodland for amenity, biodiversity and carbon offsetting/sequestration on the eastern site boundary and Cutteslowe Park extension in accordance with a detailed Landscape and Ecology Management Plan (LEMP). A number of comments are also made regarding the play provision for the site.

Update following revised submission: **concerns** as representations show how domineering the structures are on the roadside corridor experience for road user receptors and removal of trees along Oxford Road is unfortunate. The photomontages are based on accurately represented photo-visuals and appear to be accurate and the methods employed are in accordance with GLVIA3.

- 7.16. CDC ECOLOGY: **comments** that the increased amount of housing will likely decrease the green space available. A number of **issues** should be addressed further relating to farmland bird compensation, greenspace without public access managed for biodiversity alone, biodiversity enhancement should be increased and more information on how 20% biodiversity net gain will be achieved and maintained.

Update following revised submission: **comments** that previous comments about the lack of farmland bird mitigation and compensation have not been addressed. As noted in May 2023, the impact on farmland birds is fundamental to the acceptability of the scheme. With the exception of a small section to the north, areas have not been sectioned off for wildlife without public access. The ecology surveys and reports are sufficient for this stage but will likely need to be updated with any reserved matters applications. A series of conditions are also recommended in respect of an Ecological Construction Method Statement and CEMP, LEMP, lighting, Habitat Management and Monitoring Plan, bats and biodiversity enhancements such as bat and bird boxes, log piles and green roofs.

Update following Farmland Bird Mitigation Scheme: **comment** that the submitted farmland bird mitigation scheme is satisfactory to show intention and the extent of the planned compensation for farmland birds. A full farmland bird mitigation scheme with identified location/management ongoing should be conditioned.

- 7.17. CDC ARBORICULTURE: **comments** that there a high number of tree removals proposed primarily adjacent to the highway which is unavoidable in order to implement the desired access/highway proposals and that these are of low quality Category C when assessed individually. The mitigation proposals will be important in terms of biodiversity and amenity, sufficient space for the strategy to be implemented is key.

Update following revised submission: No further comments received at the time of writing the report.

- 7.18. CDC RECREATION AND LEISURE: Section 106 requirements – community facility to be provided on site, with contribution of £69,853.40 towards community

development worker on site, community development fund of £36,000, Outdoor Sports provision of £1,613,624.00, Indoor sports provision of £667,957.44 and public realm of £237,440.

- 7.19. OCC TRANSPORT: **objections** on the grounds that Cutteslowe roundabout is a significant barrier to development from an active travel perspective and is also close to capacity which is made worse by the development. A series of Section 106 contribution requests are made, and a number of planning conditions recommended should the application be approved. These are discussed in more detail in the recommendation below.

Update following revised submission: **No Objection** subject to conditions and Sec 106 contributions and as discussed in the appraisal below.

- 7.20. OCC DRAINAGE: **No objection** subject to conditions.
- 7.21. OCC PUBLIC HEALTH: **No objection** subject to further information in the health impact assessment regarding poor mental health as a particular vulnerable group and to identify the gap in access to health care and clarification of the proximity of housing to Oxford Road and mitigation of potential impact of air and noise pollution.
- 7.22. OCC ARCHAEOLOGY: **No objection** subject to conditions and sec 106 contribution of £7,169 towards the Museum Resource Centre at Standlake near Witney and archaeological archives.
- 7.23. CDC EDUCATION: **No objection** subject to provision of a new primary school on the site and contributions as set out below.
- 7.24. OCC PROPERTY: **request** a section 106 contribution for Kidlington library of £78,366.
- 7.25. HISTORIC ENGLAND: **Objection.** The maximum height of the proposed school at 11m which when taking in the topography of the land could introduce a substantial building very close to his Grade II* building which would be at odds with its vernacular scale and dominate the farmhouse, which historically has been the focal point in the surrounding landscape. The development will also be noticeable when walking along the Public Rights of Way that cross the fields to the south of the farmhouse, where the close relationship of the historic farmstead to the rural landscape can be appreciated.
- 7.26. Even if visibility of the development to and from the farmstead is negligible, the scale of the development would have wider impacts on the rural feel of the farmstead and on the setting of the building. As Historic England's setting guidance and the NPPG make clear, the historic connection between places, the kinetic experience of approaching a place, and factors such as noise can often contribute to the setting of a listed asset. The development would bring the suburbs very close to the farmhouse, removing its rural surrounding to the west and will be both visible and appreciable (through noise and light pollution) on the approach road and Public Rights of Way to the farmhouse.
- 7.27. On the basis of the information available, the scheme would cause harm to the significance of St Frideswide Farm by eroding its rural setting. In the language of the NPPF the harm would be less than substantial. We judge this would fall between a low to moderate level of harm, however in order to provide a more precise assessment we recommend photomontages and site wide elevations.

- 7.28. The proposals would cause some harm to the significance of the farmhouse through the erosion of its rural setting.

Update following revised submission: welcome the further assessment of the impacts of the proposed development on the significance of nearby heritage assets and production of additional views to assess the potential impact of the proposed development on the setting of the Grade II* listed St Frideswide Farm but still has **concerns** regarding the application on heritage grounds. Of particular concern is the proposed school which may rise to 11m and is sited particularly close to the farmhouse, changing the character of the place from an enclosed rural one to one that is more suburban and would affect the setting of St Frideswide, causing harm to its significance.

The NPPF gives great weight to the conservation of heritage assets, irrespective of the level of harm (para 205). It is appreciated that this harm can be mitigated (to a degree) under reserved matters through screening and the final design and mass of the development, however, at this stage we are not persuaded that enough has been done to minimise or avoid the harm caused by the proposed scheme. It is questioned whether the school should be located elsewhere, it is noted that the development brief locates the school further to the north. A lower density housing could be adopted to allow more open rural space around the farmhouse.

- 7.29. NATIONAL HIGHWAYS: **Holding objection** as the proposals have the potential to impact on the safe and efficient operation of the strategic road network, that is A34 and M40.

Update 11th September 2024: **No objection** subject to conditions.

- 7.30. ENVIRONMENT AGENCY: **No objection**

Update following revised submission: No further comments received at the date of writing this report.

- 7.31. THAMES WATER: **No objection** but Thames Water have identified an inability of the foul water network infrastructure and existing water network infrastructure to meet the needs of the development, therefore conditions are recommended to be attached to any planning permission regarding these matters.

Update following revised submission: **comment** that TW has identified an inability of the existing sewage treatment works infrastructure to fully accommodate the needs of this development. A significant upgrade to Oxford STW is being developed, and we encourage the developer to continue with communication regarding these upgrade and their plans.

- 7.32. BBOWT: **objection** relating to inadequate provision of green space, management of green space for the benefit of nature in perpetuity, insufficient mitigation for farmland birds and no evidence that the proposals will help to achieve the aims of the Conservation Target Areas.

- 7.33. NATURAL ENGLAND: **No objection** as it is considered that the proposed development will not have a significant adverse impact on designated sites.

Update on revised submission: **potential objection** as the application could have potential significant effects on Oxford Meadows Special Area of Conservation and requires further information to inform the Habitats Regulation Assessment to demonstrate that there will be no adverse impact on the integrity of Oxford Meadows SAC as a result of the development in relation to air quality.

Update following further submission: Comments are still awaited at the time of writing the report.

- 7.34. ACTIVE TRAVEL ENGLAND: **objects** and request further assessment, evidence, revisions and or dialogue regarding connections into the Croudace site adjacent and Cutteslowe Park, off-site active travel infrastructure quality, car and cycle parking strategy.

Update following revised submission: **objection** maintained.

- 7.35. THAMES VALLEY POLICE: Request section 106 contributions of £132,157 towards cost of policing to serve the development for staff, cars and cycles, mobile IT, ANPR cameras and premises.

- 7.36. THAMES VALLEY POLICE CRIME PREVENTION: **concerned** that crime prevention and community safety has not been a significant consideration in documents submitted to date and must be addressed in forthcoming applications. TVP will seek to secure Secured by Design Accreditation. Significant concern regarding the amount of rear parking within parking courts proposed. Podium/undercroft parking can also be at higher risk of crime. An addendum should be added to the DAS which comprehensively addresses the issue of safety and security across the site. Guidance within the NPPF regarding crime and creating safe places should be met.

- 7.37. SPORT ENGLAND: **object** on the grounds of lack of new sports provision to cater for the new development.

Update on revised submission: **support** the application and withdraw objection subject to a suitable S106 being signed.

- 7.38. BRITISH HORSE SOCIETY: **objections** relating to Bridleway 229/9/30, an unmetalled public right of way used extensively by walkers, runners, horse-riders and cyclists. There is a lack of detail regarding surfacing, proposed signage, access for horse riders to Cutteslowe Park has not been considered, crossing controls must be suitable for equestrian users. These should be addressed prior to consent being granted.

- 7.39. OXFORDSHIRE FIRE SERVICE: **comment** that there should be sufficient access for fire vehicles, sufficient provision of fire hydrants and Sprinklers within the design of the school and community buildings.

- 7.40. OXFORD BUS COMPANY: **support** the application proposals regarding bus improvements.

- 7.41. RAMBLERS ASSOCIATION: **object**, the development will cause serious harm to footpath 229/8 and bridleway 229/9 unless user safety is addressed. Landscape value of the area is also affected.

- 7.42. BOB ICB: Section 106 contribution sought of £691,200.00 to support local plans to surgery alterations or capital projects to support patient services.

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 Council also adopted the Partial Review to account for Oxford's Unmet Housing Need in September 2020. 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 (PART1) PARTIAL REVIEW – OXFORD'S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford's Needs
- PR2: Housing Mix and Tenure
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR6a: Land East of Oxford Road
- PR11: Infrastructure Delivery
- PR12a: Delivering Sites and Maintaining Housing Supply

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC9 – Public Services and Utilities
- 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
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD8 – Water Resources
- ESD9 – Protection of Oxford Meadows SAC
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 – Conservation Target Areas
- ESD13 – Local Landscape Protection and Enhancement
- ESD14 – Oxford Green Belt
- ESD15 – Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1 – Transportation Funding
- C18 – Development Proposals affecting a Listed Building
- C28 – Layout, design and external appearance of new development
- C30 – Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Code
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- PR6a Development Brief
- Cherwell Residential Design Guide SPD 2018
- CDC Developer Contributions SPD 2028
- OCC Adopted Street Design Guide 2021
- Oxfordshire Local Transport and Connectivity Plan – 2022 - and related documents such as the Central Oxfordshire Travel Plan, Innovation Framework, Active Travel Strategy, Freight and Logistics Strategy.
- Oxfordshire Parking Standards for New Developments – 2022
- Oxfordshire Implementing ‘Decide and Provide’ – 2022
- Oxfordshire Rail Corridor Strategy – 2021
- Oxfordshire Electric Vehicle Infrastructure Strategy – 2021
- Oxfordshire LCWIPs, Cycling Design Standards and Walking Design Standards
- Oxfordshire Mobility Hub Strategy – 2023

9. APPRAISAL

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

- Principle of development
- Environmental Impact Assessment
- Design, Impact on the character of the area and Design Brief
- Heritage Impact
- Ecology Impact
- Landscape Impact, Green Infrastructure and Recreation Provision
- Arboriculture
- Affordable Housing and Housing Mix
- Highways, Access and Transport
- Flood Risk and Drainage
- Climate Change and Sustainability
- Health and Well-Being
- Planning Obligation

Principle of Development

- 9.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy Framework (NPPF) makes it clear that it does not change the statutory status of the development plan and the starting point for decision making. The development Plan for Cherwell comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015), the adopted Cherwell Local Plan 2011-2031 Partial Review – Oxford’s Unmet Housing Need and the saved policies of the adopted Cherwell local Plan 1996. The policies important to determining this application are referenced above.

Policy Context

- 9.3. Policy PSD1 of the CLP 2015 requires a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 9.4. The CLP seeks to allocate sufficient land to meet district-wide housing needs. The overall housing strategy is to focus housing growth at the towns of Bicester and Banbury to 2031. Policy BSC1 states that Cherwell will deliver a wide choice of high-quality homes. The CLP 2015 Partial Review – Oxford’s Unmet Housing Need provides a vision, objectives and specific policies for delivering additional development to help meet Oxford’s housing needs and which can be viably delivered by 2031 in accordance with cross-boundary strategic priorities so that the vision and objectives are achieved without undermining the existing CLP 2015.
- 9.5. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England and 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 and advising at paragraph 10, a presumption in favour of sustainable development. Paragraph 11 states that applying the presumption means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development policies, or policies which are 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 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.
- 9.6. Paragraph 12 of the NPPF advises as follows in respect of sustainable development and the status of the Development Plan:

'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 consideration in a particular case indicate that the plan should not be followed.'

- 9.7. Section 5 of the NPPF focuses upon the delivery of a sufficient supply of homes stating:

'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.'

- 9.8. Having regard to the above, the NPPF lists a number of core planning principles that should underpin decisions but points out in a footnote that there are a number of policies in the Framework that indicate there may be a need to restrict development in order to protect designated sites, including designated heritage assets. This is discussed in more detail below.

- 9.9. Paragraph 77 highlights the need for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to promote a minimum of five or four 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 not more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). Four years of supply applies where the provisions of paragraph 226 apply.

Assessment

- 9.10. The site is allocated for residential development under Policy PR6a of the CLP Partial Review 2020 which identifies 48 hectares of land to the east of Oxford Road and north of Oxford City. This includes the development of 690 dwellings on approximately 25 hectares of land. The remaining hectares are to be retained within the Green Belt to provide an extension to Cutteslowe Park, a green infrastructure corridor and land retained for agricultural use. The whole application site extends to 45.8ha and falls within the strategic allocation in the Local Plan Policy PR6a. Policy PR6a is therefore the primary policy of the Development Plan, and the proposals should be assessed against it. Policy PR6a states that the application shall be supported and proposed in accordance with a Comprehensive Development Brief for the entire site. The PR6a Development Brief was approved by Cherwell Planning Committee on 8th September 2022. Policy PR6a is comprehensive in its requirements including matters relating to transport, connectivity, biodiversity, green infrastructure, recreation, drainage, heritage and recreation provision.

- 9.11. The key delivery requirements set out in Policy PR6a are as follows:

- Construction of 690 dwellings on approximately 25 hectares
- 50% of homes to be affordable
- Provision of a 2 Form Entry Primary school on 2.2 hectares
- Local centre on 0.5 hectares

- Facilities for formal sports, play areas and allotments within the developable area
 - Extension to Cutteslowe Park on 11 hectares
 - Green infrastructure corridor along eastern boundary on 8 hectares
 - Retention of 3 hectares of land to remain in agricultural use
- 9.12. The proposal will assist in delivering new homes and meeting the overall Oxford's unmet housing need requirement within Cherwell. A separate five-year housing land supply is calculated specifically for Oxford's unmet housing need (4,400 dwellings) due to:
- The Council already has an adopted Local Plan 2011-2031 (Part 1) which sets out the district's own identified need and plan to meet that need; and
 - Six specific sites are ring-fenced as allocations in the Partial Review to deliver 4,400 dwellings to meet Oxford's distinct unmet housing need.
- 9.13. The Oxfordshire Growth Board agreed upon a common assumed start date of 2021 for the commencement of development after the adoption of the respective local plan reviews or updates without precluding earlier delivery. The site allocations and progress are therefore monitored from April 2021 and reported in the Annual Monitoring Reports. The Council's Housing Land Supply Statement December 2023 reports on progress on the allocated sites in the Local Plan Partial Review and indicates a 0.1-year land supply or a shortfall of 2,839 dwellings for the period 2023-2028.
- 9.14. Whilst there are resolutions to grant planning permission subject to section 106 on two of the partial review sites and another granted at appeal in April this year, development has yet to commence in respect of these allocations. The Council is therefore unable to currently demonstrate a five-year housing land supply in respect of the Partial Review Plan and meeting Oxford's unmet housing need. The application site is one of the sites on which the Council is dependent to provide the necessary land supply.
- 9.15. The application proposals broadly meet the requirements of Policy PR6a with the following exceptions:
- 800 dwellings are proposed, an additional 110 above the allocation. This is considered acceptable in principle provided it does not adversely impact on the delivery of the policy requirements of the site.
 - Primary school is located centrally within the site, this departs from the location in the Local Plan, however the Local Plan indicates minor variations in the location of uses will be considered where evidence is available. The Development brief proposes the location of the primary school near the local centre but towards the north of the site, but is marked in the development brief as indicative, subject to further detailed assessment.
 - The local centre is proposed centrally within the site close to the school, again this departs from the location in the Local Plan for this use, however, the Local Plan indicates minor variations in the location of uses will be considered where evidence is available. The location of the local centre is in accordance with the broad location established in the Development Brief.

- Formal sports provision is not provided on site as this will be provided as a comprehensive scheme for all the PR sites on PR7a. The play provision and allotments are in some areas provided outside the developable area within the green infrastructure corridor and Cutteslowe park extension.

- 9.16. The comments of Gosford and Water Eaton Parish Council and local residents regarding the increased number of units proposed are noted, however, it is considered that the development of 800 homes is acceptable in principle subject to all other policy requirements having been met and these are discussed further below.
- 9.17. The land parcel to be retained in agricultural use is not part of the current proposal. Any proposals coming forward in the future for this parcel of land will be subject to Policy PR6a and the requirement for this land parcel to be kept free of buildings to avoid landscape impact.

Conclusion

- 9.18. Overall, the proposals follow the principles of the PR6a allocation and the Development Brief and are therefore considered to be in accordance with the above-mentioned policies and the NPPF in terms of the principle of the development proposed on the site subject to the assessment of detailed matters as below.

Environmental Impact Assessment

- 9.19. The application is accompanied by an Environmental Statement (ES). The ES covers Access and Transport, Ecology and Biodiversity Net Gain, Landscape and Visual Impact, Contamination, Heritage, Landscape Strategy, Air Quality, Noise and Vibration, Drainage and Flood Risk, Lighting and Climate Change. The ES identifies significant impacts of the development on the environment and the locality, and the mitigation considered to make the development acceptable.
- 9.20. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 3 requires that local authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and that they shall state in their decision that they have done so.
- 9.21. The information contained within the submitted Environmental Statement has been considered as part of assessing the merits of the application and the impacts of the proposed development and the mitigation measures necessary to make the development acceptable. These matters are discussed in more detail below.
- 9.22. Having assessed the Environmental Statement, Officers are satisfied for the reasons set out below that the adverse environmental effects of the development would not be significant subject to the mitigation measures set out in the resolution of technical matters and as secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation 26c of the EIA Regulations 2017 (as amended).

Design, Impact on the Character of the Area and Development Brief

- 9.23. Policy PR6a states that the application shall be supported by and proposed in accordance with a comprehensive Development Brief for the entire site. The development brief has been subject to extensive stakeholder engagement and formal public consultation and was considered at the planning committee and approved as guidance in September 2022 and is therefore a material consideration in the determination of this application.

- 9.24. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ESD15 of the CLP 2015 which advises that new development should build on the character of Cherwell. It also advises that the 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.
- 9.25. The Cherwell Local Plan 1996 contains saved Policy C28 which states that '*control will be exercised over all new development to ensure the standard of layout, design and external 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*'.
- 9.26. Policy PR6a is also quite specific in its place shaping principles requiring:
- i. *a layout, design and appearance for a contemporary urban extension to Oxford City that responds to the 'gateway' location of the site, is fully integrated and connected with the existing built environment, maximises the opportunity for sustainable travel into Oxford, provides high quality, publicly accessible and well connected green infrastructure and ensures a sensitive relationship with the site's Cherwell Valley setting;*
 - ii. *the provision of a landscaped green infrastructure corridor at the eastern settlement edge which links Cutteslowe Park to Oxford Parkway, minimise the visual and landscape impact of the development, creates an appropriate setting to the Listed St Frideswide Farmhouse and Wall and provides a clear distinction between the site and the Green Belt;*
 - iii. *the provision of connecting green infrastructure corridors running east-west across the site;*
 - iv. *the provision of an active frontage along Oxford Road while maintaining a well treed streetscape;*
 - v. *the public open green space/extension to Cutteslowe Park and agricultural land to be kept free of buildings to avoid landscape impact;*
 - vi. *the location of archaeological features, including the tumuli to the east of Oxford Road, should be incorporated and made evident in the landscape design of the site and*
 - vii. *a layout and design that encourages the sustainable and safe management of waste by individual households and by residents collectively while minimising the visual and pollution impacts*'.
- 9.27. 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. 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.

- 9.28. 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. The NPPF further emphasises that ‘high quality design supports a positive legacy leaving successful places which are both functional and beautiful and which engender a sense of community, are long lasting and age well’.
- 9.29. A well-designed masterplan or 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.
- 9.30. Policy ESD15 advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale which should be demonstrated within a Design and Access Statement. The application was accompanied by a design and access statement (DAS) which appropriately set out the vision for the development of the site having regard to the site’s constraints and opportunities, but generally lacked any real detail regarding the layout and design of the proposed development and did not provide any real commitment to ensure that the vision as set out could and would be successfully delivered. This has not been addressed through the revised submission, which is disappointing, but it is considered that this is a matter that can be dealt with through the reserved matters once the layout and design is established in more detail.
- 9.31. The DAS set out that the vision for the development of the site, includes a nature-led design that connects the development with the natural environment with green spaces for wildlife diversity, health and well-being and to exceed environmental and quality standards. To ensure that these can all be achieved, the green infrastructure parameter plan, the landscape strategy and biodiversity enhancement proposals must work together to create meaningful habitat and wildlife corridors and usable public open space. The original submission failed to bring all these elements together successfully and the applicant was requested to consider this matter further. Whilst the revised submission has now committed to a replacement planted buffer along the Oxford Road boundary and a green area of open space to the south of the school site, the proposals still lack commitment in terms of width and extent of buffers to existing hedgerows to be retained and east west habitat/wildlife links through the development as required by Policy PR6a and the Design Brief which is disappointing. This matter will need to be considered further at reserved matters.
- 9.32. The character analysis did not provide any real analysis of the immediate area, either Kidlington or North Oxford, and instead focussed on modern developments elsewhere, including other parts of the country. Whilst it is agreed that the site could benefit from a more contemporary approach to the design of the development as required by PR6a place shaping principles, it must also be locally distinctive in its design and choice of materials. This new development will form an important new gateway into Oxford and must be read as such rather than an ‘anywhere’ development. The choice of materials must also reflect the local area, natural limestone being a key traditional material and the reference in the DAS to light coloured stone/brick and brown brick are not suitably specific. The DAS has now been amended to include stone, but the building examples remain for the majority from other parts of the country. Design of the scheme including how it is locally distinctive will be an important consideration at reserved matters.
- 9.33. The DAS should also be accurate in terms of illustrations and what might be subsequently built and also reflect other illustrative plans and parameter plans such as green infrastructure provision. Another significant inconsistency related to the

Oxford Road frontage where the DAS advised that the existing planting would be retained in part with new formal planting. This did not accord with the landscape strategy and transport proposals which identify that all planting along the Oxford Road frontage will be removed to provide the new super pedestrian/cycle highway along the A4165 Oxford Road and that a completely new landscape/wildlife buffer would be created further into the site. There were also a number of other inconsistencies in the DAS when compared to other plans and proposals which the applicant was requested to address. A number of inconsistencies remain, but this document is a guide to the development and again these matters can be successfully addressed through the reserved matters submissions.

- 9.34. The Landscape and Access Parameter Plan is not fully in accordance with the approved Development Brief or Policy PR6a in terms of the location of the school and local centre which were under much discussion at pre-application. The now central location of the school and local centre in close proximity is welcomed, however, the proposed school site is compromised by the eastern green infrastructure buffer and the barrows. The issue of whether there is sufficient space to accommodate the spine road and the school between these two significant constraints has been discussed at length and submitted cross-sections indicate that it can be accommodated without further compromising the eastern buffer or the barrows. The original submission indicated a variation of +/- 10 metres along each of the boundaries, with the exception of the eastern boundary. This variation could be critical if the northern and western boundaries were moved outwards by 10m which could ultimately result in the school location being considered unacceptable. The revised submission has removed these variations. The position of the school building and indicative layout of the school site was discussed at length during pre-application and has been agreed in principle by OCC Education.
- 9.35. The submission includes a building heights parameter plan. Proposed building heights have also been subject to much discussion during both the pre-application submission and the consideration of the planning application. The parameter plan has been amended during the consideration of the application so that it is now more aligned with the Development Brief. The parameter plan indicates building heights along Oxford Road frontage of predominantly 3 storeys with occasional 4 storey in key locations and predominantly 2 storeys around Pipal Cottage. Within the centre of the site buildings are indicated as 3 storeys and to the eastern part of the site 2-3 storeys. Whilst a development of this scale will have a significant impact upon the character of Oxford Road and the surrounding area, as it is on the whole consistent with the Development Brief is considered acceptable. It should be noted that these are maximum building heights and final typologies which will dictate scale, massing and height will be considered further at reserved matters stage. It should be noted however, that due to the increased number of dwellings proposed and therefore density of the development, it is likely that a significant number of dwellings provided will be in the form of flats and apartments.
- 9.36. A Green Infrastructure Plan has also been submitted with the application. The original submission lacked any commitment to the width of green infrastructure corridors throughout the site, including the Oxford Road frontage where all the existing trees and planting are to be removed to accommodate the Cycle Superhighway and bus lane. The reference to the Oxford Road frontage identified a buffer but stated that it would be 'up to' 9m wide, so in theory could be significantly less and still accord with the plan which would not be acceptable or appropriate in terms of replacement mitigation. Following discussions, the parameter plan has been amended to show a minimum of 9m at the southern frontage to Oxford Road and a minimum of 6m to the north of the existing footpath/bridleway which is now accepted. It is regrettable that there is no commitment to landscape buffers running east-west across the site, particularly where there are existing hedgerows to be retained, such as along the

Water Eaton bridleway and existing access to St Frideswide farm which would contribute towards the vision for the development as set out in the DAS as nature led. This matter will need to be discussed further at reserved matters stage.

- 9.37. Having regard to the above, taking into consideration the amendments secured, the proposals would achieve an appropriate basis for the reserved matters submissions. The proposals would be in accordance with Policy ESD15 of the CLP 2015, associated guidance within the development Brief for the site and the aims and objectives of the national Planning Policy Framework.

Heritage Impact

Legislative and policy context

- 9.38. The site is located within an area of known archaeological potential and has been the subject of two phases of geophysical survey and archaeological trenched evaluation, which both recorded areas of archaeological features.
- 9.39. The first evaluation (Oxford Archaeology 2020) covered the southern two thirds of the site and recorded three general foci of activity. In the northern field of this phase, two round barrows were known from previous mapping and historical records of the site, and carbon sampling from the features recorded in the trenching revealed them to be Anglo-Saxon in date, overlying initial Bronze Age activity. This is rare within Oxfordshire and as outlined in the submitted Archaeology and Heritage Assessment they are of regional significance (EDP 2023). The proposals therefore designate the area of these barrows and a 5m buffer surrounding them, as green space, and after previous discussions with the County Archaeology Service, it has been agreed that the barrows should be preserved *in situ*. The Barrow Park area, including the buffer zone, will have to be protected and physically preserved within the development. The impact of the proposed play area immediately to the north of the barrows and any landscaping associated with this park may have to be mitigated. In the remaining foci of activity in the first phase, a group of Iron Age roundhouses were recorded along with evidence of a possible kiln and four post structures, as well as other linear and pit features dated to the Iron Age.
- 9.40. Phase two of the archaeological evaluation focussed on the northern land parcel immediately to the south of Oxford Parkway Station and Park and Ride (Cotswold Archaeology 2021). This area recorded a small number of archaeological remains likely dating from the Troman period, though the dating evidence for these features was sparse.
- 9.41. The Anglo-Saxon barrows will be preserved within the development proposals however, the remaining features recorded in the archaeological evaluation will need to be subject to a further phase of archaeological evaluation, prior to the development of the site. Conditions are therefore recommended accordingly.
- 9.42. The development of the site will also affect the setting of St Frideswide Farmhouse a Grade II* listed building and its Grade II Listed Wall. The grouping of Pipal Cottage and adjacent barns are Non-designated Heritage Assets as they are listed as Local Heritage Assets and therefore locally listed. The farmhouse is 16th-century in origin and may have replaced an earlier manor house associated with the nearby Cutteslowe Deserted Medieval Village. The house has undergone a number of adaptations throughout the 17th, 18th and 20th centuries, however, remains a good example of what is a reasonable grand 16th-century farmhouse. It is Grade II* listed due to its early fabric, intact nature and the ability to understand its long history.

- 9.43. 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.*
- 9.44. Section 66 of the Planning (Listed Buildings and Conservation Areas) 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.
- 9.45. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.46. The NPPF reiterates the Government's commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It emphasises that the historic environment is a finite and irreplaceable resource, and the conservation of heritage assets should take a high priority. Local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets in considering a proposal and also desirability of new development making a positive contribution to local character and distinctiveness.
- 9.47. The application is accompanied by a Heritage Assessment. This is a new document in respect of the application and was not submitted for consideration during pre-application discussions despite requests for this to be shared to enable a full and considered assessment be made of the proposals, including the proposed building heights and details of the eastern green infrastructure corridor at that time. This has now been assessed by Historic England and the Conservation Officer.
- 9.48. It is accepted that as an allocated site, its development will have an impact on the currently tranquil setting of the Grade II* listed St Frideswide Farmhouse, the separately Grade II listed wall, the associated farmstead and the non-designated heritage assets of Pipal Cottage. The principle of development has however been established by the Local Plan. As no designated heritage asset is being physically changed the harm will be in the 'less than substantial' category, but we need to be confident that any harm will be at the lower end of this category. The erosion of the farmland setting, the massing of the proposed development, the change in lighting and noise levels will result in a change that would lead to a loss of significance to the two farmsteads.
- 9.49. The position of the school in the approved development brief for the site shows the school at the northern end of the site and at a lower part of the site, which was considered to be a more comfortable distance from St Frideswide. The submitted masterplan however now proposes the school more centrally within the site, which is also at a higher ground level and considerably closer to St Frideswide which is of concerns having regard to the proposed potential height of the school building. The maximum height of the school building is indicated at 11m, which when the topography of the land is also taken into account could introduce a very substantial building very close to this Grade II* building and would be at odds with its vernacular scale and dominate the farmhouse, which historically has been the focal point in the

surrounding landscape. The development will also be noticeable when walking along the Public Rights of Way that cross the fields to the south of the farmhouse, where the close relationship of the historic farmstead to the rural landscape can be appreciated.

- 9.50. Paragraph 195 of the NPPF advises that Heritage assets are '*an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*'. The original submission did not include any wirelines or photomontages to support the building heights proposed and the impact of such development on the setting of the farmhouse. In the absence of a full assessment the applicant was advised that any resultant harm could not be assessed accordingly.
- 9.51. Paragraph 201 of the NPPF advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) in order to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.52. Paragraph 205 of the NPPF further advises 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.
- 9.53. Paragraph 206 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 9.54. Paragraph 208 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In terms of non-designated heritage assets such as Pipal Barns, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.55. The photomontages that were submitted with the revised submission are helpful in confirming the reservations advised by both Historic England and Conservation Officer in terms of the effectiveness of the landscape buffer, and the proposed building heights, massing and proximity of the development to the Grade II* listed St Frideswide Farmhouse, the separately listed wall, and the overall setting which includes the garden, orchard and farmstead. Heritage concerns have also been raised regarding the impact of the massing of the proposed school and eastern edge of the housing on the sensitive rural setting of this Grade II* listed building. As the new proposed buffer planting will take many years to mature the conservation Officer considers that the harm will be at the higher end of 'less than significant' for a considerable time. There is also concern that the currently tranquil setting of the farmhouse will be affected by the position of the school.
- 9.56. The views and photomontages show the worst-case scenario with ground levels at +2m, with maximum parameters based on the full extent of the blocks shown on the height parameters plan. Following discussions with the applicant and agent, it has become evident that the school building is likely to vary in height across its structure with lower sections rather than a single building of 11m across its entirety which will help reduce its impact on the setting of the farmhouse. Further, the school building is proposed at the northern end of the school site with the proposed playing fields in closest proximity to St Frideswide Farm. It is therefore accepted that the impact is

likely to be less harmful than indicated by the photomontages, albeit the development of this site as proposed will have a significant impact on the setting of this farmhouse which is currently located within a very rural setting away from built development.

- 9.57. The current proposal increases the number of dwellings from 690 to 800 which could result in an overall increase in the height of buildings and less space around buildings due to the increased density which could impact further on the setting of the Grade II* listed St Frideswide Farmhouse which would be unfortunate. However, the submitted building heights parameter plan accords with the heights set out in the Development Brief and as these are also maximum heights, the heights will be considered further at reserved matters once a layout and scheme is available to assess.
- 9.58. Concerns were also raised in respect of proposed lighting which was also considered would have a harmful impact on the setting of St Frideswide Farm in this truly rural and isolated setting. The development will need to be lit for safety reasons, however, the applicant has recently advised and confirmed in writing that the eastern green infrastructure corridor will not be lit. There is now not requirement to light this route as it will not be adopted by OCC and a footpath/cycle link from the Water Eaton Parkway and Cutteslowe Park will now be provided directly through the centre of the site along the main spine road. The removal of lighting from this eastern buffer will not only reduce harm to the setting of the listed farmhouse but also be of benefit to wildlife and is therefore considered acceptable.
- 9.59. To conclude in respect of St Frideswide Farmhouse, the Conservation Officer advises that the farmstead and wider agricultural landscape makes a positive contribution to the significance of the designated heritage asset. The submitted views show that the Grade II* listed St Frideswide Farmhouse and its rural setting will not be well protected due to the proximity of the school and housing at the heights proposed within the height parameter plan and with the landscape buffer proposed. The loss of the farmland setting will damage the significance of the farmhouse which relied on the surrounding land to make its living. The loss of this relationship will be apparent to this and future generations. The change would in the opinion of the Conservation Officer have a negative impact on the setting and historical association of the designated heritage assets at St Frideswide including the ability to appreciate that significance and tranquillity, and also on the non-designated heritage assets at Pipal Cottage and barns.
- 9.60. In terms of Pipal Cottage which is a small two-storey vernacular building and Barns which are non-designated heritage assets, following discussions, the height of buildings within the immediate vicinity which originally indicated 4/5 storey up to 14m, have now been reduced to 2-2.5 storey which is considered to be more appropriate. The application proposal seeks consent to demolish Pipal Barns. Whilst the demolition of the barns would be regrettable as their retention would help to preserve a sense of place, enforcing the site's history as agricultural land, Policy PR6a does not require their retention and it is considered that a reason for refusal based on the loss of these buildings on an allocated site cannot be substantiated.
- 9.61. The views of the Conservation Officer above are understood, and it is accepted that the development proposed will have a harmful impact on the setting of both St Frideswide Farm and the non-designated heritage assets which is unfortunate. However, this is a site allocated for development within the adopted Partial Review Local Plan 2020 and the delivery of the housing which is specifically required to meet Oxford's unmet housing need and the harm must be weighed in favour of the public benefits of the proposal. It is therefore considered that on balance, the development is in accordance with the Development Plan and NPPF in this respect and is therefore acceptable.

Ecology Impact

Legislative context

- 9.62. 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.
- 9.63. 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.
- 9.64. 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.
- 9.65. 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.
- 9.66. 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

- 9.67. 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.

- 9.68. 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.
- 9.69. 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.
- 9.70. 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.
- 9.71. 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.
- 9.72. 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.
- 9.73. 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

- 9.74. 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’)
- 9.75. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of predominantly historic farmland and contains buildings of traditional construction, is close to the Cherwell Valley and is drained by a number of field ditches located at the boundaries of the site 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. To the western boundary of the site with Oxford Road is a small woodland which has been identified as a wildlife corridor. Oxford Meadows Special Area of Conservation and a number of SSSIs lie within 5km of the site. The constraints have also identified a number of protected and notable Species on or close to the site. The application proposes the removal of Pipal Barns and associated adjacent hedgerow planting which are of original stone construction.
- 9.76. 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.
- 9.77. 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.
- 9.78. The application is supported by an Environmental Statement which assesses the likely significant effects resulting from the development in terms of ecology and nature conservation. The application is also accompanied by an Ecological Appraisal which summarises the ecological interest within and around the site which has been identified through standard desk and field-based investigations. Policy PR6a also specifically requires that the submission includes (i) outline measures for securing net biodiversity gains informed by a Biodiversity Impact Assessment based on the DEFRA biodiversity metric (unless the Council has adopted a local, alternative methodology) to be agreed (ii) a proposed Biodiversity Improvement and Management Plan (BIMP) informed by the findings of the BIA and habitat surveys to be agreed before development commences (iii) measures for securing biodiversity net gain within the site (iv) measures for retaining and conserving protected/notable species (identified within baseline surveys), (v) demonstration that designated environmental assets will not be harmed, including that there will be no detrimental impacts down-river in the Cherwell Valley through hydrological, hydro-chemical or sedimentation impacts, (vi) measures for the protection and enhancement of existing wildlife corridors, (vii) creation of a green infrastructure network with connected wildlife corridors, including within the residential area, (viii) measures to minimise light spillage and noise levels on connective features and other habitat features of biodiversity value, (ix) protection of the orchard and waterbody adjoining St Frideswide Farm, (x) farmland bird

compensation, (xi) long-term wildlife management and maintenance and (xii) application supported by a phase 1 habitat survey.

9.79. The submission has been assessed by BBOWT, Natural England and the Ecology Officer. BBOWT raised a number of objections to the submission. The first relates to the inadequate provision of green space and suggests that additional space be created for a nature reserve and green space. The second relates to the management of green space for the benefit of nature in perpetuity which is considered to be at least 125 years as the loss of wildlife habitat will be permanent so the compensation must also be permanent. The third relates to insufficient evidence that populations of farmland bird species will be maintained contrary to the NPPF, Cherwell Local Plan and the Conservation of Habitats and Species Regulations 2010. The fourth reason advises that the application does not provided evidence that it will achieve the aims of the Conservation Target Area as required by Policy ESD11 of the CLP 2015. A concern was also raised regarding the implications for wildlife from the introduction of wildlife into this rural area as invertebrates, bats and birds are all highly sensitive to the introduction of lighting into dark areas.

9.80. The Ecology Officer advises that in general appropriate surveys have been carried out, but it is noted that an Extended Phase 1 Habitat survey was undertaken in February 2015 and that update walkover surveys were undertaken in May 2017 and 2021 and may be required to be updated at later stages. There are bats, breeding birds, wintering birds, reptiles, badger foraging, amphibians and invertebrates (butterflies) to be specifically considered in the proposals and mitigation as well as any Landscape Ecological Management Plan (LEMP) and Ecological Construction Management Plan (ECMS). As the application seeks for an increased amount of housing, this will likely decrease the green space available.

9.81. The Ecology Officer advised that a number of ecological issues should be addressed further as follows:

- No farmland bird compensation is proposed. The application stated that this would be agreed in the BIMP, however the ability to mitigate appropriately for the impact on farmland birds is fundamental to the acceptability of the scheme and should therefore be considered at this stage. Provision should also be made for Brown Hare (Priority species).
- There does not appear to be any areas of green space managed for biodiversity alone and concur with BBOWT that the value to wildlife of the proposed habitats to be created on site would be greatly improved if there was a large area of 'nature reserve' where public access was more limited and the focus was on wildlife.
- The BIMP lists a number of potential biodiversity enhancements which are welcome but are insufficient in terms of numbers.
- A Biodiversity Net Gain assessment has been carried out which suggests a 20% net gain; however, all the created habitats are proposed to reach only poor, fairly poor or moderate condition. Inclusion of a nature reserve area could allow some areas of better quality/priority habitats in good condition to be created.

9.82. The revised submission has sought to address the concerns raised above by the Ecologist and BBOWT. No further comments have been received from BBOWT but the ecology officer advises that previous comments regarding the lack of farmland bird mitigation and compensation have not been addressed by the revised submission and cannot see that any areas (aside from a small section to the north) of habitat

being sectioned off for wildlife without public access. Aside for these, the ecological surveys and reports are sufficient for this stage of development and a number of conditions are recommended relating to lighting, ecological construction method statement, biodiversity enhancements and habitat management and monitoring plan.

- 9.83. Following the above comments, the applicant submitted a Farmland Bird Mitigation Strategy which has been assessed by the ecology officer who advises that the mitigation scheme is satisfactory to show intention and the extent of the planned compensation for farmland birds and further advises that a full farmland bird mitigation scheme with identified location/management ongoing should be conditioned.
- 9.84. Natural England have also assessed the submission and initially raised no objection, but in respect of the revised submission raised an objection on the grounds that further information is required to determine impacts on designated sites. The application could have potential significant effects on Oxford Meadows Special Area of Conservation (SAC) and therefore additional information is required to inform the Habitats Regulation Assessment to demonstrate that there will be no adverse impact on the integrity of Oxford Meadows SAC as a result of the development in relation to air quality as a result of additional traffic emissions as a result of the development along the A40 east and west bound between Witney and Oxford and along the A34 north to south.
- 9.85. Following the above objection and request for additional information, the applicant has submitted an updated Shadow Habitats Regulations Assessment dated April 2024 which considers the implications of the proposed residential development on European Sites within the Zone of Influence of the proposal and providing further analysis of nitrogen deposition at Oxford Meadows SAC. Natural England have been re-consulted and a response is awaited.
- 9.86. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the removal of the 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.

Landscape Impact, Green Infrastructure and Recreation Provision

- 9.87. Policy ESD13 of the CLP 2015 requires landscape protection and enhancement opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through restoration, management and enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodland, 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.
- 9.88. There was little discussion regarding landscape impact through the pre-application submission as no landscape impact assessment was submitted at that time for consideration. The application submission is now accompanied by a Landscape and Visual Landscape Impact Assessment (LVIA) which has been assessed by the Landscape Officer. It is comprehensive and follows a methodology based on the guidelines in GLVIA3 and the findings and conclusions in respect of the landscape

receptor are generally acceptable. However, some concern was raised regarding the significance of effects in relation to a number of viewpoints to the east of the site.

- 9.89. The site generally falls away from two main high points. The first is in the centre of the site along the western boundary with the A4165, with land falling to the north and east towards St Frideswide Farm. The second high point is located along the southern boundary with land falling from this point to the east from the north close to the Gosford and Water Eaton Park and Ride and from the Cherwell Valley to the east. The site is currently well screened from the south along Oxford Road by existing vegetation along the southern and western boundaries.
- 9.90. In terms of the Oxford Road frontage, it became evident during pre-application that the whole of the tree lined/woodland frontage of Oxford Road would be removed to provide the improvements to Oxford Road in terms of buses, and the pedestrian/cycle superhighway. Consequently, the views when approaching from Oxford to the south will be open. The original LVIA did not assess these views nor the views of the site from the railway line and the public right of way over the railway line. The applicant was requested to update the LVIA accordingly.
- 9.91. The revised submission including wirelines and photomontages has been re-assessed by the landscape Officer who advises that it demonstrates how domineering the structures proposed on the roadside will be for road user receptors and that the removal of the trees along the Oxford Road is unfortunate, but agrees with the submitted assessment which advises that *'overtime, as the planting along the site's western boundary matures and the proposed scheme weathers and assimilates into the landscape, these effects would reduce slightly and be moderate/minor adverse, which is not significant in EIA terms'*. The Landscape Officer further advises that the visualisations from Oxford Road with landscaping are aspirational because this is an outline application and we do not currently have a detailed scheme or landscape proposals. This may require a reappraisal of the impacts on Oxford Road receptors based on consented landscape proposals, resulting in the building line being set further back from the road to accommodate more space than shown on the Green Infrastructure plan to allow for earthworks, ditch and structural planting.
- 9.92. Oxford Road users are deemed to be of low sensitivity because they are primarily engaged with driving/walking/cycling, not the landscape. This would not necessarily be the case for bus passengers. However, with the considerable vegetation clearance along the site's western boundary which will be expose the development as construction impacts, an appropriate timeframe for planting will need to be agreed and implemented once the groundworks are implemented. This is to ensure the planting is achieved at the earliest opportunity during the first planting season after the completion of the groundworks in order for early establishment and maintenance of the Oxford Road landscape scheme.
- 9.93. The LVIA advises that given the scale of the proposed development there would inevitably be some adverse effect on visual receptors. However, it further advises that where views are available, the proposed development would be integrated within an extensive and far-reaching green infrastructure network, which will provide many benefits to biodiversity and landscape character. The submitted viewpoints indicate that currently there is a high level of intervisibility between the site and the countryside. Whilst Policy PR6a sets out that one of the primary purposes of the eastern infrastructure corridor is to minimise the landscape and visual impact of the development, concern has been raised about the effectiveness of this green infrastructure for this purpose as a consequence of the infrastructure proposed within it, including SUDS, attenuation basins, play spaces and allotments/community gardens and footpath/cycleway, leaving very little area for substantial tree planting. This matter will need to be very carefully considered when the reserved matters is

submitted to ensure that the green infrastructure planting along this eastern corridor is effective in terms of successfully mitigating the visual impact of the development from the Cherwell Valley and the Green Belt to the east and the setting of St Frideswide Farmhouse.

- 9.94. Concern was raised in respect of the original submission that the LVIA lacked commitment in terms of retaining existing vegetation as it advises that consideration should be given to retaining all trees wherever possible and then goes on to state that this will be dependent upon the proposals. The complete removal of the existing trees and hedgerows along the Oxford Road frontage and the need to provide sufficient and appropriate new planting were discussed at length during pre-application discussions. The submission has been subsequently amended to show a minimum 9m buffer along the southern part of the Oxford Road frontage behind the proposed highway improvement works which is considered acceptable.
- 9.95. Paragraph B253 of the CLP 2015 further advises that the Council seek to retain woodlands, trees, hedges, ponds and walls and any other features which are important to the character or appearance of the local landscape as a result of their ecological, historic or amenity value. The application site currently consists of historic farmland and woodland in the form of planting to the Oxford Road boundary and a number of species rich hedgerows within the site.
- 9.96. Policy PR3 of the Partial Review Local Plan establishes the principle of compensating for loss of Green Belt land, requiring proposals to contribute to improvements in the environmental quality and accessibility of land remaining in Green Belt, as detailed in the strategic allocation policies. In respect of this allocation the compensatory land includes 11 hectares as an extension to Cutteslowe Park, 8 hectares of green infrastructure corridor along the eastern boundary and the retention of 3 hectares of land in agricultural use. These requirements are additional to the open space standards set out under Policies BSC10 and BSC11 of the CLP 2015 which are expected to be achieved within the site's developable area. These requirements are also set out in the approved Development Brief for the site. It should also be noted that any wildlife corridors/ecological areas for biodiversity net gain will be in excess of these areas and need to be protected in the main from public access.
- 9.97. Policy PR5 – Green Infrastructure requires that the development will protect and enhance green infrastructure and incorporate green assets and the water environment into the design approach within the site. Concern was raised in respect of the original submission that the landscape strategy lacked a commitment to providing meaningful green infrastructure links through the development for both wildlife corridors and recreation use. Consequently, the applicant was advised that the width and function of these corridors need to be agreed at outline to ensure that they are successfully delivered through reserved matters.
- 9.98. The 8 hectare green infrastructure corridor along the eastern edge of the site is expected to perform a green and active travel function but importantly it is also expected to minimise the visual and landscape impact of the proposal, ensure development responds appropriately to the setting of the Grade II* listed St Frideswide Farmhouse and Grade II listed wall and Cherwell Valley beyond, and create a clear distinction between the site and the Green Belt.
- 9.99. This requirement is wholly in accordance with Government Policy. The NPPF at paragraph 142 states: *'where it has been concluded that it is necessary to release Green Belt land for development, plans...should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land'*.

- 9.100. Paragraph 145 continues; *‘once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged or derelict land’.*
- 9.101. Government policy in this respect is also reflected in Policy PR5 which sets out the Green Infrastructure requirements including the protection of existing trees and the opportunity for new tree planting, green infrastructure connectivity and assisting the beneficial use and permanence of the Green Belt, providing improvements to biodiversity and protecting the existing and proposed built and natural landscape for the protection or enhancements of the historic environment.
- 9.102. The application proposes the 8 hectare green infrastructure buffer along the eastern boundary as required, but the siting of the primary school and local centre in a more central location, which is safe and easily accessible to both PR6a and PR6b and having regard to the archaeological features within the centre of the site, has resulted in the width of the green infrastructure corridor compromised to accommodate the school resulting in an encroachment into this buffer of approximately 4 metres. Whilst this is unfortunate, it is considered that the benefits of placing the school in an easily accessible central location and close to the local centre and avoidance of heritage impacts on the archaeological interest in other areas, sufficiently outweighs the adverse impact of the encroachment into this green infrastructure by this small margin in this instance and is therefore accepted.
- 9.103. The submission has been assessed by the Landscape Officer who has raised concerns regarding the position of proposed play areas and facilities and in respect of child safety due to the proximity of play areas to water bodies/balancing ponds. It is also important that play areas, allotments/community gardens must also benefit from natural surveillance from the surrounding development and not placed behind structural planting. The community gardens/allotments should also have vehicular access for deliveries etc. The applicants were therefore requested to reconsider the position of these facilities within the park extension and eastern buffer. The revised green infrastructure parameter plan has sought to address these concerns although the main play area remains indicated within the park extension some distance from the built development.
- 9.104. Having regard to the above, the proposals are considered to now be generally acceptable in terms of landscape impact and the quantum of public open space and play space within the development itself in accordance with Policies ESD13 and BSC11 of the CLP 2015 and Government guidance within the NPPF and also in respect of the specific key delivery requirement of Policy PR6a in this respect.

Arboriculture

- 9.105. The site comprises arable farmland, with mature, native hedgerows defining field boundaries. Trees are almost exclusively located within hedgerows around the boundaries of the site or along the Oxford Road frontage. Two small areas of broad-leaved woodland are present within the western edge of the site alongside Oxford Road and there are sparsely scattered hedgerow trees. The baseline survey data for the whole site was collected in June 2021, with further survey work undertaken in August 2022 to assess the tree groups in detail along Oxford Road. There are two B1 category veteran trees identified on the eastern boundary of the study area and will not be impacted by the proposed built development. There are no Tree Preservation orders on the site.

- 9.106. Policy ESD13 of the CLP 2015 – Local Landscape Protection and Enhancement seeks to ensure that opportunities are taken to secure the character and appearance of the landscape through the management or enhancement of existing landscapes, features or habitats are enhanced with appropriate mitigation where damage to local landscape character occurs.
- 9.107. Paragraph 136 of the NPPF states that *'trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change'*.
- 9.108. The application is accompanied by an Arboriculture Impact Assessment (AIA) which identifies that a significant number of trees and hedgerow which for the majority fall within category C, will be removed as part of the development proposals, including all of the existing vegetation to the Oxford Road frontage. This has been assessed by the Arboriculture Officer. The starting point for any new development should be that all trees, hedgerows and vegetation should be retained unless there is clear justification for their removal with adequate replacements proposed. The Assessment advises that to mitigate for the loss of trees, new planting will be undertaken to ensure an overall net gain in tree stock, which will contribute to the overall setting of the new development.
- 9.109. The original draft AIA submitted during preapplication indicated that whilst the tree screen along Oxford Road individually were not of any great merit, they were important as a group in terms of the street scene and were to be retained. The revised AIA submitted with the application has recategorized the trees individually as Category C trees.
- 9.110. The proposed new vehicular accesses into the site, together with the proposed highway improvements to Oxford Road will result in the loss of trees and vegetation along the site frontage which currently as stated above, provides a good screen and green corridor on this entry into Oxford city. This was discussed at pre-application and a meeting held on site to discuss the implications of the tree loss as a consequence of the highway improvements including the new super cycle highway along Oxford Road. At that meeting it was agreed that further survey work would be undertaken, and cross-sections submitted for further consideration, but this however was unfortunately not forthcoming at that time. This is currently an important wildlife corridor and if it is to be removed, the loss must be adequately mitigated. At the site meeting it was agreed that if this belt could not be retained that any new tree belt must be sufficiently wide to accommodate 2 or 3 canopy levels with understorey planting with no public access. This was not reflected in the submission which lacked a commitment to ensure that this could be delivered. There are also changes in levels between the existing highway and the site along Oxford Road which as identified at pre-application is likely to result in the need for some form of retaining feature, the impact of which must also be considered in terms of how wide this buffer needs to be and what its function is in terms of providing a landscape screen, wildlife corridor, potential SuDS and recreation use.
- 9.111. Following further discussions with the applicant a revised green infrastructure parameter plan has been submitted which identifies a new landscape buffer along this section of the Oxford Road frontage at a depth of a minimum of 9 metres. It is considered that this is now acceptable and that there should be sufficient room to accommodate the necessary buffer planting and changes in levels.
- 9.112. In addition to the above, the pre-application site meeting also discussed the retention of the category B group of trees behind the proposed local centre and the need to keep this group intact with the built development moved away to allow future growth. It is again unfortunately noted that this is all to be removed. As above, the

proposed 9m deep buffer along this section should be sufficient to ensure appropriate replacement planting which will be of benefit as a wildlife corridor as well as helping mitigate the visual impact of the development.

9.113. This submission has been assessed by the Arboriculture Officer who raised initial concerns regarding the current level of detail within the landscaping strategy to fulfil the requirement for mitigation for the loss of the Oxford Road planting and the commitment to the provision of sufficient space is afforded at the outline stage to ensure a robust tree/landscape strategy is implemented as a principal component of the site. As advised above, following discussion and negotiations with the applicant during the consideration of the application, the applicant has sought to ensure a minimum of 9m buffer to the Oxford Road frontage. No further comments have been received from the Arboriculture Officer following re-consultation on this matter. In the absence of any further concerns from the Arboriculture Officer, the revised green infrastructure parameter plan is considered acceptable in this respect.

9.114. The application is therefore considered to be in accordance with the development Plan and the NPPF in respect of trees and arboriculture matters and the amended submission is therefore acceptable in this respect.

Affordable Housing and Housing Mix

9.115. In 2016 the Oxfordshire Growth Board confirmed that Oxford was unable to meet its proportion of housing due to the city's severe constraints and therefore it was agreed that an apportionment of homes would be provided within each of the surrounding districts to help meet that need. The assumed capacity for Oxford was 10,000 dwellings, of which 4,400 were to be met within Cherwell District which are to be delivered through the Partial Review sites.

9.116. The proposed development seeks consent for up to 800 residential units. Policy PR6a requires that 50% of dwellings provided on the site to be affordable housing as defined by the NPPF and Policy PR2 sets out the housing mix, tenure and size of dwellings to help meet Oxford's housing needs and requires that the affordable housing mix is agreed with Cherwell District Council in consultation with Oxford City Council who have up-to-date housing needs data and knowledge of what mix will best meet identified needs of applicants with a connection to the city.

9.117. The planning statement accompanying the application sets out a proposed mix for both the market dwellings and the affordable units. Whilst the affordable mix suggested broadly follows those set out in Policy PR2, we need to ensure that the detailed affordable housing mix which will ultimately be delivered adequately meets identified needs. The percentages in the policy are a guide and it is therefore necessary to use up-to-date needs data to inform the final agreed mix to reflect priorities and ensure that the most pressing needs are met.

9.118. Whilst it is recognised that housing needs change over time and that current data may not reflect future need, in most cases, particularly where there are long waiting times due to a shortfall in provision, current need can be used as a reliable indicator for medium or long-term needs.

9.119. Recent data and knowledge indicates that currently there is a definite need for 4-bed or larger homes, there is currently a greater level of need for 3-bed provision than 2-bed and there is a greater need for social rent rather than affordable rent to meet the identified need for households on Oxford City's housing register and the starting position therefore should be that all rented dwellings are delivered as social rent. The housing mix will therefore need to be amended to include a larger percentage of 4-bed dwellings, and if possible, some 5+ dwellings.

- 9.120. In line with current Government policy, 25% of the affordable housing is required as First Homes, which were introduced after the Local Plan Review was adopted. The tenure split for the affordable housing will therefore be slightly different from that set out in Policy PR2 with 70% social rent, 25% First Homes and 5% shared ownership. An Oxford City connection will apply to all First Homes for the first three months of marketing.
- 9.121. In terms of standards, Oxford City's policy is for all rented dwellings to be M4(2) compliant and 5% to be M4(3) 2b compliant. Therefore, it is expected that this will apply to the affordable provision on this development. All rented dwellings will also be expected to meet Nationally Described Space Standards (NDSS).
- 9.122. As set out in the Developer Contributions SPD, the affordable housing should be clustered in groups of no more than 10 dwellings of single tenure or 15 dwellings of mixed tenure. This however can be agreed on a site-by-site basis as larger clusters work better on some sites, so the detailed layouts will need to be agreed by both CDC and Oxford city in this respect.
- 9.123. Having regard to the above, the application is supported in principle subject to clarity on the above points, including the provision of First Homes and a revised housing mix/tenure split, but this can be agreed through the section 106 and an affordable housing scheme. There will also need to be consideration of the provision of bungalows, accessible homes and opportunities to provide specialist housing, self-build or self-finishing housing as required by Policy PR2.

Highways, Access and Transport

- 9.124. NPPF paragraph 113 states that all developments that will generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed. The Transport Decarbonisation Plan and DfT Circular 01/2022 also set out that we need to move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (sometimes referred to as 'vision and validate').
- 9.125. The National Design Guide states:
- 75. Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. They contribute to making high-quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.*
- 76. Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.*
- 9.126. NPPF paragraph 105 also prescribes that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of transport modes.
- 9.127. Policy PR4a of the Partial Review, policies ESD13, ESD15 and SLE4 of the CLP 2015 and saved Policy C30 of the Cherwell Local Plan 1996 echo the principle of active travel.

- 9.128. Policy SLE4 of the CLP 2015 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. It further advises that 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 severe traffic impact will not be supported.
- 9.129. Saved Policy TR1 of the CLP 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, allowing the development to proceed, should be provided.
- 9.130. Policy PR6a requires the application to be supported by a Transport Assessment and Travel Plan, including measures for maximising sustainable transport connectivity, minimising the impact of motor vehicles on new residents and existing communities, and actions for updating the Travel Plan during the construction of the development. The application is supported by a Transport Assessment and since the adoption of the Partial Review Local Plan the developers of the PR sites and their Transport Consultants have been working with OCC to ensure that the impact and mitigation of the PR sites are delivered in a consistent and co-ordinated manner. That work is now complete.
- 9.131. The site is well served by public transport as it is located adjacent to Oxford Parkway station as well as buses between Oxford City Centre and locations such as Kidlington or Bicester, many of which stop at the Oxford Parkway Park and Ride or on Oxford Road.
- 9.132. The existing pedestrian and cycle infrastructure in the area however is of poor quality and requires improvement in order for the development in the area to come forward. The existing shared use path either side of Oxford Road is well below LTN1/20 standard and does not fit the Oxfordshire County Council's hierarchy of prioritising cyclists and pedestrians and there are currently few crossing places. There is particular concern around the safety of Oxford Parkway junction due to a recent fatality.
- 9.133. North of Oxford Parkway is Kidlington roundabout, a new scheme has recently been approved here which will improve permeability across the roundabout for pedestrians and cyclists' whilst retaining capacity for vehicles. Moving south from the site is the Cutteslowe area of Oxford which becomes more built up with a higher number of side road entries which can hold up pedestrians and cyclists. In terms of highway capacity, Cutteslowe Roundabout is already close to capacity and is an important part of the strategic network.
- 9.134. The need for a package of transport improvements in the area was addressed through the Cherwell Local Plan Partial Review and the District's Infrastructure Delivery Plan, largely to be funded by developers of the sites allocated in the Partial Review. In addition to the package of transport improvements to infrastructure which have been included in the applicant's transport model and trip rate, there are other specific improvements needed in respect of this site.
- 9.135. Cutteslowe Roundabout is a significant barrier to development north of Oxford which needs to be addressed. There is currently only a staggered toucan crossing the western side of the roundabout to allow pedestrians and cyclists to travel north/south with an island which is already insufficient for the current number of users. With the expected number of pedestrians/cyclists using this at peak times it could cause severe delays and potential safety concerns, as such a scheme is required to improve the

roundabout for active travel users whilst recognising there will need to be limited delays to public transport. An objection to the application was raised by OCC Transport until this had been resolved.

- 9.136. In addition to the 'Cycle Superhighway' it is deemed necessary that a quieter route be provided to cater for less confident cyclists. A route has been designed by the applicant in conjunction with the city and county councils through Cutteslowe Park which has been costed by Oxford Direct Services. This allows a safer route along the western edge of the park so not to conflict with pedestrians and connects to the A40 overbridge creating good access to Cutteslowe Primary School, Community Centre and NCN51 which is a quieter route into Summertown and beyond. This is considered an important element of creating a sustainable site and is therefore deemed essential infrastructure which the applicant must partly fund alongside the PR6b development when that comes forward.
- 9.137. The proposed access to the site has been designed in accordance with the approved 30mph limit on Oxford Road and has taken into account the planned 'Cycle Superhighway' along the corridor, providing 2.5m segregated cycle lanes and 2m footways and along the site frontage this will also include a 3m buffer between the carriageway and the cycle lane which could be used for tree planting.
- 9.138. The primary vehicular access is to the south of the site frontage on Oxford Road and is in the form of a CYCLOPS junction. This essentially creates an 'all-red' phase for vehicles and allows pedestrians and cyclists to circulate around the perimeter of the junction in a clockwise direction in a single movement. There are currently no examples of this in Oxfordshire, but it is considered safer for active travel users and fits well with the 'Super Highway' scheme. Until PR6b and the 'Cycle Superhighway' come forward, the applicant will construct the junction as a 3-arm junction and leave the western side as existing which is considered acceptable in the short term. It has also been confirmed that space will be reserved within the CYCLOPS junction for a right-turn lane (southbound) into PR6b for when it comes forward which is welcomed. Some changes may be required to the junction in its temporary form until PR6b comes forward such as signals added on the existing path on the west side of Oxford Road for pedestrians and cyclists to be agreed through the S278 process.
- 9.139. The junction will include 2.5m cycle lanes and 2m footways to integrate with the existing corridor scheme and will include pedestrian refuges on each corner to allow for safe waiting areas. The junction will incorporate the southbound bus lane which will also act as a left-turn lane into the site. There will be an additional southbound general traffic lane, 2 northbound lanes and a right turn lane into the site from the south, these will all be 3.25m wide which is accepted. These will need to merge either side of the junction.
- 9.140. The northern access takes the form of a left-in/left-out priority junction with a full set of back/raised table and pedestrian/cycle priority in line with LTN 1/20 and the updated highway code. This fits with the 'Cycle Superhighway' scheme and Oxfordshire County Council's user hierarchy and is acceptable.
- 9.141. As a consequence of providing the highway improvements, new CYCLOPS junction, northern access and 'Cycle Superhighway' the whole of the existing planting, trees and undergrowth along the Oxford Road frontage will be removed. This will have a significant visual impact and completely change the existing character along this stretch of road into Oxford. The proposals however as already discussed above will be mitigated by the provision of a new landscape buffer along this frontage which is indicated on the landscape parameter plan and result in significant improvements for users of the corridor, specifically for those using sustainable means of travel. The full details will be submitted at reserved matters.

- 9.142. In addition to those mentioned above, there are three additional pedestrian/cycle accesses from Oxford Road. These are approximately located at the north of the site, in line with the existing public right of way and to the south of the site. There are also pedestrian access points from Cutteslowe Park to the southeast and from St Frideswide Farm housing site which currently falls within Oxford City's boundary, although this will require a folding bollard to ensure vehicle movements do not occur. These are all 3m shared accesses and are accepted.
- 9.143. During pre-application discussions the question was raised multiple times regarding accesses onto the Park and Ride access road and this point remained unresolved when the application was submitted. It is considered that a pedestrian/cycle access from the site is provided as this will be a desire line for residents of the new development as well as those from North Oxford.
- 9.144. The applicant has now confirmed there will be a pedestrian/cycle access from the site onto the Park and Ride access road, there will be an obligation within the Section 106 agreement to ensure this comes forward.
- 9.145. There was considerable discussion during pre-application regarding the spine road and access to the school which is proposed to be located within the centre of the site adjacent to the main spine road. Concern was expressed about parent parking causing congestion and a danger to child safety. As a consequence, a school street is proposed which means that the section of spine road in front of the school will be closed to vehicular traffic during school drop off times in the morning and then at school pick-up times in the afternoon. An alternative vehicular link will be provided through the adjacent housing parcel for those needing to access the area during closure.
- 9.146. To gain a better understanding of the traffic impact of this development and the other PR sites, the county council requested that all of the PR sites used the existing North Oxford VISSIM model which has 2018 and 2023 baseline years and collaborated to create a 2031 future year scenario including expected traffic impact from all the sites and other committed development. At the time of the application submission this was still awaited so the full impact of the development on the highway network could not be fully assessed and therefore an objection was raised on highway grounds.
- 9.147. The North Oxford VISSIM Model has now been agreed by Oxfordshire County Council and National Highways (in relation to the Strategic Road Network). The 2031 future year scenario has been developed by all the Partial Review sites and has been agreed as an acceptable method of assessing the impact of the sites, both individually and collectively.
- 9.148. The modelling shows localised impacts on the local highway network; however, these are mitigated by the active travel infrastructure coming forward as the modelling shows. In order to achieve the modal shift required to achieve the medium and high 'Do Something' scenarios it is clear that the infrastructure requirements listed below are necessary to make the development acceptable and without it there would be an unacceptable impact on the highway network.
- 9.149. The biggest impact demonstrated is to Cutteslowe Roundabout in the AM peak with significant increases in queue length on both the A4165 north and south arms in the low scenario which would be considered an unacceptable impact. However, the medium and high scenarios show negligible impact which further show the need to make active travel improvements, in particular to Cutteslowe Roundabout to which contributions are now being sought towards.

- 9.150. OCC had requested that the development be served by significantly lower car parking levels than would ordinarily be required on a new development having regard to its proximity to public transport and active travel proposals. The applicant has since provided some information regarding car parking and why car-free parking cannot be provided in this location. Whilst OCC would like to see some car-free element of the site, it is understood that under current standards this is not mandatory. However, as this is an outline application with all matters reserved except access, car parking will be determined at reserved matters stage and the adopted standards at that time will be used.
- 9.151. A Controlled Parking Zone (CPZ) will be required for the site and will be dealt with by legal obligation requiring a private scheme to come forward which mimics the County Council's scheme in terms of numbers of permits, bays, signs etc and once internal roads are adopted then this can be carried over to be operated by the county council as a standard CPZ. This will also apply to the school street.
- 9.152. A number of objections have been received (including local councillors) regarding the Kidlington Roundabout and proposed changes to bus lanes. It should be noted that the removal of the bus lane is not part of this application. The drawings provided by the developer are illustrative and show what could be done along Oxford Road when OCC deliver the Kidlington Roundabout and cycle superhighway scheme. The developer for PR6a will be delivering their site frontage only and the actual Cycle Superhighway corridor scheme (including the removal of the bus lane if that proceeds) will be designed and delivered by OCC. If the bus lane does need to be removed for the cycle Superhighway, there would be a bus gate meaning that buses have priority over that short section crossing the bridge, not cars. This would allow buses to bypass the cars and cross the bridge so not to have an impact on journey times.
- 9.153. Having regard to the above, subject to appropriate Section 106 and conditions, the proposals have been appropriately assessed in terms of highway impacts of the development highway and pedestrian/cycle safety and in accordance with the Development Plan and the NPPF. The proposals are therefore acceptable in this respect.

Flood Risk and Drainage

- 9.154. 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 assessment*'.
- 9.155. Policy ESD6 of the CLP 2015 essentially replicates national policy contained within the NPPF in this respect when assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable development (such as residential) towards areas at lower risk of flooding. The application proposal has been assessed by the Environment Agency who have raised no objections to the proposed development.
- 9.156. 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 the 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. Proposals must also include an agreement on future management, maintenance and replacement of SuDS features.

- 9.157. The drainage strategy and surface water management solutions must be considered from the outset of the development planning process and throughout – influencing site layout and design and should not be limited by the proposed site layout and design. Wherever possible runoff must be managed at source with residual flows then conveyed downstream to further storage or treatment components where required.
- 9.158. The application is accompanied by a Flood Risk Assessment which outlines the existing situation with regards to flood risk and drainage and outlines proposals for flood risk protection and resilience and surface water drainage. A network of drainage ditches is located along field boundaries which eventually discharge into the River Cherwell which is designated as a main river by the Environment Agency to the east of the site. A pond is also located at St Frideswide Farm adjacent to the eastern boundary which is connected to the surrounding drainage ditches.
- 9.159. The Environment Agency Flood Map for Planning indicates that the entire site is located within Flood Zone 1, land at the lowest risk of flooding. A small area adjacent to the south-eastern boundary which is in agricultural use lies in Flood Zones 2 and 3 but this lies outside the developable area.
- 9.160. The risk of ground water flooding is considered to be low for the majority of the site and low to medium at the lower ends of the site where historical events have been reported as well as in areas where monitoring has identified ground water closer to the surface. Open green space is proposed to be located at the lower (eastern) ends of the site and as such ground water flooding is not expected to pose an unacceptable risk to development.
- 9.161. It is intended that positive drainage systems will be used to ensure that the remainder of the development site is at reduced risk of groundwater flooding.
- 9.162. The proposed drainage strategy will utilise sustainable drainage techniques through detention basins and ponds/wetlands as the primary form of storage on the site. These will be located at the lower end of each of the catchments and attenuate and treat run-off prior to discharge to the ditch network. It is also proposed that at-source techniques such as rainwater harvesting, green roofs, bioretention systems, pervious pavements and tree pits will be incorporated throughout the development. Swales, filter strips or filter drains will also be considered in place of conventional pipe networks where possible.
- 9.163. The Flood Risk Assessment and proposed drainage strategy have been assessed by the Environment Agency and OCC as LLFA who raise no objections. The comments of residents of St Frideswide Farmhouse regarding potential increased flooding of that property as a consequence of the development are noted but the assessment submitted considers that this will not be an issue and in the absence of objections from drainage expertise, the proposals are considered to be acceptable and in accordance with Policy ESD6 and ESD7 of the CLP 2015 and Government Guidance within the National Planning Policy Framework in this respect.

Climate Change and Sustainability

- 9.164. Policy PR1 of the Cherwell Local Plan Review – Oxford Unmet Need – Achieving Sustainable Development requires the development to comply with other material Development Plan policies and demonstrate that sustainable development will be

achieved. Policies ESD1 -5 of the adopted Cherwell Local Plan are therefore relevant and must be appropriately considered and addressed accordingly. Consideration of these policies is becoming more pertinent having regard to climate change, government law, policy and targets, guidance within the NPPF and Cherwell District Council's Climate Change Emergency Declaration.

9.165. Section 14 of the NPPF covers the issue of meeting the challenge of climate change. Policies ESD 1-5 of the CLP 2015 also address this. Policy ESD1 considers the issue of Mitigating and Adapting to climate change. Policy ESD2 considers Energy Hierarchy and allowable Solutions and seeks to achieve carbon emissions reductions. Policy ESD3 considers sustainable construction and as Cherwell is in an area of water stress requires all new development to achieve a limit of 110 litres/person/day. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted. Policy ESD5 considers the use of renewable energy and requires the submission of a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

9.166. The proposals have been designed around sustainable modes of transport and pedestrian/cycle connectivity, reducing the need to travel by car. It proposes new bus stops on Oxford Road and provides vehicular access to the site that prioritises safe crossing movements for pedestrians and cyclists. These are welcomed, however the submission lacks detail and commitment regarding the proposed mobility hubs which are proposed around the local centre and how these will be provided/managed/maintained etc. The applicant advises that this will be considered in more detail at reserved matter stage.

9.167. The application is accompanied by a sustainability and energy statement. The demonstration of climate change mitigation and adaption measures are also key design and place shaping principles which should also be addressed through a Design and Access Statement as it is vital that this is considered at the initial design stage and not an afterthought once consent is granted for the detailed development of the site which happens so often. Sustainability, low carbon and renewable energy were highlighted by the applicant during public consultation and design review during the pre-application submission as an important issue at the heart of the new development.

9.168. The submitted sustainability and energy statement sets out the sustainability strategy for the proposed development through seven design principles, these being, connectivity, identity, community, ecology, energy, carbon and health and well-being. The statement advises as follows:

9.169. In terms of connectivity, a people-first approach will be used to ensure residents are as close as possible to key services and facilities and public transport and encourage walking or cycling. To this end new bus stops will be provided on Oxford Road, vehicular access into the development will prioritise safe crossing movements for pedestrians and cyclists, EV charging and an on-site mobility hub to promote car sharing/use of e-bikes and e-scooters etc.

9.170. In terms of identity, the applicant advises that the detailed reserved matters proposals will seek to define a sense of identity and respect for the environment through the provision of good design, landscaping, internal spaces, play spaces and long-term stewardship.

9.171. In terms of community the site has been designed through the masterplan as a safe and inclusive space that will provide opportunities to live, work and socialise, including

communal growing areas, allotments, green infrastructure and a community building within the local centre.

- 9.172. In terms of ecology, a network of multi-functional green spaces and habitats will be created, and homes and green spaces will be connected ensuring residents can easily access green spaces throughout the development with the aim of achieving Building with Nature accreditation, delivering biodiversity net gain and replacement of lost habitats.
- 9.173. In terms of energy, Water Eaton will follow the energy hierarchy and the proposal is to meet the full Future Homes Standard from day one with an EPC rating of level B as a minimum. This exact specification will be developed during detailed design, but will involve high fabric standards, all-electric heat pumps and solar generation. Water efficient fixtures and fittings will be installed to meet the 110l/p/d target within the Cherwell Local Plan. Renewable energy options considered for the development are solar power and air source heat pumps.
- 9.174. In terms of carbon, the strategy aims to create a pathway to net zero carbon which will be achieved through careful design, local procurement, sustainable construction practices and an emphasis on active travel and electrification.
- 9.175. Having regard to the above, it is proposed that the new development will be constructed in accordance with the 2025 Future Homes Standard and will include matters such as solar panels, fabric first construction methods, be gas free, utilise electric heat pumps and install electric vehicle charging points.
- 9.176. It is proposed that the precise details will be established at detailed design stage and through the reserved matters and it is therefore recommended that a condition be included requiring the submission of a more detailed energy/innovation strategy for the site. Overall, provided that a commitment is made through the detailed submissions to the above, it is considered that the proposals are generally in accordance with Section 14 of the NPPF, Policy PR6a of the Local Plan Review 2020 and Policies ESD 1-5 of the CLP 2015 together with the aims and objectives of mitigating the impact of the development on climate change and are therefore acceptable in this respect.

Health and Well-Being

- 9.177. Health and Well-Being is high on both the Government's and council's agenda, particularly in the light of the recent pandemic and the impact it has had on the population, emphasising the need for access to good quality public open space as well as the benefit of private outdoor space.
- 9.178. A full Health Impact Assessment (HIA) was submitted with the application and has been assessed by OCC's Public Health Team. It is important that these are submitted with large developments to enable ample opportunity to influence healthy place shaping aspects of the development. The HIA is thorough and addresses the criteria set out in the HIA toolkit guidance. It assesses how the proposed development may impact on health and well-being and in most areas identifies that the development will either have no negative impact or a positive impact.
- 9.179. On reviewing the illustrative masterplan, the extension to Cutteslowe Park is welcomed together with the associated pedestrian and cycle connection situated close to the cricket pavilion, providing an important active travel link from existing settlements in North Oxford to the new development. The use of green spaces throughout the site will support easy access to nature and has the potential to provide

urban cooling. The provision of community growing spaces will provide easy access for all residential areas.

9.180. Chapter 6 of the Environmental Statement focusses on air quality and duly notes that the application site borders Oxford City which is designated in its entirety as an Air Quality Management Area. It is further noted that a substantial quantity of housing is to be located in relatively close proximity to the busy Oxford Road with the potential to expose residents to both air and noise pollution and therefore requests further information regarding actual proximity and any mitigation necessary to reduce the risk of harm to health and well-being. The noise and air quality assessments have been assessed by Environmental Health who are satisfied with the contents and findings and mitigation proposed.

9.181. Having regard to the above, the health Impact assessment as submitted is considered to accord with OCC guidance and it appropriately addresses the health impacts of the development.

Planning Obligation

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

9.183. Policy INF1 of the CLP 2015 considers the infrastructure provision required to meet the district's growth, to support the strategic site allocations and to ensure delivery of infrastructure requirements relating to matters such as transport, education, health, community facilities, sports etc accordingly.

9.184. Policies PR2 and PR6a of the CLP Partial Review requires the provision of 50% affordable housing on all the allocated Partial Review sites to meet Oxford's unmet housing need. The policy continues by stating that the proposals will need to have regard to Oxford's Housing Needs and Assessment and the definitions contained therein to achieve an appropriate mix to meet that need. This will be considered through the section 106.

9.185. The Council also has an adopted Developer Contributions SPD 2018 to guide the section 106 requests and is a material consideration.

9.186. Officers have had regard to the requirements of relevant development plan policies and considered the planning obligation or legal agreement requirements against the above provisions. Having done so, officers are of the view that a significant number of items need to be secured through a planning obligation before development can be considered acceptable and, in turn, planning permission granted. These items are as follows:

9.187. CDC Obligations:

- 50% affordable housing to NDSS and CDC/OCC requirements and standards.
- Cutteslowe Park extension
- Eastern green infrastructure buffer
- Provision and maintenance of play areas

- SUDS management and maintenance
- Management and maintenance of public open space
- Provision of allotments/community gardens/orchards including management and maintenance
- Community hall facilities on site as required by Policy PR6a
- Local Centre on site as required by Policy PR6a
- Community Development Worker Funding of either £69,853.40 or bespoke stewardship arrangement
- Community development fund of £36,000 or bespoke stewardship arrangement
- Off-site Outdoor sports provision contribution of £1,613,624
- Off-site Indoor sports provision contribution of £667,957.44
- Biodiversity Net Gain and Farmland Birds Mitigation
- Waste and Recycling bins for each residential unit
- Land and provision of a recycling bank
- Monitoring Fee TBC

9.188. OCC Obligations:

- Transfer of 2.22ha of land for primary school
- Primary school contribution of £7,746,000
- Secondary school contribution of £5,411,504
- Secondary school land acquisition costs of £448,853
- SEND contribution of £538,446
- Kidlington library contribution of £78,386
- Waste and recycling contribution of £75,168.
- Archaeology storage contribution of £7,169
- Mobility hub contribution of £2,238,631
- Oxford Road cycle superhighway contribution of £845,337
- Cutteslowe Roundabout improvements contribution of £705,264
- Transport Infrastructure A4260 bus lane contribution of £1,585,564.
- Signalised junctions along A4260/A4165 contribution of £254,750

- Active travel infrastructure – Cutteslowe Park cycle route contribution of £216,028
- Bus service improvements contribution of £861,055
- RTI displays at existing Jordan Hill Bus Stops contribution of £41,211.
- Public Rights of way Improvements £310,000 (still under discussion)
- Framework Travel Plan Monitoring of £1,890
- Residential Travel Plan Monitoring £3,110
- Admin and Monitoring Fee of £35,933

9.189. Other Obligations:

- BOB ICB contribution of £691,200
- Thames Valley Police contribution of £132,157

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications 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.
- 10.2. The proposals will contribute towards the Council's five-year housing land supply relating to the delivery of the Partial Review sites and provide the much-needed housing to meet Oxford's unmet housing need. It would create jobs during the construction of the site and in the local centre and within the school once operational. The population would also support the local economy either in Kidlington or Oxford. The development proposals will also provide new active travel routes into Oxford and Kidlington, provide new pedestrian/cycle routes through the development and the existing communities beyond, green infrastructure, recreation space, community gardens and allotments for the benefit of the local and community.
- 10.3. As a consequence of the re-positioning of the school centrally within the site and the constraints relating to this site in terms of the position of the barrows and the necessary buffer to the barrows and the eastern green infrastructure corridor, the school site has unfortunately encroached into the green buffer. However, on balance, having regard to the preference to locate the school adjacent to the local centre and in a position that is also easily accessible to residents on PR6b, it is considered that on balance the narrow encroachment proposed into this green buffer is not significant and will not unduly impact on its function as a green infrastructure corridor and new soft permanent boundary to the revised Green Belt boundary and to protect the setting of St Frideswide Farm. On balance therefore this minor encroachment is considered acceptable.
- 10.4. As discussed above, the impact of the proposed development on the setting of St Frideswide farmhouse a Grade II* listed building which is a designated heritage asset has been given very careful consideration. As advised, as the development does not include works to the building itself, the proposal must be considered in terms of having less than substantial harm which should then be weighed against the public benefits

of a scheme. This is an allocated site for development in the Cherwell Partial Review Local Plan 2020 and the benefits of the development which will deliver new housing and affordable housing to meet Oxford's unmet housing need outweighs the significance of the impact and is therefore considered acceptable in this respect.

- 10.5. This is an allocated site, and the Council cannot currently demonstrate a five-year supply of housing for the Partial Review Local Plan 2020 and Oxford's Unmet Housing Need. The proposal includes a significant level of new on-site facilities such as a local centre and community building and new primary school in accordance with the aims and objectives of Policy PR6a and the other PR policies within the Partial Review Local Plan and approved Design Brief.
- 10.6. The proposals have been carefully considered against the Development Plan and National planning Policy Framework as a whole and the positive benefits significantly and demonstrably outweigh the negative aspects of the proposals.

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),**
- **THE REVISED COMMENTS OF NATURAL ENGLAND WHICH ARE STILL AWAITED AND**
- **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING(See Appendix 1) (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

CONDITIONS

Time Limit

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

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

2. Details of the layout, scale, appearance, access (other than the approved accesses to Oxford Road as shown on Plan and landscaping (hereafter referred to as the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England) Order 2015 (as amended).

Compliance with Plans

3. 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 inserted)

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

4. Unless justified through the reserved matters submissions, all. reserved matters submissions shall accord with the following submitted parameter plans: Land use and Access parameter Plan; Building Heights Parameter Plan; Green Infrastructure parameter Plan.

Reason: To ensure that the development is delivered in accordance with the principles of the outline planning application, approved Development Brief and Policies PR1, PR2, PR3, PR5, PR6a, PR11 and PR12a of the Cherwell Local Plan Review 2020 and Government guidance within the National Planning Policy Framework.

5. Prior to the commencement of any development on the site, a phasing plan for the development of the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The phasing Plan shall include full details of the development parcels, including affordable housing, open space, green infrastructure, delivery of the local centre, community building and school, roads, cycle/footpath connections, Cutteslowe Park extension, eastern green infrastructure buffer, new buffer to Oxford Road frontage, play facilities and allotments. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper and phased implementation of the development and associated infrastructure to the benefit of future residents in accordance with Policies PR1, PR2, PR3, PR5, PR6a, PR11 and PR12a of the Cherwell Local Plan Review 2020, Policies SLE4, BSC7, BSC8, BSC10, BSC11, BSC12, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

6. Prior to the implementation details of a pedestrian/cycle access from the Oxford Parkway access road into the site measuring a minimum of 3.5m must be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle access must thereafter be constructed in accordance with the approved plans.

Reason: To promote sustainable modes of transport and accord with Government guidance within the NPPF.

7. Prior to occupation a School Travel Plan, Residential Travel Plan and Travel Plan Statements for the local centre and community centre shall be submitted to the Local Planning Authority.

Reason: To promote sustainable modes of transport and comply with Government guidance within the NPPF.

8. Prior to first occupation a Framework Travel Plan shall be submitted to and approved by the Local Planning Authority.

Reason: To promote sustainable modes of transport and accord with Government guidance within the NPPF.

9. Prior to the occupation of the development hereby permitted, evidence shall be submitted to the Local Planning Authority and approved in writing that a School Travel Plan has been prepared using Modeshift STARS which meets Green Level accreditation. The approved School Travel plan shall be implemented within one month of the approval being given. The approved Travel Plan shall achieve Modeshift STARS Bronze level accreditation within 12 months of occupation and this shall be maintained for a minimum of five years from the date of approval. Evidence shall be provided to the Local Planning Authority of the accreditation level of the school Travel Plan within one week of such request.

Reason: To promote sustainable modes of transport and comply with Government guidance within the NPPF.

10. Construction Traffic Management Plan – wording as set out in OCC consultation response.

11. A Monitoring and Evaluation Plan (MEP) shall be submitted and approved in writing by the Local Planning Authority prior to first occupation. This should set out how trips from the site will be monitored and the response to how mode share targets are being met.

Reason: To promote sustainable modes of transport and comply with Government guidance within the NPPF.

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

Reason: In the interests of highway safety and to comply with Government guidance within the NPPF.

13. The approved drainage system shall be implemented in accordance with the approved Detailed Design as set out in ES Appendix 08.1 Flood Risk Assessment (Issue P01) Part 1 ref 028-8210440-BW-Flood Risk assessment Issue P01: 28 April 2023; ES Appendix 08.1 Flood Risk Assessment (Issue P01) Part 2, ST Site Investigation Report Appendix E; ES Appendix 08.1 Flood Risk Assessment (Issue P01) Part 3 Greenfield Runoff calculation rates, prior to the first occupation of the development.

Reason To ensure the principles of sustainable drainage are incorporated into the proposal in accordance with Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

14. Construction shall not begin until/prior to the approval of reserved matters; a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the 'Local standards and Guidance for Surface water Drainage on Major Development in Oxfordshire'
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change
- A Flood Exceedance Compliance Plan
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details
- Detailed maintenance and management plan in accordance with Section 32 of CIRA C753 including maintenance schedules for each drainage element
- 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 the principles of sustainable development are incorporated into the proposal in accordance with Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

15. 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:

- As built plans in both pdf and shp format
- Photographs to document each key stage of the drainage system when installed on site
- Photographs to document the completed installation of the drainage structures on site
- Name and contact details of any appointed management company information

Reason: To ensure the principles of sustainable drainage are incorporated into the proposal in accordance with Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with Government guidance within the NPPF.

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and commencement of the development (other than in accordance with the agreed written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and

useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

18. All reserved matters applications shall include details to ensure appropriate delivery of improvement and enhancements to the public realm in terms of quality of materials, public space and landscaping proposals. The development shall be carried out in accordance with these approved details.

Reason: In the interests of the visual amenities of the proposed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

19. Any contamination that is found during the course of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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 within the NPPF.

20. The development shall not be occupied until all foul water network upgrades required to accommodate the additional flows from the development have been completed, or a development and infrastructure phasing plan has been agreed with the local planning authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

21. No development shall be occupied until confirmation has been provided that either; all water network upgrades required to accommodate the additional demand to serve the development have been completed or a development and infrastructure phasing plan has been agreed with Thames water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no/low water pressure and network reinforcement works anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from

this development.

22. No development shall be occupied until confirmation has been provided that either all sewage works upgrades required to accommodate the additional flows from the development have been completed or a development and infrastructure phasing plan has been agreed with the local planning authority in consultation with Thames water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage treatment upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary to avoid sewage flooding and/or pollution incidents.

23. Each reserved matter relating to built development shall include existing and proposed land levels and finished floor levels, including cross sections across the site and adjacent land and illustrative street scenes to indicate changes in levels across the site and how the proposed development addresses these changes. The details shall be agreed with the local planning authority as part of that reserved matter submission. The development shall thereafter be carried out in accordance with the agreed site levels.

Reason: To enable a full assessment of the changes in levels across the site and the scale, massing and height of proposed buildings are compatible with adjacent development and in order to protect the setting of the Grade II* St Frideswide Farmhouse and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, Policy PR6a of the Local Plan Partial Review 2020 and Government guidance within the NPPF.

24. Prior to the commencement of any development, full details of a lighting strategy and its design, including position, orientation, and any screening of the lighting for biodiversity in line with the BCT Guidance Note 08/23 and shall show how lighting will not impact protected species or prevent them from using the territories 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 and thereafter maintained fully in accordance with the agreed details.

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

25. Prior to the commencement of any development of the site, a full detailed sustainability strategy in accordance with Policies ESD1 – 5 of the adopted Cherwell Local Plan 2011-2031 shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring sustainable development in accordance with the Development Plan and Government guidance within the NPPF.

26. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed to avoid the bird nesting season and should be checked by a suitably qualified ecologist to check no wildlife habitats are present that could be affected/destroyed by the removal, unless alternative provisions have previously been agreed in writing by the Local Planning

Authority.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031, Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

27. Prior to and within two months of the commencement of development on any part of the site, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the adopted Cherwell Local Plan, Policy PR6a of the Patrial Review Local Plan 2020 and Government guidance within the NPPF.

28. Prior to the first occupation of the development hereby approved, an Ecological Construction Method Statement (ECMS) and Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the ECMS and LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031, Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

29. Prior to the first occupation of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the local planning authority. Thereafter the HMMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

30. Prior to the construction of any development above slab level, a Biodiversity Enhancement Strategy including a biodiversity enhancement plan shall be submitted to and approved in writing by the local planning authority. Thereafter the biodiversity enhancement measures approved for the development shall be carried out prior to first occupation of any development parcel or phase and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

31. Prior to the commencement of any development on the site, a detailed Farmland bird compensation and mitigation strategy shall be submitted and

approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in accordance with the approved strategy.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Policy PR6a of the Partial Review Local Plan 2020 and Government guidance within the NPPF.

32. Construction Environmental Management plan (for biodiversity) – Details to be inserted as per SC11.21

33. Prior to the commencement of any development on the site a Noise Assessment shall be carried out in relation to Oxford Road and Park and Ride and strategy which shall include noise insulation and mitigation measures necessary to protect those properties adversely affected by traffic and rail activity noise shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved noise assessment and mitigation measures agreed.

Reason: To safeguard the residential amenities and living environment free from intrusive levels of noise for occupiers of the new development in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the NPPF.

APPENDIX 1 – MATTERS RELATING TO SECTION 106 AGREEMENT

Cherwell District Council Planning Obligation			
Detail	Amounts (all to be index linked)	Trigger Points	Regulation 122 Assessment
Affordable Housing	<p>50% of total numbers of dwellings to be affordable housing</p> <ul style="list-style-type: none"> - 70% social rent - 25% First Homes - 5% shared ownership <p>All affordable rented units to be M4(2) compliant and 5% to be M4(3) 2b compliant.</p> <p>All rented dwellings to meet Nationally Described Space Standards.</p>	Construct all of the Affordable Housing dwellings in a phase prior to the use or occupation of 85% of the Market dwellings in that phase/development parcel.	<p>Necessary – Yes, the site is allocated as part of the Partial Review Policy PR2 and PR6a are the relevant policies.</p> <p>Directly related – Yes, the affordable housing will be provided for the need identified in the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – Yes, the contribution is the level of the expected affordable housing.</p>
Community Building	On site provision to agreed specification and long term management strategy.	Construction prior to 400 occupations (or an alternative agreed trigger).	<p>Necessary – Provision of a Community Building within the local centre in accordance with Policy BSC 12, Policy PR6a and Policy PR11 and the Developer Contributions SPD.</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind - Yes</p>

Community Development Worker	Either £69,853.40 or bespoke stewardship arrangement.	Obligation covered by works to be undertaken by the Management Company.	Necessary - Financial contribution towards improvements to community integration and support within the locality in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD Directly Related – Yes
Community Development Fund	Either £36,000.00 or bespoke stewardship arrangement.	Obligation covered by works to be undertaken by the Management Company.	Fairly and Reasonably related in scale and kind - Yes
Outdoor Sport Provision	£1,613,624.00	25% prior to first occupation 25% prior to 200 occupations 25% prior to 400 occupations 25% prior to 500 occupations (or an alternative agreed trigger)	Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the CDC Developer Contribution SPD Directly related – The future occupiers will place additional demand on existing facilities. Fairly and reasonably related in scale and kind – Based on CDC standards to deliver formal outdoor sports provision at PR7a and Stratfield Brake in line with the Sports Studies.

Indoor Sport Provision	£667,957.44	25% prior to first occupation 25% prior to 200 occupations 25% prior to 400 occupations 25% prior to 500 occupations (or an alternative agreed trigger)	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants (i.e. towards improvements at Kidlington & Gosford Leisure Centre and / or a new facility in the vicinity).</p>
2 x LAP; 1 x LEAP; 1 x Combined LAP/LEAP; 1 x Combined LAP/LEAP/NEAP/MUGA - Maintenance costs	To agreed specification.	Obligation covered by works to be undertaken by the Management Company.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Cotteslowe Park Extension	As required by policy.	Provision to be made as part of the development.	
Green Infrastructure Corridor	As required by policy.	Provision to be made as part of the development.	
Open Space (Management and Maintenance)	Either by Management Company or CDC.	Obligation covered by works to be undertaken by the Management Company.	

Allotments, Community Gardens and Orchards - specification	To agreed specification.	Prior to determination of the relevant Reserved Matters Application or Detailed Planning Application which includes the community gardens or alternative agreed trigger	<p>Necessary – Delivering allotments, including community gardens and orchards, as required by Partial Review Local Plan Policy PR6a.</p> <p>Directly related – Yes.</p> <p>Fairly and reasonably related in scale and kind – Yes.</p>
Biodiversity Net Gain	Scheme to provide for a minimum of 10% BNG and maintenance.	Upon completion of all the phases development, a minimum 10% biodiversity net gain will be delivered. (NOTE: This could involve some phases of development delivering less than 10% BNG).	<p>Necessary – Delivering a minimum of 10% BNG is in accordance with the mandatory biodiversity net gain requirement for new housing and commercial development in The Environment Act 2021.</p> <p>Directly related – Yes.</p> <p>Fairly and reasonably related in scale and kind – Yes.</p>
BIMP (including farmland birds mitigation) proposals	Scheme for off-site mitigation of farmland birds	In conjunction with the delivery of development.	<p>Necessary – Delivering biodiversity improvements as required by Partial Review Local Plan Policy PR6a.</p> <p>Directly related – Yes.</p> <p>Fairly and reasonably related in scale and kind – Yes.</p>

Waste Recycling	£88,800	Prior to first occupation or alternative agreed trigger	<p>Necessary – Related to the increase in resident population as a result of the development and based on standard CDC charges.</p> <p>Directly related – Yes.</p> <p>Fairly and reasonably related in scale and kind – Yes.</p>
Land and provision of a recycling bank		Construct recycling bank prior to 400 occupations (or an alternative agreed trigger)	
CDC Monitoring Costs	£20,000	<p>Figure to be confirmed by CDC based on items to be monitored.</p> <p>50% prior to first occupation 50% prior to 400 occupations</p> <p>(or an alternative agreed trigger)</p>	The CDC charge is based upon its agreed Fees and Charges Schedule.

All of the above subject to S106 wording and standard repayment clauses to be included in the Agreement.

Oxfordshire County Council Planning Obligation			
Detail	Amount (all to be Index Linked)	Trigger Points	Regulation 122 Assessment
Primary Education - Transfer of school land	<p>Serviced and remediated land for a Primary school - 2.22 Hectares (excluding circulation area) (to agreed OXCC specification to allow for retaining structures).</p> <p>[To be transferred at nil cost but contribution from PR6b site and potential buy back mechanism should school use not proceed or ceases in the future]</p>	<p>OXCC trigger: 100 occupations (or an alternative agreed trigger)</p>	<p>Necessary – Related to the provision of a primary school on site to serve PR6a and PR6b. Local Plan Partial Review Policy PR6a is the relevant policy.</p> <p>Directly related – Related to the pupils generated by the development of PR6a and PR6b.</p> <p>Fairly and reasonably related in scale and kind – Yes, the transfer of land is expected as part of the delivery of the school</p>
Primary Education	<p>Financial contributions for construction of 1FE primary school (including nursery)</p> <p>£7,746,000</p>	<p>OXCC triggers: 10% prior to implementation 30% on due date of transfer at 100 occupations 30% 6 months after due date of transfer, or 200 occupations (whichever is earliest) 30% 12 months after transfer or prior to 300 occupations (whichever is earliest)</p> <p>(or alternative agreed triggers)</p>	<p>Necessary – Related to the provision of a primary school on site to reflect the increase in pupils resulting from the PR6a and PR6b developments.</p> <p>Directly related – Related to the pupils generated by the development of sites PR6a and PR6b.</p> <p>Fairly and reasonably related in scale and kind – Calculated on the of pupil yield and cost per pupil.</p>

Secondary Education	Financial contribution - £5,411,504	34% prior to 200 occupations 33% prior to 300 occupations 33% prior to 400 occupations (or an alternative agreed trigger)	Necessary – Related to the provision of secondary school enhancement in the District to reflect the increase in pupils Directly related – Related to the pupils generated by the development Fairly and reasonably related in scale and kind – Calculated on the of pupil yield and cost per pupil.
Secondary Education – Land Costs	Towards acquisition land costs for a new school - £448,853	Prior to 300 Occupations. (or an alternative agreed trigger)	Necessary – A contribution is also required towards secondary school site acquisition land costs, proportionate to Local Plan allocated dwelling numbers. Directly related – Related to the expected pupils generated by the development Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.
SEND Development	Financial contribution - £538,446	Prior to 500 Occupations. (or an alternative agreed trigger)	Necessary – Towards expansion of SEND school capacity. Requirement for additional SEND provision defined within the Oxfordshire SEND sufficiency Delivery Strategy. Directly related – Related to the expected pupils generated by the development. Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.

Library Services	<p>Expansion of Kidlington Library - £51,280</p> <p>Contribution to library stock at Kidlington Library - £27,086</p>	<p>OXCC trigger: Prior to 400 occupations All payments made by 2/3rds build out of the development (c. 533 occupations).</p> <p>(or alternative agreed triggers)</p>	<p>Necessary – This site is served by Kidlington Library which is unable to accommodate development from the PR Sites. To accommodate growth from the PR sites, the library needs to be reconfigured / refurbished to expand capacity.</p> <p>Directly related – Kidlington Library is the nearest public library to the PR6a site.</p> <p>Fairly and reasonably related in scale and kind – Yes.</p>
HWRCs	Towards expansion and efficiency of Household Waste Recycling Centres - £75,168	Prior to first occupation (or an alternative agreed trigger)	<p>Necessary – Related to the increase in resident population as a result of the development.</p> <p>Directly related – Related to the development of PR Sites.</p> <p>Fairly and reasonably related in scale and kind – Yes.</p>
Archaeological Storage	<p>Increased capacity at Standlake Storage Centre - £7,169</p> <p>Subject to any finds being found.</p>	Prior to implementation	<p>Necessary – On the basis that archaeological finds are excavated which require additional storage facilities, a financial contribution is necessary on that basis.</p> <p>Directly related – Yes</p> <p>Fairly and reasonably related in scale and kind – Yes</p>

Oxford Airport Transport Hub	£2,238,631 (financial contribution to be confirmed)	25% prior to 500 occupations 50% prior to 600 occupations 25% prior to 700 occupations (or an alternative agreed trigger)	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p>Directly related – Not directly related to the site, which is adjacent to Oxford Parkway Park & Ride but is identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are split proportionately to the scale of the development.</p>
Oxford Road Cycle Superhighway (beyond the site frontage of PR6a)	£845,337	25% prior to first occupations 50% prior to 200 occupations 25% prior to 300 occupations (or an alternative agreed trigger)	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.</p>

Cutteslowe Roundabout Improvements	£705,264	50% prior to 200 occupations 50% prior to 300 occupations (or an alternative agreed trigger)	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.</p>
A4260 Southbound bus lane from Bicester Road / A4260 junction to Kidlington roundabout	£1,585,564	50% prior to 400 occupations 50% prior to 600 occupations (or an alternative agreed trigger)	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.</p>

Signalised junctions along the A4260/A4165	£254,750	50% prior to 200 occupations 50% prior to 300 occupations (or an alternative agreed trigger)	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.</p>
Active Travel Infrastructure Cutteslowe Park Cycle Route	£216,028	100% prior to 200 occupations (or an alternative agreed trigger)	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.</p>

Bus service improvements	£861,055	<p>A declining bus subsidy calculation over 8 years:</p> <p>First occupations / Year 1: 22% 200 occupations / Year 2: 19% 300 occupations / Year 3: 17% 400 occupations / Year 4: 14% 500 occupations / Year 5: 11% 700 occupations / Year 6: 8% 800 occupations / Year 7: 6% 800 occupations / Year 8: 3%</p> <p>(or an alternative agreed trigger)</p>	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.</p>
RTI Displays at existing Jordan Hill Bus stops (x4)	£41,211	<p>100% prior to first occupation</p> <p>(or an alternative agreed trigger)</p>	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment to establish appropriate sustainable transport / connectivity provision and the works required are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan.</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.</p>

Public Rights of Way Improvements	£310,000 (sum to be agreed following further discussion)	Trigger point(s) to be confirmed following further discussion.	Necessary – A financial contribution towards the maintenance of footpaths in the local area is acceptable in principle. Directly related – Relates to PRoW within the local area but no specific works have yet been identified. Fairly and reasonably related in scale and kind – The level of contribution is questioned and discussions are ongoing.
Framework Travel Plan - Monitoring	Framework Travel Plan Monitoring - £1,890 School Travel Plan Monitoring - £1,890 Residential Travel Plan Monitoring - £3,110	100% prior to first occupation (or an alternative agreed trigger)	Necessary – The travel plan is necessary to encourage modal shift and is a requirement of the Local Plan. Directly related – Identified in the Local Plan. Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate.
OXCC Administration and Monitoring Fee	£37,009 (subject to further discussion)	OXCC proposed triggers: 50% on completion 50% first occupation (or an alternative agreed trigger)	The OXCC charges are based upon Cabinet approved charging schedule.

All of the above subject to S106 wording and standard repayment clauses to be included in the Agreement.

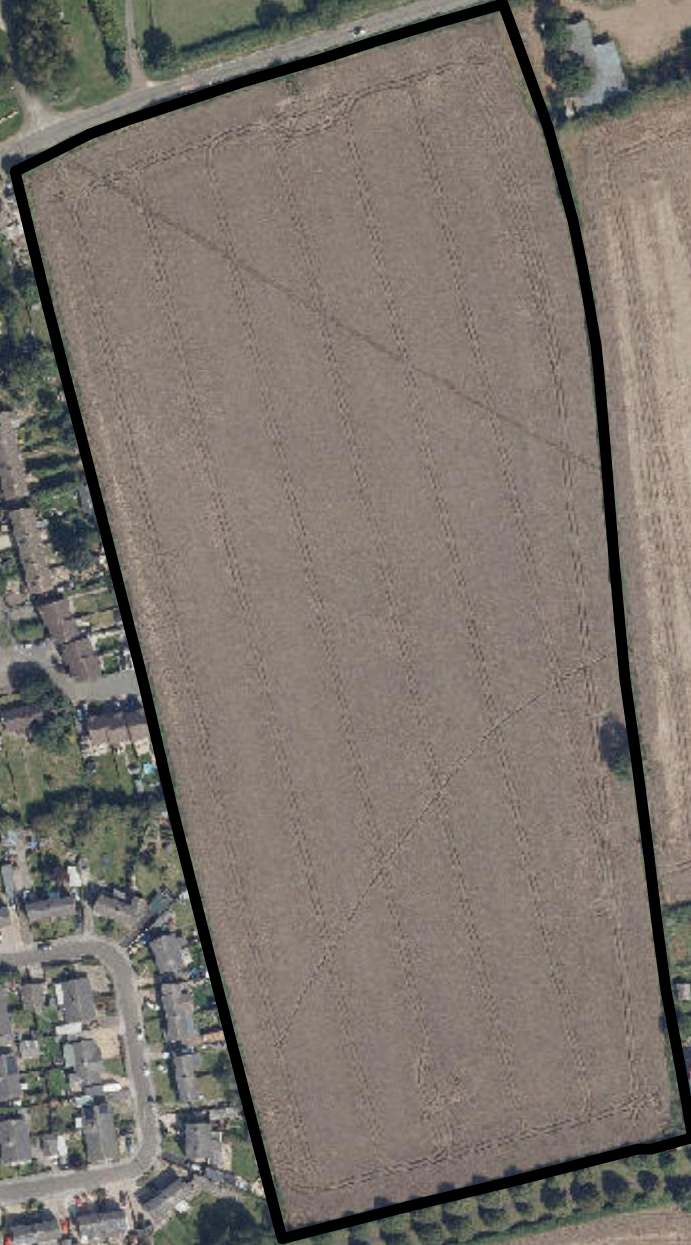
Other Planning Obligations (Payable to CDC)			
Detail	Amount (all to be index linked)	Trigger Points	Regulation 122 Assessment
Thames Valley Police	Staff Set Up - £7,373 Vehicles - £17,840 Mobile IT - £9,450 ANPR Cameras - £11,000 Premises - £86,594	Prior to First occupation (or an alternative agreed trigger)	<p>Necessary – In relation to the demand and need the requirements would be in accordance with the Council’s Developer Contributions SPD.</p> <p>Directly related – The contributions are towards impacts from the development</p> <p>Fairly and reasonably related in scale and kind – Yes</p>
Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOBW ICB)	Primary Care Infrastructure - £691,200	50% prior to 400 occupations 50% prior to 700 occupations (or an alternative agreed trigger)	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development. Additional consulting rooms and enhanced capacity at Gosford Hill Medical Centre are therefore proposed through the contribution</p> <p>Directly related – Yes. The proposals would be used towards the creation of consultation space</p> <p>Fairly and reasonably related in scale and kind – Yes</p>

All of the above subject to S106 wording and standard repayment clauses to be included in the Agreement.

23/01144/OUT

Agenda Item 9

**Land South of Bloxham Road
Bloxham Road
Milcombe**



1:2,500



23/01144/OUT

Land South of Bloxham Road Bloxham Road Milcombe

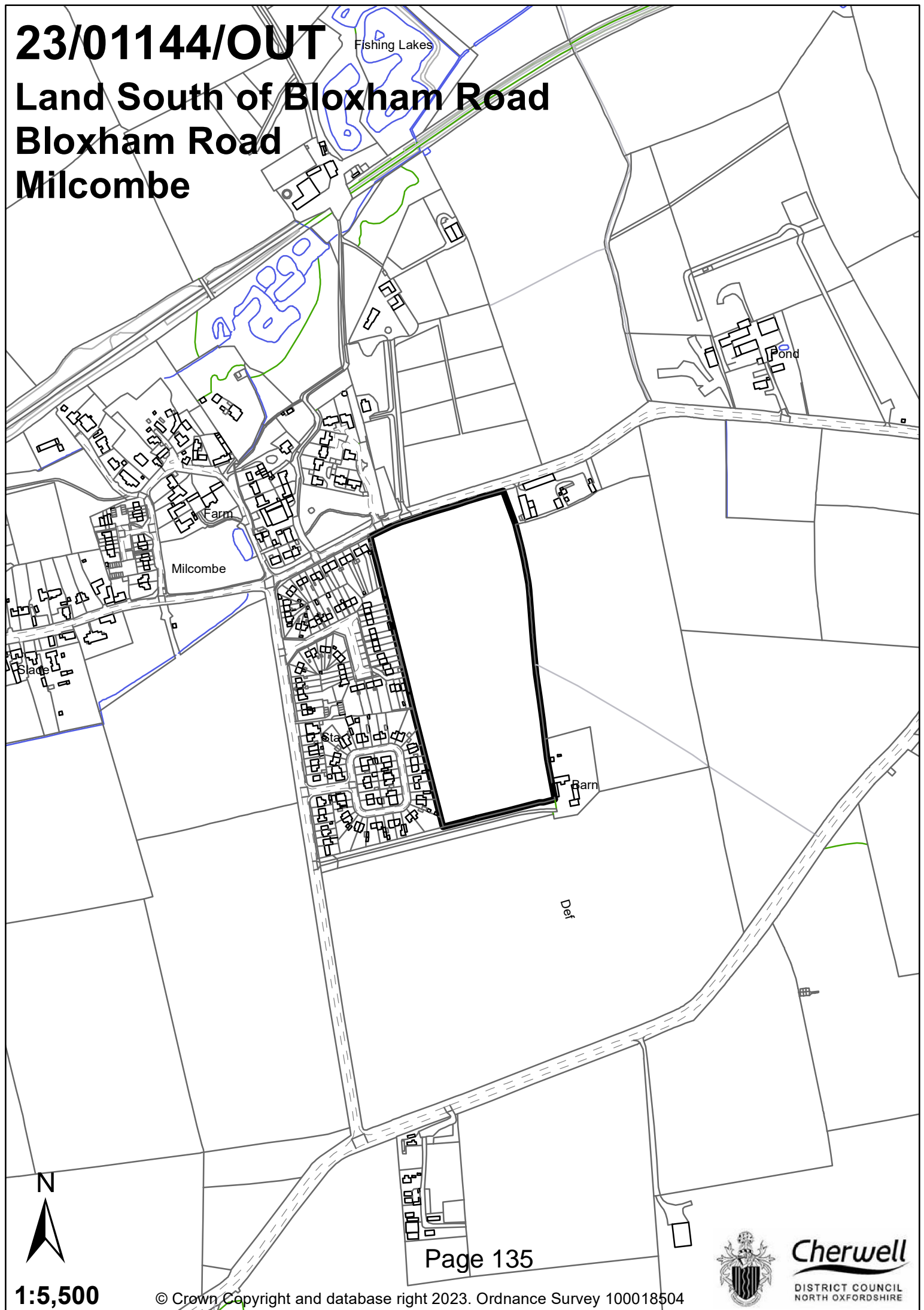
130.7m

1.22m RH



23/01144/OUT

Land South of Bloxham Road Bloxham Road Milcombe



1:5,500



Case Officer: Katherine Daniels

Applicant: Neptune Land Promotion Ltd

Proposal: Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 90 homes (use class C3) together with associated infrastructure and open space, landscaping, including provision of land for new village hall (use class F2(b)) and retail space (use class E).

Ward: Adderbury, Bloxham and Bodicote; Deddington

Councillors: Adderbury, Bloxham and Bodicote - Cllr Blakeway, Cllr Pattenden, Cllr Hingley
Deddington - Cllr McHugh, Cllr Reeves, Cllr Rogers

Reason for Referral: Major residential development

Referral:

Expiry Date: 10 June 2024

Committee Date: 6 June 2024

SUMMARY RECOMMENDATION: REFUSAL

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located off Bloxham Road in Milcombe. It is a rectangular field, with a footpath crossing diagonally through the site. A modern housing estate off New Road is located to the west of the application site. The field is arable, and has a hedgerow along its boundary. Open countryside is located to the north, east and south of the site. There is a residential building at the south-eastern corner.

2. CONSTRAINTS

2.1. The site is not within a conservation area, and there is a public rights of way through the site. The site is within an archaeological alert area, and it is Grade 3 Best and Most Versatile Land (BMVL)

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. This is an outline application for the erection of up to 90 dwellings, with associated infrastructure, open space and landscaping with land for a new village hall and a new retail access. The application seeks to create a new access off Bloxham Road, with all other matters reserved.

3.2. The proposed development would be served by a single point of access from Bloxham Road, which will serve the retail, village hall as well as the housing. The proposal includes a play area, green infrastructure to the east, pumping stations, and public open space. The masterplan submitted with the application is indicative at this stage.

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:
- 5.2. 22/02002/PREAPP: Proposed residential development for up to 105 houses, new road, and associated public open space.
- 5.3. Overall, it is considered that, notwithstanding the Council's current housing land supply position [less than 5 years at that time], the harm identified in this letter in relation to the proposal's adverse visual effects, the development of greenfield land, the loss of Grade 1 agricultural land, and the site's relatively poor sustainability credentials, would significantly and demonstrably outweigh the proposal's benefits. On balance, therefore, our view is that a future application for this quantum of development in this location would not be considered favourably.

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 (amend as appropriate). The final date for comments was **23 February 2024**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. 43 Letters of Objection have been received raising the following concerns:

- Too many houses for the size of Milcombe
 - Impact on residential amenity
 - Highway Safety impacts
 - No requirement for a new shop
 - Not sufficient infrastructure
 - Impact on Ecology
 - Impact on character and appearance of the locality.
- 5 letters of support have been received raising the following:
 - Supports the village and provides an area for children to play safely
 - Community hall
 - Needs housing

- 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 AND BLOXHAM PARISH COUNCIL: **Objects** on the grounds of over-development; outside the village confines; adding to traffic problems in the area, Infrastructure is not sufficient. Although a Cat A village, it is likely to be downgraded in the new Local Plan. Village is not large enough to cope with two village shops, and the existing community hall is centrally located within the village. Has experienced much growth in the last few years.

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to standard conditions in respect to the access, construction management plan, travel information pack, travel plan, and contributions towards, public transport services, public transport infrastructure, traffic regulations order, travel plan monitoring and public rights of way.
- 7.4. BOB ICB: **No objections** subject to contributions to mitigate against the impact of the development
- 7.5. CDC SPORT AND RECREATION: **No objections** subject to contribution towards community hall facilities, outdoor sports provision, indoor sports provision, and public art
- 7.6. THAMES VALLEY POLICE, CRIME PREVENTION DESIGN ADVISOR: **No objections** subject to conditions being imposed.
- 7.7. CDC LAND DRAINAGE: **No comments**
- 7.8. CDC ENVIRONMENTAL HEALTH: **No comments** on odour, but requests conditions imposed relating to lighting, noise, air quality and contamination.
- 7.9. OCC FIRE SERVICE: Will require a Building Regs application
- 7.10. OCC ARCHAEOLOGY: **No objections** subject to the imposition of planning conditions relating to an archaeological investigation.
- 7.11. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to the imposition of conditions relating to surface water drainage, and SUDs
- 7.12. OCC EDUCATION: **No objections** subject to the contributions towards primary and special education.
- 7.13. OCC WASTE MANAGEMENT: **No objections** subject to contributions towards household waste recycling centres.
- 7.14. THAMES WATER: **No objections** in regards to foul water sewerage, however requests condition regarding the water network.
- 7.15. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*

7.16. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

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
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing health and wellbeing
- 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
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- 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)
- Cherwell Annual Monitoring Report (2023 AMR) (December 2023)
- 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
- Heritage impact
- Residential amenity
- Ecology impact
- Highway Impact
- Provision of Doctors Surgery/Health Care Centre

Principle of Development

9.2. Paragraph 12 of the NPPF confirms the statutory status of the development plan as the starting point for decision making. 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.

9.3. 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’.

- 9.4. 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’.*
- 9.5. 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.
- 9.6. 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’.*
- 9.7. 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”.*
- 9.8. 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.
- 9.9. 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 not identified for consideration within the 2018 HELAA.
- 9.10. 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). Cropredy is a Category A village.
- 9.11. 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’.*
- 9.12. 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

9.13. 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).

9.14. 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.

9.15. 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.

9.16. 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'.

9.17. 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.'

9.18. 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'*.

9.19. 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 Position Statement (Update) January 2024 Context

9.20. The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.21. This changes the calculation of the five year land supply as shown in the Council's 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

Table 1

Step	Description	Five Year Period 2023-2028
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.22. Additionally, it is advised at paragraph 226 of the revised NPPF:

"From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this

Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”

9.23. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

9.24. Alternatively, Table 2 below shows the calculation of deliverable housing land supply measured against a four year requirement.

Table 2

Step	Description	Four Year Period 2023-2027
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	4 year requirement (b x years)	2,840
d	Deliverable supply over next 4 years	3,207 (from 2023 AMR)
e	Total years supply over next 4 years (d/b)	4.5
f	Surplus (d-c)	367

9.25. 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 77 and footnote 42 of the NPPF require that in such circumstances the five year supply of land should be calculated using the government’s standard methodology.

9.26. 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. This results in the Council having a five year housing land supply position of 5.74 years for the period 2023-2028, which means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan.

9.27. The proof of evidence for 22/02866/OUT Land East of Ploughley Road, Ambrosden, the Public Inquiry for which was heard in March and for which the decision is awaited, confirms that the Council’s Five Year Housing Land Supply (5YHLS) of 5.74 years is based on 4,038 units’ deliverable supply assessed against an annualised local housing need of 703 dwellings per annum. If measured against four years’ worth of provision in accordance with paras 77 and 226 of the NPPF, this represents a surplus of 1,226 units. If measured against five years’ worth of provision, it would represent a surplus of 523 units.

- 9.28. The five year supply is not a cap on development. The provision of housing in rural areas represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which need to be delivered.
- 9.29. In the context of the spatial strategy and the need to meet the overall district requirements by 2031, regard is given to the Planning Inspector's comments for the appeal decision on Land at Merton Road, Ambrosden (PINS ref 3228169 / LPA ref 18/02056/OUT).
- 9.30. In Paragraph 24 the Inspector stated: *Policy Villages 2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension (ie it does not specify how much development should occur at each settlement).*
- 9.31. More recently, the Planning Inspector for the appeal decision on Land South of Green Lane, Chesterton for up to 147 homes (PINS ref 3331122/ LPA ref 23/00173/OUT), dated 15th May 2024, highlighted that the 750 homes to be located at Category A villages under Policy Villages 2 was not a ceiling and that housing within Cherwell is being delivered at a declining rate (paragraph 61). The Inspector went on to state: *In this context the rural sites brought forward around the Category A villages have an important role in maintaining a deliverable supply of new houses. The CLP covers a period from 2011 to 2031 and is now in the second half of its period. I also heard evidence that a number of the strategic sites are unlikely to deliver during the plan period. Therefore, in view of the stage the CP has reached it is unlikely that this proposal would prejudice its locational strategy. Moreover, sites such as this will help the Council maintain supply ahead of the adoption of a new local plan. Consequently, it is unlikely that this proposal would be disproportionate in relation to the strategic allocations and would not prejudice their delivery.*

Recent appeal decision at Heyford

- 9.32. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford's unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).
- 9.33. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.
- 9.34. However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal instructions to consider mounting a challenge. This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 9.35. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and

dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

Assessment

- 9.36. The Council's housing supply position of 5.8 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 are afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.37. 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.
- 9.38. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Milcombe village, and therefore within the countryside. The proposal for development on a greenfield would have an urbanising impact.
- 9.39. 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).
- 9.40. The 2023 Annual Monitoring Report (AMR) sets out that between 1 April 2014 and 31 March 2023 there have been a total of 792 completions in Category A villages, with a further 100 dwellings under construction but not completed on 31 March 2023, totalling 892 dwellings. There are an additional 303 dwellings on sites with planning permission but where construction has not yet started. Therefore, the total number of dwellings delivered under PV2 has exceeded 750.
- 9.41. 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."

- 9.42. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that the point has been reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.43. That said, an appeal for 35 houses at Milcombe was allowed this year, where the Inspector noted that the sustainability credentials of the village and concluded it was a sustainable location. It is noted that Milcombe will not be classified as a Larger Village in the new Local Plan, and will not be acceptable in principle for such development once the Local Plan is adopted, but limited weight is afforded to the new Local Plan given it has not yet been to examination.
- 9.44. 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. Although the village is a Category A village, it has seen a large number of growth over the years. The scheme at Heath Close, allowed at appeal, was for a 10% increase of dwellings at Milcombe. The proposed development of 90 dwellings would further increase the village by 25%. This is a significant increase to the village of Milcombe.

Policy Villages 2 Criteria

- 9.45. The applicable criteria of Policy Villages 2 are set out at paragraph 9.11 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 applicant has provided evidence that the site is classed as Grade 3a within the Best and Most Versatile Land.
- 9.46. In this instance, the site is adjacent to a Category A village, which has a convenience store, a pub, and a play area. The village also does have a bus service.

Conclusion

- 9.47. The latest housing supply figure for the district is calculated at 5.8 years. Whilst the NPPF states the requirement to have a 4-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, with Milcombe being classed in the CLP 2015 as one of the larger, more sustainable villages within the district. The village does have facilities to meet day to day needs and officers note the recent appeal decision at Milcombe, a smaller Category A village. In addition, the construction of 90 dwellings in a village would result in a development that would harm the settlement, which is an approx. 25% increase in the village.
- 9.48. Overall, whilst the 750 target of housing in these Category A villages is 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, compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below and other material considerations.

Design and impact on the character of the area

Policy

- 9.49. 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.*
- 9.50. 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.
- 9.51. 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.
- 9.52. 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*
- 9.53. With regards to this current proposal, it is confirmed that the density of the development will not be at 30 dwellings per hectare which is not in accordance with the requirements of Policy BSC2. However, given its location, and at the edge of the village, it is considered a density of less than 30 dwellings per hectares could be seen as a compromise in this particular location.

Assessment

- 9.54. This is an outline application, in which all matters are reserved, except for access, to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside to the north and east. This includes Sustainable Urban Drainage features and a footways around the site. The indicative road layout also separates the green buffer with the proposed dwellings. In effect, the proposal seeks to have a perimeter road to the east and south edge.
- 9.55. The site comes under the Rolling Village Pastures and the upstanding Village Farmlands. Some of the key characteristics are a strong undulating landform of

rounded hills and small valleys, densely scattered hedgerow trees and will defined nucleated villages with little dispersal into the wider countryside.

- 9.56. The LVIA states that the impact of the proposed development of the Landscape would have moderate to adverse impact within the site and its surroundings, and slight adverse on the wider landscape, with some areas being neutral. There would be some urbanisation effects as a result of the proposed development, and the proposal would be seen in context to the existing residential properties to the west. Given its scale, spatial relationship with, and lack of linkage to existing development, the proposal could be seen as a stand-alone development, adjacent to Milcombe, and would lead to a negative impact on the character and appearance of the locality. The existing estate to the west is a modern stand-alone development, and the further development of this area could further impact on its overall character, which is further exacerbated by the public right of way running through the site. The proposed development would further disperse into the wider countryside, and closer to Bloxham, and away from Milcombe's historic core.
- 9.57. The application submission states that the dwellings would be a maximum of two-storey dwellings. However, scale is a reserved matter and not to be assessed here. A condition could be imposed to ensure building height details are submitted as part of any approval.
- 9.58. Overall, the proposal would be a significant addition to the village and would have a significant visual impact, resulting in some harm to the character and appearance of the locality. This weighs significantly against the proposal.

Highways impact

- 9.59. Paragraph 114 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;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) 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.
- 9.60. In addition, paragraph 115 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.
- 9.61. The Local Highway Authority has raised no objections to the proposal, provided suitable conditions and Section 106 contributions. Therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore the proposal is acceptable in highway terms.

Drainage

- 9.62. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 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 175 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, consistent with the NPPF, 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. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this and does not have an objection to the scheme provided suitably worded conditions are imposed, and the Environment Agency also consider the proposal will not increase the risk of flooding.

9.67. The proposal is therefore considered to be acceptable in flooding terms.

Residential amenity

9.68. 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.

- 9.69. The application is in outline form at this stage; therefore, the consideration of residential amenity is more relevant at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.70. It is therefore considered that the limited impact on residential amenity is not sufficient to refuse the application.

Ecology impact

Legislative context

- 9.71. 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.
- 9.72. 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.
- 9.73. 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.
- 9.74. 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.
- 9.75. 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

- 9.76. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.77. Paragraph 186 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.
- 9.78. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.79. 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.
- 9.80. 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.
- 9.81. 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.
- 9.82. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.83. The applicant has provided a Biodiversity Impact Assessment and a Preliminary Ecological Assessment, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.
- 9.84. The ecology statement carries several recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity, including native species, bat and bird boxes, and ongoing management of habitats.
- 9.85. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.
- 9.86. The proposal includes a biodiversity net gain of 110.99% on site habitat units and 22.67% in hedgerow units.
- 9.87. 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.
- 9.88. Officers are satisfied, in 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.

The Provision of a Community Centre/Food store

- 9.89. The proposal includes the provision of land for a village hall and shop at the front of the site. It is clear from the comments from the Parish Council that they do not want a new community facility on this site. In addition, unlike in the recent Cropredy application, there is no information on how this could be funded or developed. Therefore, it is unclear that the proposal would deliver a community facility. There is also no understanding on how the development will progress, i.e when the village hall will be provided during the construction process. Overall, therefore, the weight that can be attached to the provision of this facility is limited.

Sustainable construction

- 9.90. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 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 160 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

- 9.91. 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).
- 9.92. 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.
- 9.93. 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

- 9.94. The application is at outline stage; therefore, it is not clear how the dwellings would be constructed, and how many sustainable features would be used as part of the development of the scheme. The applicant has stated that the design would incorporate sustainable features to achieve a carbon positive development. The applicant has also provided an Energy and Sustainable Statement. It is considered that the development is likely to adhere to these policies; however, this would be confirmed at the reserved matters stage.

S106

- 9.95. 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.
- 9.96. 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:
- 9.97. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.98. 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.
- 9.99. 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.
- 9.100. This application is for up to 90 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.
- 9.101. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 32 units. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes.
- 9.102. 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, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.

9.103. 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 CLP 2015. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.

9.104. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed 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.

10.3. In addition, the proposal is providing land for a village hall and shop, which would also include additional employment in the local area. There is no information on how this could be provided, or if it can be funded. This should be afforded limited weight.

Social

10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.

10.5. 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.

10.6. 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.

10.7. 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

- 10.8. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.9. Milcombe has a limited number of services and employment opportunities. It is a Category A village. Nevertheless, officers note that the Milcombe appeal was allowed for 35 houses within the village, which is a 10% increase in the size of the village.

Negative impacts

- 10.10. The application site is positioned beyond the existing built-up limits of the village on the eastern side and is an area of countryside. The Heath Close application was a contained site, with mature vegetation on the boundaries. This application site is more open, with boundary hedging, with a public footpath running through the site. Although not a sloping site, relatively flat, views are afforded against the wider locality. The application would further urbanise the locality... Significant weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.11. The proposal would result in a significant addition to the village of Milcombe, and given its location would have a negative impact upon the community, as well as the reliance of the car on day to day services. Moderate impact is therefore attached to the effect the proposal has on the overall size of the village.

Conclusion

- 10.12. On the basis that the Council is able to demonstrate over a five-year supply of land for housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.
- 10.13. The proposal seeks permission for up to 90 houses on the edge of a Category A Village and the provision of land for a village hall and shop. While the total number of houses developed under Policy Villages 2 has exceeded 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. Milcombe is a Category A village, albeit it is not as sustainable as some other category A villages in the District.
- 10.14. The proposal seeks to provide land for a village hall and shop; however, there is uncertainty if this can be delivered, although a benefit, given the uncertainty limited weight is afforded this.
- 10.15. Overall, it is considered that the identified harm to the character and appearance of the locality is not outweighed by the benefits of the scheme and it is recommended that outline planning permission is refused.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in village within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not

well located to existing services and facilities. The proposals would cause significant adverse landscape impacts to the settlement character which could not be avoided or mitigated by the proposed development, by further development within the open countryside, resulting in further urbanisation of the village. The proposals would be harmful development to the village of Milcombe and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth that would not be capable of mitigation. The proposals would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

2. 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 infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Katherine Daniels

23/03071/OUT

Agenda Item 10

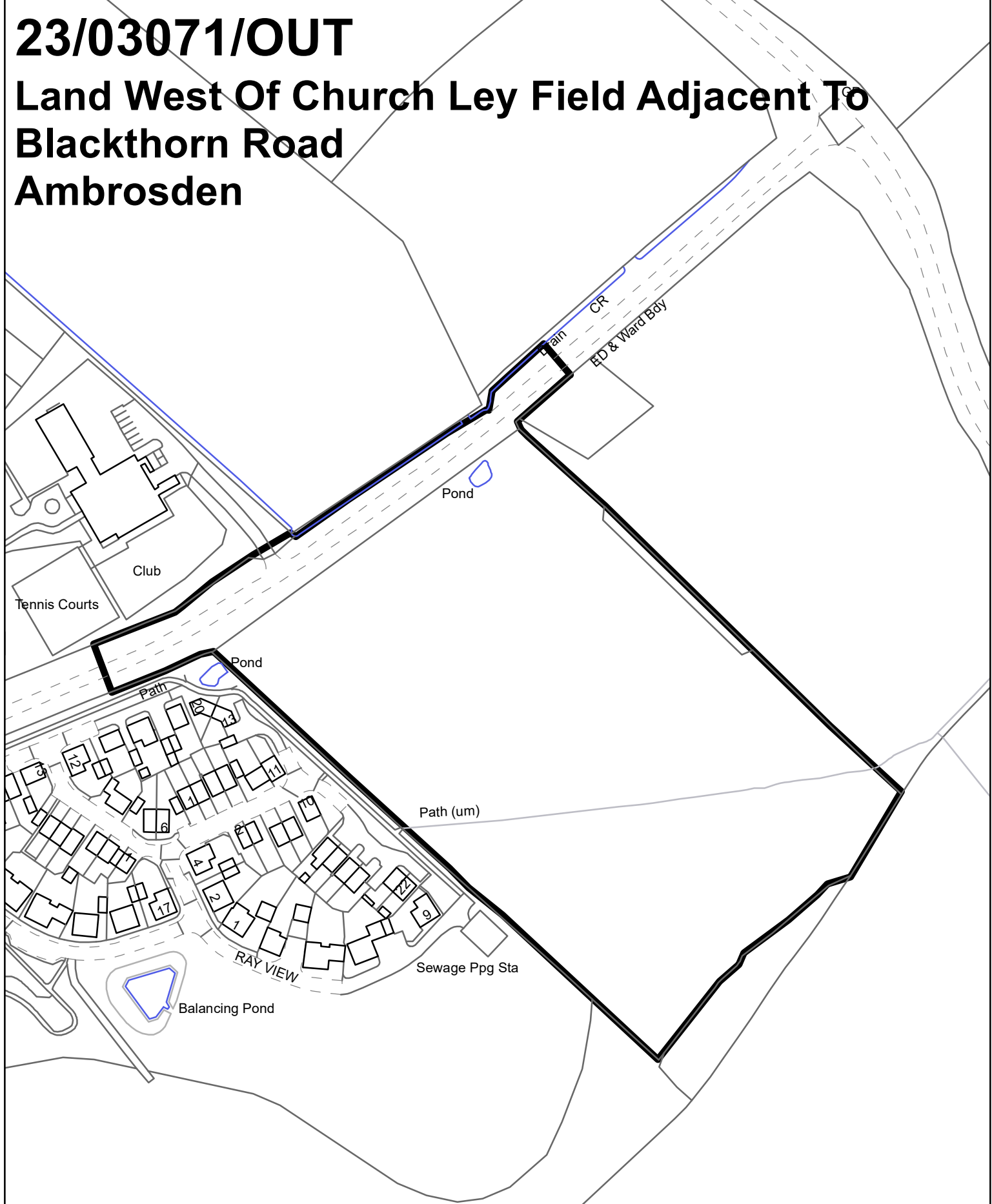
**Land West Of Church Ley Field Adjacent To
Blackthorn Road
Ambrosden**



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23/03071/OUT

Land West Of Church Ley Field Adjacent To Blackthorn Road Ambrosden

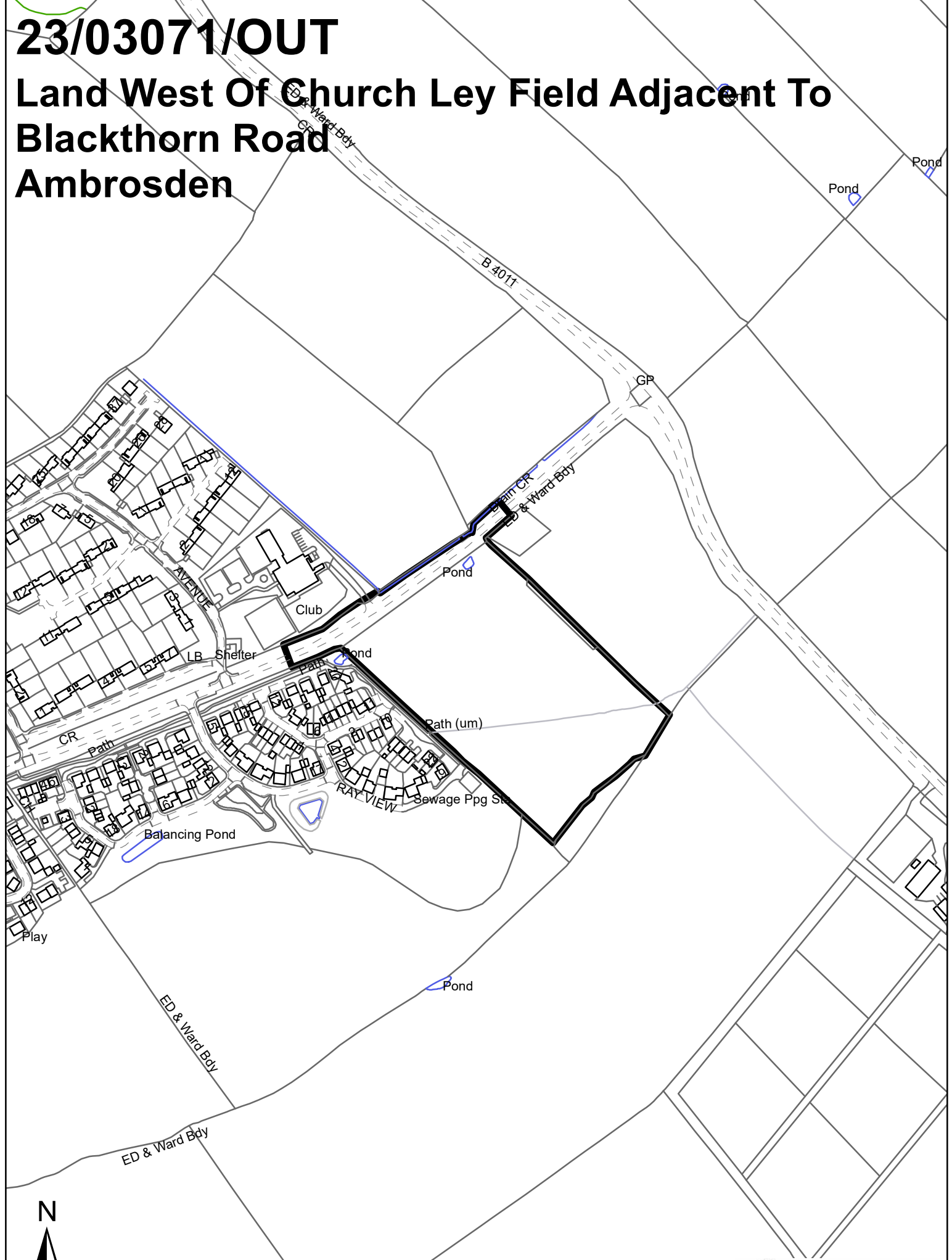


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23/03071/OUT

Land West Of Church Ley Field Adjacent To Blackthorn Road Ambrosden



Case Officer: Sophie Browne

Applicant: L&Q Estates

Proposal: Outline application for erection of up to 55 new dwellings, including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping; and associated works (resubmission of 22/02455/OUT)

Ward: Launton and Otmoor

Councillors: Cllr Coton, Cllr Nedelcu and Cllr Russell

Reason for Referral: Major residential development

Expiry Date: 13 June 2024

Committee Date: 6 June 2024

SUMMARY RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO: CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT.

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located approximately 800m to the east of the centre of Ambrosden and approximately 4.4km to the south-east of the centre of Bicester. It comprises an area of approximately 3.52ha of agricultural land (greenfield site), which lies to the south of Blackthorn Road and is situated between residential development in the west and agricultural land to the east, beyond which lies the B4011.
- 1.2. The site lies within the 'Clay Vale' Landscape Character Type (LCT) and within that the 'Launton' Local Character Area (LCA). The 'Launton' local character area description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site.
- 1.3. The site is enclosed by typical field boundaries made up of hedgerows, trees and shrubs on all sides. A larger tree and shrub group is located on the southern boundary. The northern boundary is formed by a belt of vegetation along Blackthorn Road, which is sparse in places, including where there is an access track and so views across the site can be seen. The Public Right of Way (PRoW) 131/7/20 crosses the site from west to east.
- 1.4. A mature hedgerow and trees form the north-eastern and south-eastern boundaries of the site with Blackthorn Road forming the north western boundary, connecting to the village centre and the B4011. The southwestern boundary of the site adjoins a recently developed residential scheme (16/02370/F) of 85 homes. The boundary features create a sense of enclosure on the site, limiting visual connectivity with the wider landscape. Particularly along the southern boundary, the dense vegetation restricts views towards the wider countryside. The site is generally contained by its

vegetated boundaries and the boundary features are generally representative of local patterns.

2. CONSTRAINTS

2.1. The application site has the following constraints:

- Within Flood Zone 1 – i.e., the land is the lowest flood risk.
- The site does not fall within a Conservation Area, nor does it contain any designated heritage assets.
- The site is covered by the Ray Conservation Target Area, in addition to being within 1km of three Local Wildlife Sites, namely: Blackthorn Meadows LWS (around 270m north-east), Fields by River Ray LWS (around 520m south-east) and Fields south of Ambrosden Cherwell District Wildlife Site (around 800m south-west). A Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust reserve lies around 900m south-west of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal seeks outline planning consent for the development of the site for up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works. All matters are reserved except access.

3.2. The proposed development would be served by a single point of access from Blackthorn Road in the form of a priority T-junction and would have a mix of terraced, semi-detached and detached homes with an average density of 35dph lowering to 25dph along the southern border.

3.3. The illustrative masterplan (Drawing P01) proposes a local equipped area for play (LEAP) between the dwellings and southern boundary of the site which is split by the existing Public Right of Way. The green space would also include attenuation as part of the proposed SUDs strategy and wildlife ponds in contribution to the proposal's biodiversity net gain. The site would provide 35% affordable housing. The proposed development seeks to deliver a net gain of 2.70 habitat units (11.69% net gain) and 2.79 linear hedgerow units (18.69% net gain).

4. RELEVANT PLANNING HISTORY

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

4.1. Application site, shown in red on the plan below:

22/02455/OUT Refused 13 July 2023 (against recommendation)

Current status: Appeal hearing to be heard 26 June 2024.

Land West of Church Ley Field Adjacent To Blackthorn Road Ambrosden

Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works.

The Officer report concluded in favour of the scheme: *On balance, it is considered that the proposed harm to visual amenity and wider landscape impact would be less than significant given the context of the site and prevailing pattern of development. The site would be read as an extension to the neighbouring site to*

the west due to the comparative site layouts, building line and density and would be considered a balanced offset of the development approved immediately to the north, creating an established and flush end to the settlement boundary of the village. On balance, the proposal is considered to sit comfortably within the context of the site, neighbouring sites and the wider village setting. Overall, it is considered that the identified harm to the open countryside and locality is outweighed by the benefits of the scheme.

The application was refused for two reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. The development would therefore have an adverse effect on the landscape to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4 year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. Lack of provision of a S106 (*summary*).

4.2. Other Policy Villages 2 decisions in Ambrosden:

13/00621/OUT Appeal Allowed 2 Apr 2014 (Ctte. refusal in line with recommendation)

- *Ambrosden Court, Merton Road, Ambrosden*
- OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road

16/02370/F Approved 25 January 2018 (in line with recommendation)

- *Church Leys Fields, Blackthorn Road, Ambrosden*
- Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing

16/02611/OUT Refused 4 August 2017 (in line with recommendation)

- *OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road*
- Up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground re-modelling), demolition and infrastructure.

The application was refused for three reasons:

1. That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the objectives of the strategy inherent within the Cherwell Local Plan 2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.
2. Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside causing undue visual intrusion into the open countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. Lack of provision of a S106 (*summary*).

18/02056/OUT Appeal Allowed 20 Feb 2019 (following Committee refusal in line with Officer recommendation)

- *Land N of Merton Road, Ambrosden*
- OUTLINE - Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access

22/01976/OUT Approved 19 December 2023 (in line with recommendation)

- *OS Parcel 3489 Adjoining and South West Of B4011 Allectus Avenue, Ambrosden*
- Outline Application (except for access) for residential development of up to 75 dwellings including bungalows; open spaces (including children's play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure.
- The Officer Report concluded: *The Council can demonstrate a five year supply of housing... the site is unallocated in the Local Plan... the result would be that the total number of houses developed under Policy Villages 2 would exceed 750. ...On the basis of the scale of the proposal and the site's sustainable location, the proposal is not considered to conflict with the overall housing strategy outlined in the Development Plan... the planning benefits of the proposal would not be outweighed by the limited harm identified... planning permission should therefore be granted.*

22/02866/OUT Refused 14 July 2023 (in line with recommendation)

- Current status: Public Inquiry heard 12-22 March 2024, decision pending.

- *Land East of Ploughley Road, Ambrosden*
- Outline planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

The application was refused for two reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. Lack of provision of a S106 (*summary*).

4.3. PRE-APPLICATION DISCUSSIONS

21/01786/PREAPP CDC response dated 29.07.2021

Land west of Church Ley Field adj to Blackthorn Road Ambrosden

The erection of approximately 70 dwellings and other associated works.

The application was made at a time when the Council did not have a five year housing land supply. *This is a significant material consideration in favour of the scheme... The proposed development would clearly have a significant adverse impact on the immediate landscape character and visual amenity of the area and the extent of the wider landscape and visual impacts would need to be informed through an LVIA. The proposals also raise some concerns in relation to coalescence between Ambrosden and Blackthorn because it forms one of the remaining pieces of undeveloped open land between the two villages, which is important in retaining their own identities and character... I also have concerns regarding the depth of development on the site, particularly to the eastern part of the site and I would suggest that the developable area be reduced in depth to better reflect the depth of development elsewhere on this side of Blackthorn Road.*

If the Council had a five year supply of housing land, the principle of your proposal is not acceptable.

5. RESPONSE TO PUBLICITY

- 5.1. 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 **5 January 2024**, although comments received after this date and before finalising this report have also been taken into account.

5.2. 221 objections have been received. The comments raised by third parties are summarised as follows:

- This re-submitted application does not address the fundamental reasons for the previous refusal. The planning committee originally rejected the earlier application. They should do so for this application.
- The application for 75 dwellings on the opposite side of Blackthorn Road was approved with the support (wrongly, in many opinions) of the Parish Council.
- Contravenes Policy Villages 1: over-development, over-intensification, highway suitability, cumulative impact when considered in conjunction with other granted, under appeal, pending and anticipated schemes.
- The footprint of the District is sufficiently large for dwellings to be distributed in a less concentrated manner. Cherwell is made of 76 parishes. It appears that a disproportionate percentage of the new dwellings are earmarked for Ambrosden.
- Insufficient infrastructure, services, shops, pubs, dining options, social infrastructure and amenities to support the creation of more new homes including doctor, dentist, childminder provision, primary school, public transport. Can the Council provide an assurance that this increased population will have its needs met?
- Events of the past two years have emphasised the need for the United Kingdom's Food Strategy and land use framework to be reviewed and more emphasis placed on food security, self-sufficiency and sustainability. Allowing the loss of agricultural land, sacrificed to the individual pecuniary interests of developers and a few landowners, is sheer folly. Farmland can generate crops year after year, but bricks and mortar grow once!
- Ambrosden's once idyllic rural charm is diminishing. Further residential construction would exacerbate this issue.
- Traffic congestion and associated environmental impact.
- Buses are often full in the morning and, due to roadworks locally, often late.
- Road surface needs upgrading.
- The planning committee needs to be aware that, as a result of changes to the Ploughley Road / A41 junction, left turns off the A41 onto Ploughley Road are prohibited, and access into the village from the A41 westbound (i.e. traffic heading from Aylesbury) is only permitted via the B4011, turning right into Blackthorn Road immediately before a sharp double bend with limited sight lines - precisely where the proposed development site and that for the approved 75 properties are located.
- Common sense surely requires that the planning committee considers the cumulative impact of 55 + 75 dwellings on opposite sides of the same stretch of narrow village access road, in addition to vehicular movements along Blackthorn Road increased by the occupation of 84 dwellings constructed on Merton Road (and other traffic issues listed). The ability of Ambrosden villagers to go about their

daily travels without impediment should be respected. More development will bring more traffic disruption.

- Construction noise and disruption.
- Overlooking.
- Green spaces are being eroded.
- A better park is needed in Ambrosden for families before a development like this is passed, along with improved roads and lighting.
- Impact on wildlife.
- The developer made no effort to work with the community.
- The land is prone to flooding and the concreting of surfaces impedes the ability of rainwater to drain away.
- Negative visual impact.

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

6. RESPONSE TO CONSULTATION

6.1. 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.

6.2. AMBROSDEN PARISH COUNCIL: Strong **objection**:

Firstly, we object on the basis that Cherwell District now has their five-year land supply and this area has never been zoned for development.

Cumulatively, with other recently approved or delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village to be inappropriate and significantly prejudicial to the objectives of the Cherwell Local Plan to distribute limited housing growth across the rural areas.

The Cherwell District Council Local Plan for 2011-2031 records a target of 750 homes in Category A villages during the plan period. There have been 2,019 completed and 6,006 given permission (3,987 yet to be built), with eight years left in that plan period. We know that the figure of 750 was a target and not a cap. This means that nearly three times the number of homes has been built in Category A villages in this period than the target, such a high proportion already has been allocated to Ambrosden and this should not be allowed to increase further.

(Case Officer: The figures quoted for development in Category A villages are incorrect. See the Appraisal section / Principle of Development / Policy context for the correct figures).

Ambrosden has already had significant amounts (comparable to its size) of development allowed. Compared in size and population to other areas like Bloxham and Kidlington, there is no comparison.

Ambrosden is the 13th largest (and therefore the 11th smallest) Category A village in

Cherwell. However, it is third on the list of completions in Category A villages and fourth on the list of permissions during the current Local Plan period. This shows increased development but no increase in facilities, and the Parish Council feel the planning committee should not allow further development.

Secondly, we object on the basis of a lack of infrastructure. The increase of built houses and developments has not been met with an increase in infrastructure. This site is too far out of the village for residents to walk to bus stops and other amenities, which will increase car journeys, on already over-burdened roads. Installation of a cycle path into the village would require work on a very narrow verge, or taking up land inside the Church Leys Field estate, which is insufficient, or privately owned by residents. The cycle path into Bicester is badly maintained, dangerously narrow in places and crosses the road at least three times between Rodney House Roundabout and Ploughley Road.

Ambrosden is now suffering from the cumulative effect of continued development. There are two small shops in the village, but villagers still have to travel to nearby towns for their weekly shop.

There is a pub; however, the licence doesn't allow children, so people aren't able to go there as a family and it is not open regular hours. There are 11 LEAPs in the village, but nothing for older children so recreation is inadequate for them.

The limited opening doctor's surgery mentioned in the original planning report closed approximately four years ago.

Ambrosden is referred to as a Category A village, with all the associated facilities, but they are wholly inadequate for what is required by a village of this size. There is no significant employment in the village, meaning most people travel to get to work resulting in more traffic on the roads, more congestion, and more air pollution.

The development fails to adequately provide for on and off-site infrastructure necessary to mitigate its impact, including provision or maintenance of affordable housing, play and public amenity facilities, indoor and outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage, primary and secondary education and library book stock. It would lead to a significant adverse impact on wider public infrastructure to the detriment of the local community.

Ambrosden has already taken a large amount of development in a short space of time, but the infrastructure is not keeping up. The school is overloaded, which already sees significant volumes of cars at drop-off and pick-up times.

The centre of the village becomes gridlocked by the shops for much of the day, and householders are unable to use their drives safely.

We have concerns over the increased amount of traffic using the Blackthorn Road, past the school and using the right hand turn onto Ploughley Road. We also have concerns regarding the visibility at the junction of Blackthorn Road and the B4011, with reduced visibility already due to the curve of the road giving limited visibility. This is borne out by the number of collisions at this junction.

Finally, we object to this development based on environmental reasons.

The application shows a less than 10% net gain in biodiversity – not building on one field does not make a gain in biodiversity. What promise is there that this field will not be built on in the future? Once land is developed, the nature on that land is lost forever and cannot be replaced.

There is an SSSI to the south west of this site and we have concerns over the damage which could be caused by the site via the interconnecting ditches to the ancient grassland, medieval ridge and furrow features and rare plants in that area.

Development of this land around the SSSI could increase public use of the meadow during sensitive times of the year, which may cause issues for the ground nesting birds, killing birds and destroying nests when used by walkers and dogs.

In addition, artificial lighting can have a detrimental effect on wildlife and its natural rhythm of life, leading to damage or even death to birds, bats or newts.

This development spreads out of the footprint of the village, taking up more green field sites which should be being used for agriculture, having a huge impact on wildlife. More development has a potential flooding impact on Ambrosden and Blackthorn, which is already seeing increased flooding, as are the other villages in the Ray Valley and whilst the flood risk assessment states this is not a high-risk flood area, increased flooding every year shows that there is a high risk! Increased development of the village will only increase that risk. We sit in the Ray Valley and neighbouring villages have also seen increased flooding in the past few years, which has been confirmed at meetings of those villages.

- 6.3. BLACKTHORN PARISH COUNCIL: **No objections** to the proposal but with the following **comments**:

The Parish Council draws attention to the visibility splay that is presented as a 40mph limit when it is a 50mph limit; that further development will have a negative effect on local flooding issues.

- 6.4. NATIONAL HIGHWAYS: **No objection.**
- 6.5. OCC HIGHWAYS: **No objection** subject to S106 contributions, S278 agreement, planning conditions and informatives. OCC originally objected to 22/02455/OUT for the reasons that it had not been demonstrated that a compliant cycle track between the site and Ambrosden was achievable, and that the site is in an unsustainable location. However, with reference to approved application 22/01976/OUT on the opposite side of Blackthorn Road, it was agreed that these reasons could be overcome and the objection removed.
- 6.6. LOCAL LEAD FLOOD AUTHORITY: **No objection** subject to conditions relating to SuDS and surface water drainage details.
- 6.7. OCC EDUCATION: **No objection** subject to S106 contributions.
- 6.8. OCC ARCHAEOLOGY: **No further comments.** *The site lies in an area of archaeological interest and has been subject to an archaeological evaluation. The approved report of this evaluation from Cotswold Archaeology has been submitted with this application; a range of ridge and furrow features were recorded across the site, though no further significant remains were found. There are no further archaeological constraints to this scheme.*
- 6.9. OCC WASTE MANAGEMENT: **No objection** subject to S106 contributions.
- 6.10. CDC STRATEGIC HOUSING: **No objection** subject to S106 contributions.

- 6.11. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions relating to a Construction Environmental Management Plan, Noise, Contaminated Land and Air Quality. **No comments** in relation to Odour and Light.
- 6.12. CDC RECREATION & LEISURE: **No objection** subject to S106 contributions relating to community hall facilities, indoor and outdoor sport provision and public realm / public art.
- 6.13. CDC LANDSCAPE: **No objection** to the previous, almost identical application. No response received for the current application, but a response was received for the previous application on the same site for the same number of dwellings. A summary of that response is as follows, with further detail given within the Appraisal section of this report: *No objection on landscape and visual impact grounds. In agreement with the design considerations statements within the Design and Access Statement. The Landscape and Visual Appraisal is comprehensive and proportionate and has assessed the site and found that the effects of the proposed development will restrict a localised geographical area but would not result in substantial harm to landscape character in the wider setting.*
- 6.14. CDC ARBORICULTURE: **No objection** to the previous application. No response received for the current application, but the response received to the previous scheme raised no objections subject to a condition to secure an Arboricultural Method Statement.
- 6.15. CDC ECOLOGY: **No objection** subject to the receipt of additional information, conditions and a S106 agreement. The Ecology Officer's response includes the following: *The applicants have submitted an Ecological appraisal and a Biodiversity impact assessment which in themselves are largely adequate. The site has a confirmed population of grass snakes for which mitigation is proposed, a moderate level of bat activity and is likely to support some farmland bird species. The newt officer maintained a concern to the previous application that there was insufficient information on GCN as not all ponds within 500m have been checked and there is suitable terrestrial habitat for GCN on site. As they raised the initial objection, I would be keen for this to be resolved to the newt officer's satisfaction. I would maintain that pursuing the district licence route at reserved matters stage would be a good option here as there is some possibility of GCN being present. Whilst I understand this can be sought at reserved matters stage the intention to use this route would need to be stated prior to determination.*

There are concerns of potential impacts on the SSSI from its hydrological connectivity to the site however I note that Natural England is satisfied that this can be dealt with via condition for an additional surface water treatment scheme. I would suggest that any scheme submitted includes periodic monitoring to see how the scheme is functioning and sufficient capability for remedial work to be carried out if required - to ensure the long term protection of the SSSI.

Sufficient biodiversity net gain cannot be achieved on site and therefore the proposal is to use additional off site land to create appropriate habitats. The current metric proposes that 'good' or 'moderate' condition can be achieved for the off-site habitats. This is ambitious but I consider it to be feasible if public access is prohibited to the biodiversity area from the footpath.

These details should be included within a Habitat Management and Monitoring Plan which should be based on updated metrics at reserved matters. The use of the blue line land for net gain should be secured by legal agreement for a minimum of 30 years. A full schedule of monitoring would also need to be agreed.

A LEMP would also be required and should contain provisions for wildlife within the built environment. We seek the equivalent of at least one integrated provision for bats/birds/invertebrates per new dwelling (albeit these can be best clustered) in addition to measures to ensure permeability of the development to wildlife, dark corridors and wildlife friendly planting.

A lighting strategy with lux diagrams and in line with ILP and BCT guidance note 08/23 would be required to minimise impacts on the bat assemblage using the site.

Ecology conditions required would be a CEMP for biodiversity, a full reptile mitigation strategy, a LEMP with requirements for integrated bat/bird provisions and full lighting strategy in addition to anything required for GCN.

Following the receipt of additional information, the Ecologist returned further comments that also incorporate the NatureSpace response to the additional information, as follows:

With regard to the additional information submitted for the above, this largely relates to great crested newts as the main outstanding issue.

The newt officer is generally happy with the information submitted however there is a query "as to why ponds 4 and 5 have not been surveyed or a HSI submitted. The concern is that they are relying on a lack of evidence rather than providing supporting evidence to rule out GCN impacts. It is also mentioned that they can apply to enter the DL scheme post planning if needs be, so I will reemphasise that this can only be prior to works commencing, as we cannot cover retrospective works."

Despite this the proposed management of the land off site will be beneficial to Great Crested Newts and so I think it is likely that a licence could be obtained with mitigation if needed at reserved matters. Should permission be granted I would recommend that a Great crested newt mitigation strategy is conditioned to include precautionary working and update surveys where necessary.

As regards the response to my previous comments:

I would still advise that any hydrological scheme includes ongoing monitoring to ensure it is functioning and no adverse impacts arise.

The inclusion of a post and rail fence to prevent public access into the biodiversity area would be positive.

BNG for this application was requested under our Local Plan policy (not mandatory system) and whilst securing the BNG for the lifetime of the development is preferred, 30 years is acceptable.

CDC seeks the equivalent of one biodiversity enhancement per dwelling – this is not a mitigation to a particular level of impact but a biodiversity enhancement to provide new opportunities for species, this is directly proportionate to the number of buildings.

The other conditions still stand, CEMP: Biodiversity, Reptile mitigation strategy, lighting strategy, LEMP.

The blue line land to be managed for biodiversity should be secured by legal agreement and a full HMMP or equivalent document to show ongoing management and monitoring of the site to ensure it meets the target conditions.

- 6.16. NATURAL ENGLAND: **No objection** subject to appropriate mitigation being secured. *We consider that, without appropriate mitigation, the application would damage or destroy the interest features for which Arncott Bridge Meadows Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:*

- *Additional surface water treatment to be secured due to the hydrological connectivity of the proposed development site with Arncott Bridge Meadows SSSI and potential for surface water pollution.*
- *A Construction and Environmental Management Plan.*

6.17. BBO WILDLIFE TRUST: Objection.

- *Application does not provide adequate evidence of a net gain in biodiversity.*
- *The importance of a net gain in biodiversity being in perpetuity*
- *Potential hydrological (water quality and water quantity) impact on Arncott Bridge Meadows SSSI and BBOWT reserve*
- *Potential recreational impact on Arncott Bridge Meadows SSSI and BBOWT reserve*
- *Application does not provide evidence that it will help to achieve the aims of the Conservation Target Area*

I don't think that the conditions proposed by CDC's Ecology Officer on the previous application address the objections set out in either my response to the previous application or the current one except in relation to lighting.

6.18. NATURESPACE: Further information required.

- *The proposed development is in the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is potentially suitable habitat and a likelihood of great crested newt presence.*
- *There is a pond on site and a connected network of ponds within 500m of the development proposal.*
- *There is direct connectivity between the application site and the wider landscape.*
- *Due to the presence of a potential breeding pond and the potential for the development to obstruct access to potential breeding and resting places, there is a reasonable risk that great crested newts and their habitats could be affected by the development.*

This consultation is in response to the rebuttal submitted by EDP (5th October 2022). We are not satisfied that the rebuttal has provided enough information for our holding objection to be removed. The rebuttal mainly relies on the arguments that great crested newts are most likely to be found within 50m of a breeding pond, that the eDNA surveys for the 3 ponds within the 50m of the site were negative (May 2021) and that there is a road which disconnects the site from the wider landscape. For these reasons EDP has determined the site to be low risk and therefore an offence is highly unlikely.

We have taken these arguments into consideration. Great crested newts are, however, not static animals and although EDP are correct in assuming that adult great crested newts tend to show strong directionality towards more suitable habitat when leaving ponds, there will always be animals that exit in other directions (Malmgren, 2002) and in search of optimal conditions. When an animal is under pressure to breed and finds competition too high in one area, they are compelled to seek new opportunities. The ponds situated on site are connected to the pond network in the east by hedgerows and ditches, it is reasonable to assume that the pond on site could be used opportunistically. The road which runs between the pond network and site cannot be considered a true barrier as the potential for newts to cross roads successfully depends largely on traffic volume and the presence of any barriers, such as kerbs. The road which runs between the site is a small road with low vehicle

numbers and slanted kerbs which appear to present no major problems for newts to cross (Great Crested Newt Mitigation Guidelines, page 45, English Nature, 2001).

In this case, the NE risk assessment tool has been used to state that the risk of an offence is highly unlikely, the tool has been developed as a general guide only and is inevitably rather simplistic in its design. It is not a substitute for a site-specific risk assessment informed by survey. In particular, the following factors are not included for sake of simplicity, though they will often have an important role in determining whether an offence would occur: population size, terrestrial habitat quality, presence of dispersal barriers, timing and duration of works, detailed layout of development in relation to newt resting and dispersal, high pond density, low pre-existing habitat fragmentation, large development footprint, long construction period and so on. Whilst the tool has been used to assess the impact the site has on ponds over 250m away, it has failed to consider the impact on the potential breeding pond on site and the connectivity of this habitat to the usable habitat 250m away.

Finally, the eDNA which has informed the decision from EDP is now considered out of date and will need to be updated predetermination. Survey data that is more than a few years old normally cannot be relied upon for details on which to base mitigation schemes, as populations and sites may change in nature and extent. The eDNA survey results are almost 3 years old and are considered to be out of date and will need to be updated in line with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019). The results of an updated EDNA survey will determine if the RAMs route is deemed appropriate for the site.

Alternatively, the applicant can remove all risks associated with great crested newts and avoid submitting to further survey by entering the Cherwell District Council's District Licence.

6.19. BOB INTEGRATED CARE BOARD: **S106 contribution required.** *This Primary Care Network (PCN) area is already under pressure from nearby planning applications and this application impacts directly on the ability of the Alchester Medical Group in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.*

6.20. THAMES VALLEY POLICE: **Do not wish to object but** *somewhat disappointed to see that crime prevention and community safety is not a significant consideration at this point. Whilst I do not wish to object to this application, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.*

In order to safeguard future developments and their residents from crime and antisocial behaviour, I ask that crime prevention and community safety is a key consideration which is specifically addressed within forthcoming applications. I strongly encourage the applicant to consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme. The guides for homes, schools and commercial areas can be found here:

<https://www.securedbydesign.com/guidance/design-guides>

I provide the following general comments to ensure forthcoming reserved matters applications meet the requirements of:

- *The National Planning Policy Framework 2023 paragraph 96(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...*
- *The National Planning Policy Framework 2023, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".*

Detailed comments have been provided in relation to the following:

- Parking
- Defensible Space
- Surveillance
- Communal Residences
- Merged cores within apartment blocks
- Bin and Cycle Stores
- Public Open Space
- Lighting
- Rear access routes
- Utility meters

6.21. THAMES WATER:

Waste (summary): **No objection.** *Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network.*

Foul Water (summary): **No objection** *with regard to infrastructure capacity, based on the information provided.*

Surface Water: **No objection.** *The application indicates that surface water will not be discharged to the public network, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.*

Water (summary): **No objection.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- 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
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water Resources
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development in the open countryside
- C15: Prevention of coalescence of settlements
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C32: Provision of facilities for disabled people
- ENV1: Environmental pollution
- ENV2: Redevelopment of sites causing serious detriment to local amenity
- ENV12: Potentially contaminated land
- TR1: Transportation funding
- TR7: Development attracting traffic on minor roads
- R1: Allocation of land for recreation use R1 (part replaced)

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Natural Environment and Rural Communities Act 2006
- Circular 06/2005 (Biodiversity and Geological Conservation)
- EU Habitats Directive (92/43/EEC)

- Conservation of Habitats and Species Regulations 2017
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Oxfordshire Wildlife & Landscape Study 2004
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Cherwell Annual Monitoring Report (2023 AMR) (December 2023)
- Cherwell Interim Policy Guidance Note: First Homes (December 2021)
- Cherwell Developer Contributions SPD (February 2018)
- Cherwell Infrastructure Delivery Plan (IDP) Update (December 2017)
- Cherwell Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)

8. APPRAISAL

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

- Principle of Development
- Landscape and Visual Impact
- Design and Illustrative Layout
- Residential Amenity
- Highway Matters
- Flood Risk and Drainage
- Ecological Implications
- Best and Most Versatile Agricultural Land
- Impact on Local Infrastructure
- Remaining Policy Villages 2 criteria
- Housing Mix/Affordable Housing
- Noise, Contamination and Air Quality

Principle of Development

Policy Context

- 8.2. Paragraph 12 of the NPPF confirms the statutory status of the development plan as the starting point for decision making. The Development Plan for this area is the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and the saved policies of Cherwell Local Plan 1996.
- 8.3. 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.*
- 8.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The spatial strategy identified in Section A of the CLP 2015 and in the supporting text to Policy ESD1 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.*
- 8.5. 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.

- 8.6. Paragraph E.10 of the Local 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.*
- 8.7. 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.* This policy has now been superseded by the updated NPPF, also considered within this section of the report.
- 8.8. 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 not identified for consideration within the 2018 HELAA.
- 8.9. The site directly adjacent to the west, Church Leys Field, site HELAA015, was however recognised as being suitable or achievable for housing: *Greenfield site outside the built-up limits. Ambrosden is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. The adjacent site to the west has recently been redeveloped for 97 homes. There are frequent bus services to Bicester and Arncott with several facilities and services such as a primary school, post office, food shop and a doctor's surgery. Although the majority of the site falls within the Ray Conservation Target Area, the development to the west in effect establishes a precedent for development on the southern side of the road. The area that is in line with the adjacent development (3 ha approx.) is considered suitable in principle if the Council requires additional development land outside the built-up area of Ambrosden. This will need to respect Ambrosden's development pattern but also achieve a satisfactory relationship with the approved development to the west. A soft built edge would need to be designed in view of the openness of the countryside to the south. With regard to assisting Oxford with its unmet housing need, Ambrosden lies outside Areas of Search A and B.* This site was subsequently approved for 85 homes under application 16/02370/F and has since been built out. It is known as Blackthorn Meadows.
- 8.10. The site directly to the north-east is on the opposite side of Blackthorn Road and referenced as HELAA252 and was also identified as a site which would be suitable or achievable for housing. This site was also subsequently approved for 75 homes under application 22/01976/OUT with the legal agreement signed in December 2023.
- 8.11. Whilst it is recognised that each application is assessed on its own merits, the above two HELAA considerations and subsequent planning approvals are considered important factors in the context of both the proposed site and immediately surrounding sites.
- 8.12. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and it 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). Ambrosden is one of 23 Category A

villages in the District and is therefore considered among the most sustainable villages in planning terms.

- 8.13. Policy Villages 2 of the CLP 2015 sets out an approach for identifying the development of new sites for housing across the rural areas to meet local needs in sustainable locations and to meet the strategic targets set in Policy BSC 1: District Wide Housing Distribution. It 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. 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.* In identifying and considering sites, Policy Villages 2 lists criteria to which particular regard is to be given. These criteria are reviewed in the following paragraphs of this Assessment.
- 8.14. The 2023 Annual Monitoring Report (AMR) sets out that between 1 April 2014 and 31 March 2023 there have been a total of 792 completions in Category A villages, with a further 100 dwellings under construction but not completed on 31 March 2023, totalling 892 dwellings. There are an additional 303 dwellings on sites with planning permission but where construction has not yet started.
- 8.15. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined in Paragraph 7 as *meeting the needs of the present without compromising the ability of future generations to meet their own needs.*
- 8.16. So that sustainable development is pursued in a positive way, Paragraph 10 of the NPPF includes 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 supply of deliverable housing sites (or four year supply, if applicable), 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; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 8.17. The position in which the most important policies are considered to be out-of-date because of the absence of a four- or five-year housing land supply is often referred to as the 'tilted balance'.
- 8.18. 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.

- 8.19. 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.*
- 8.20. Paragraph 77 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, or a minimum of four years’ worth of housing if the provisions of paragraph 226 apply (detailed below) against either the housing requirement set out in adopted strategic policies, or against the 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).* The supply of specific deliverable sites should, in addition, include a buffer.

Housing Land Supply Position Statement (Update) January 2024

- 8.21. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 below demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

Assessment: Housing Land Supply and the reason for refusal

- 8.22. It is necessary to review the first part of the reason for refusal given for the almost identical scheme on this site in July 2023, ref 22/02455/OUT: *The Council is able to demonstrate a 5.4 year housing land supply, and therefore the housing strategies in the Local Plan are up to date.*
- 8.23. The former NPPF (September 2023) contained a requirement to include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.
- 8.24. This changes the calculation of the five year land supply as shown in the Council’s 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

Table 1

Step	Description	Five Year Period 2023-2028
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

- 8.25. Additionally, it is advised at paragraph 226 of the revised NPPF:

From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

- 8.26. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of 'four years' worth of housing' measured against a five year housing requirement.
- 8.27. Alternatively, Table 2 below shows the calculation of deliverable housing land supply measured against a four year requirement.

Table 2

Step	Description	Four Year Period 2023-2027
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	4 year requirement (b x years)	2,840
d	Deliverable supply over next 4 years	3,207 (from 2023 AMR)
e	Total years supply over next 4 years (d/b)	4.5
f	Surplus (d-c)	367

- 8.28. 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 77 and footnote 42 of the NPPF require that in such circumstances the five year supply of land should be calculated using the government's standard methodology.
- 8.29. 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. This results in the Council having a five year housing land supply position of 5.74 years for the period 2023-2028, which means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan.
- 8.30. The proof of evidence for 22/02866/OUT Land East of Ploughley Road, Ambrosden, the Public Inquiry for which was heard in March and for which the decision is awaited, confirms that the Council's Five Year Housing Land Supply (5YHLS) of 5.74 years is based on 4,038 units' deliverable supply assessed against an annualised local housing need of 703 dwellings per annum. If measured against four years' worth of provision in accordance with paras 77 and 226 of the NPPF, this represents a surplus of 1,226 units. If measured against five years' worth of provision, it would represent a surplus of 523 units.

- 8.31. The five year supply is not a cap on development. The provision of housing in rural areas represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which need to be delivered.
- 8.32. In the context of the spatial strategy and the need to meet the overall district requirements by 2031, regard is given to the Planning Inspector's comments for the appeal decision on Land at Merton Road, Ambrosden (PINS ref 3228169 / LPA ref 18/02056/OUT).
- 8.33. In Paragraph 24 the Inspector stated: *Policy Villages 2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension (ie it does not specify how much development should occur at each settlement).*
- 8.34. More recently, the Planning Inspector for the appeal decision on Land South of Green Lane, Chesterton for up to 147 homes (PINS ref 3331122/ LPA ref 23/00173/OUT), dated 15th May 2024, highlighted that the 750 homes to be located at Category A villages under Policy Villages 2 was not a ceiling and that housing within Cherwell is being delivered at a declining rate (paragraph 61). The Inspector went on to state: *In this context the rural sites brought forward around the Category A villages have an important role in maintaining a deliverable supply of new houses. The CLP covers a period from 2011 to 2031 and is now in the second half of its period. I also heard evidence that a number of the strategic sites are unlikely to deliver during the plan period. Therefore, in view of the stage the CP has reached it is unlikely that this proposal would prejudice its locational strategy. Moreover, sites such as this will help the Council maintain supply ahead of the adoption of a new local plan. Consequently, it is unlikely that this proposal would be disproportionate in relation to the strategic allocations and would not prejudice their delivery.*

Recent appeal decision at Heyford

- 8.35. At a recent appeal, known as the Heyford Inquiry, an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford's unmet housing need in the separate Partial Review Local Plan (PINS ref 3326761 at OS Parcel 1570 Adjoining and West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park). This decision is a potential material consideration to applications for housing in the district.
- 8.36. However, the LPA has reviewed its position in relation to a legal challenge and has submitted to the High Court a challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making). Officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 8.37. On that basis, Officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. Inspectors for subsequent appeals have been asked by the Council to put on hold their decision pending the outcome of the High Court challenge. As such, Officers consider that greater weight should be placed on the published AMR figures.

Assessment: Compliance with Policy Villages 2 criteria

8.38. Due to the above 5YHLS figures and the exceedance of the quantum of development to be built under Policy Villages 2, scrutiny needs to be given to new proposals, to ensure no harm would be carried out to Category A villages. These are considered in the relevant sections of this Case Officer report.

8.39. The Policy Villages 2 criterion relevant to this section is detailed below:

8.39.1. *Whether the site is well located to services and facilities*

The other Policy Villages 2 criteria are reviewed later in this report.

8.40. Ambrosden is by population the fifth largest Category A village, with in the region of 2,736 residents (2021 census). It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser, public house, and recreational facilities. It is about 4.6km (2.8 miles) from the centre of Bicester, has two bus services through the village which connect to Bicester and the Oxford John Radcliffe Hospital, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester and the proximity to Bicester is a material consideration which weighs in favour of the proposal. The village itself contains a reasonable level of services and facilities to meet the day-to-day needs of residents and is one of the better served Category A villages. Officers consider that the scale of growth proposed under this application is at the upper limit of proportionate relative to the size of the village and could be accommodated, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan.

8.41. There are benefits of the proposed additional housing. Paragraph 5.11 of the Planning Statement states that 35% of the dwellings will be affordable housing, in line with Policy BSC3. A later email from the agent, received 01.03.2024, confirms that a minimum of 11% (six dwellings) would be constructed as bungalows, which are in demand within the village. Contributions to support local services and infrastructure including medical, educational, and public transport provision would be secured through a Section 106 legal agreement.

Conclusion

8.42. Whilst both the 5YHLS and the target of 750 dwellings in Category A villages have been exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and it contributes to meeting the overall district housing figures which need to be delivered. The merits of providing additional homes (including affordable homes) on this site are therefore noted and the proposal would assist in meeting Policy BSC1 housing requirements to 2031.

8.43. The proposal therefore complies with this criterion of Policy Villages 2.

Landscape and Visual Impact

Policy context

8.44. The Government attaches great importance to the design of the built environment within the NPPF. Paragraph 131 is clear that *the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make*

development acceptable to communities. Paragraph 135 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*

8.45. Saved Policy C8 of the CLP 1996 seeks to resist new sporadic development in the open countryside. Saved Policy C28 states: *Control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.* Saved Policy C30 states: *Design control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.*

8.46. Policy ESD13 of the CLP 2015 states, inter alia: *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:*

- 8.46.1. *Cause undue visual intrusion into the open countryside*
- 8.46.2. *Cause undue harm to important natural landscape features and topography*
- 8.46.3. *Be inconsistent with local character*
- 8.46.4. *Impact on areas judged to have a high level of tranquillity*
- 8.46.5. *Harm the setting of settlements, buildings, structures or other landmark features, or*
- 8.46.6. *Harm the historic value of the landscape.*

8.47. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, 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. New development proposals should, amongst other things, contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views. Development should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.*

8.48. Policy Villages 2 of CLP 2015 requires consideration of whether significant adverse landscape and visual impacts can be avoided and whether the development would contribute to enhancing the building environment.

8.49. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

Assessment: Compliance with Policy Villages 2 criteria

8.50. This section of the report addresses the following criterion of Policy Villages 2:

8.50.1. Whether significant adverse landscape and visual impacts could be avoided.

- 8.51. The site is within the Oxfordshire Wildlife and Landscape Study 2004 (OWLS) landscape type 'Clay Vale' Landscape Character Type and within that the Launton Local Character Area (LCA). Clay Vale is described as a *low-lying vale landscape, associated with small pasture fields, many watercourse and hedgerow trees and well-defined nucleated villages*. The key recommendations include *to safeguard and enhance the tranquil, small scale pastoral character of the area*.
- 8.52. The Launton LCA is defined in OWLS as an *area largely dominated by medium-sized semi-improved grass fields. They are enclosed by hawthorn hedges, which in some places are also adjacent to ditches. Hedges are often gappy and fragmented in the northern area*. The application site is within the northern half of Launton LCA.
- 8.53. The site is outside of any national or local landscape designations such as AONB and is not within the Green Belt. It is not subject to any statutory or non-statutory designations for landscape character, quality or value. The Public Right of Way (PRoW) 131/7/20 crosses the site from south-west to north-east.
- 8.54. The Council's Landscape Officer has not responded to consultation on the current application but did so with the previous, almost identical application. They stated:

The Launton LCA description observes several features which reflect the local character, particularly the pattern of thick hedgerows around fields of grass and alongside ditches which contribute to substantial enclosure of the landscape to the south of the site. The site is bound by typical field boundaries made up of hedgerows, trees and shrubs on all sides. A larger tree and shrub group is located on the southern boundary. The northern boundary is formed by a belt of vegetation along Blackthorn Road, which is gappy in places, including where there is an access track and so views across the site can be seen.

The application site is located approximately 800m to the east of Ambrosden village centre and would have the residential settlement as its backdrop, so not an isolated field in the open countryside but would be seen as part of Ambrosden when viewed from the countryside to the south and east. It would be read alongside the recent residential development of Blackthorn Meadows, immediately to the west of the site... The boundary features create a sense of enclosure on the site, limiting visual connectivity with the wider landscape. Particularly along the southern boundary, the dense vegetation restricts views towards the wider countryside. The site is generally contained by its vegetated boundaries and the boundary features are generally representative of local vegetation patterns... The proposed built form will be aligned with the adjacent development to read as an extension of the existing built form in visual terms. The proposed POS is situated in the southern part of the site, to the south-west to provide a soft transition between the site's vegetated boundary and proposed built form.

- 8.55. Three professional opinions reviewing the impact of the proposal on landscape and visual impact have been received:

8.55.1. The applicant's environmental planning consultancy EDP (March 2023), a registered practice of the Landscape Institute

8.55.2. The Council's Landscape Officer (May 2023)

8.55.3. An independent review of the submitted LVA commissioned by the Council. This has been undertaken by Huskisson Brown Associates (HBA), an environmental design consultancy and a registered member of the Landscape Institute (May 2024).

8.56. A Landscape and Visual Appraisal (LVA) accompanies the application (EDP, March 2023). This is the same document as that submitted during the lifetime of the refused application on this site: 22/02455/OUT. The covering letter to the application states: *We consider that the resubmission of this planning application overcomes the Council's reasons for refusal outlined in the LVIA and other documents submitted to support this application.*

8.57. The LVA concludes that the following effects are likely:

- *Due to the nature of the proposals, which would change parts of an open field to residential land use, there would be noticeable change as a result of the development. However, within the surrounding context of residential development on the settlement edge, the proposed development would not be inconsistent with the local pattern of built form on the settlement edge. The proposed development would result in moderate adverse effects on the character of the site;*
- *The site benefits from being visually contained towards the wider countryside by its extensive boundary vegetation. The site exhibits certain characteristics typical of the Clay Vale LCT. While the change from greenfield to residential development would be noticeable, the overall changes are highly localised within the wider LCT;*
- *The PRow 131/7/20 would be retained as part of the development. While its context within the site would change, the wider setting of the PRow would be retained due to the existing visual connection with nearby development; and*
- *Generally, the development would be most noticeable from close range views. Users of PRow within the site would experience a moderate adverse level of effect. Residents at Blackthorn Meadows, where views are possible towards the proposed development, would experience a major adverse effect. There would be limited to no visibility of the development from mid-range and long-distance views due to the intervening vegetation and built form. These effects would generally be screened due to the intervening vegetation.*
- *Overall, the development would read as an extension to the existing residential development at Blackthorn Meadows. While it would constitute a general change to the land use of the site, it would not be in discordance with the local context and local patterns of development. The location of built form, aligned with the adjacent residential development, allows for the existing footpath to be retained and creates an area of open space in the south of the site. Additional planting on the boundaries of the development and within the scheme would soften its visual effects and would provide varied landscape elements within the site. The proposed development would not be inconsistent with the local landscape character. While it would be prominent from certain close-range viewpoint locations, it is generally considered to be visually contained, having limited effect on the surrounding landscape context.*

8.58. The Council's Landscape Officer provided the following comments in relation to the LVA:

The LVA is comprehensive and proportionate and has assessed the site and has found that the effects of the proposed development will restrict a localised geographical area but would not result in substantial harm to landscape character in the wider setting.

Having walked and driven several of the PRow and connecting roads to confirm that the selected 12 photo viewpoints have incorporated the obvious elevated views whereby the development site may be seen. Of those, in terms of sensitivity of the receptor only PVP 3 and 8 were seen as low sensitivity. I do however agree that overall the visibility of the site from the PRow is limited due to the site's extensive boundary vegetation and the typical field boundaries within the local landscape. While there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the adjacent settlement boundary and development edge which has a urbanising influence on the site.

The evolution of the design should follow the findings of the LVA and practical requests to make the facilities more useful. Ensure the play area is accessible not just to those living in the development, but also to neighbouring developments and the village residents of Ambrosden.

In conclusion, based on my observations and with the applicant taking on board my comments as above, I have no objection to the outline application on landscape and visual impact grounds.

- 8.59. In light of the basis for refusal of the previous, almost identical scheme, on the same site and notice from the applicant of their intention to appeal against that decision, the Council considered it appropriate to commission an independent review of the submitted LVA. This has been undertaken by Huskisson Brown Associates (HBA) (final report dated 15/05/2024) in accordance with the Landscape Institute's Technical Guidance Note TGN 1/20 (10 Jan 2020) which identifies the three main components of a review as to the completeness, competency and reliability of an LVIA as:

- 8.59.1. *Checking the methodology used to undertake the assessment, the criteria selected (including balance between), and the process followed;*
- 8.59.2. *Checking the baseline, content and findings of the assessment; and*
- 8.59.3. *Checking the presentation of the assessment findings.*

TGN 1/20 allows that such a review may also include further information not covered in TGN 1/20 but which is considered relevant to reporting on the compliance (or otherwise) of the LVA with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3, by the Landscape Institute and the Institute of Environmental Management and Assessment) or matters of competence or expertise. In this instance, the scope of the LVA Review also includes comments and observations on the proposed scheme that HBA consider would have a bearing on its landscape and visual appropriateness and/or 'fit' within the landscape, and comments on whether HBA agree with the LVA findings overall. These comments are based upon professional judgement, review of the baseline and site inspection. A separate LVA has not been carried out by HBA.

Assessment:

- 8.60. It is also necessary within this part of the Appraisal to review the second part of the reason for refusal given for the almost identical scheme on this site in July 2023, ref 22/02455/OUT. It included the following wording, that the proposal would:

- 8.60.1. *Have a poor and incongruous relationship with the existing settlement*
- 8.60.2. *Appear prominent in the open countryside*
- 8.60.3. *Have an adverse effect on the landscape, to the detriment of the character and appearance of the countryside*

- 8.61. The applicant's LVA was undertaken by an environmental planning consultancy which is registered with the Landscape Institute. The company specialises in the assessment of the effects of proposed development on the landscape. It concluded that overall, *the development would read as an extension to the existing residential development at Blackthorn Meadows. It would not be in discordance with the local context and local patterns of development... The proposed development would not be inconsistent with local landscape character. While it would be prominent from certain close-range viewpoint locations, it is generally considered to be visually contained, having limited effect on the surrounding landscape context.*
- 8.62. The LVA has been peer reviewed by Huskisson Brown Associates (HBA) at the Council's expense, to establish whether the basis for the assessment was robust. The practice is a registered member of the Landscape Institute. HBA also represented the Council at the recent Ploughley Road Public Inquiry (22/02866/OUT), where 120 dwellings are being proposed on the land east of Ploughley Road, Ambrosden, outside the western edge of the village. As such, HBA are very familiar with the village in landscape and visual terms and can assess this scheme in the context of the proposal at inquiry, and other recent approvals and refusals of residential development schemes in the village.
- 8.63. The HBA review sets out various recommendations regarding the applicant's LVA, a number of which relate to clarification of methodology and referencing of additional landscape studies that are unlikely to alter the findings and/or be of particular significance but should nevertheless be included for completeness. Whilst the review therefore recommends that caution be exercised before adopting the full findings of the LVA, it nevertheless considers the overall findings to be broadly reasonable. The primary recommendation of the LVA review is that an Addendum be prepared that clearly sets out any distinction in landscape and visual terms between the current scheme and that previously refused and that updates the LVA to reflect the grant of permission 22/01976/OUT, stating that: *in the professional opinion of the reviewer, it is considered that if the altered baseline situation was to be considered, the potential effects of the scheme upon the landscape character of Blackthorn Road and this part of Ambrosden as well as visual effects for some receptors, could be expected to be reduced.*

Conclusion

- 8.64. Despite the incursion into open countryside, it is concluded that the site and proposed development is relatively well related to the existing form and pattern of the village. The site layout, building formation and density is similar to the adjacent residential development to the west at Blackthorn Meadows, resulting in a development which is read as an extension to the neighbouring site rather than an isolated plot. Furthermore, the eastern border would reflect that of the eastern border approved under application 22/01976/OUT, which is considered to create an established end to the east of the settlement with the mirrored agricultural land to the east of both sites, including that land to be protected by legal agreement for a minimum of thirty years for biodiversity net gain purposes, buffering the contained settlement pattern and improving the visual impact of the development from the wider viewpoints. On balance, the development of the site as proposed would not

be considered incongruous against the existing or prevailing built form of this part of the village and the settlement boundary.

- 8.65. The findings of the three separate landscape experts are consistent and they each conflict with the reason for refusal of the application considered on this site last year (22/02455/OUT). These professional opinions have very significant weight in the assessment of the scheme and its impact on landscape and visual grounds. In particular, the independent assessment by HBA gives reassurance that the applicant's submission provides an adequate assessment of the existing baseline conditions and reaches reasonable conclusions, notwithstanding the scope available to update it in light of the approval for 75 dwellings on the opposite side of Blackthorn Road (22/01976/OUT).
- 8.66. The proposal would not result in unacceptable adverse landscape impacts and the balanced view, provided by the three professional opinions above, is that the development would appropriately integrate within the village of Ambrosden. The landscape and visual impact of the proposal has been assessed against Policies C28 and C30 of the CLP 1996, Policies ESD13 and ESD15 of the CLP 2015 and the NPPF. Based on the criteria for unacceptable development within Policy ESD13, the professional opinions have not stated conflict with these criteria. The scheme is therefore considered to be acceptable.
- 8.67. For these reasons, the development of the site is considered to comply with the relevant criteria of Policy Villages 2.

Design and Illustrative Layout

Policy Context

- 8.68. Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards.
- 8.69. Policy ESD 17 seeks to *maintain and enhance the green infrastructure network and ensure that green infrastructure considerations are integral to the planning of new development*. The explanatory text to the policy includes SuDS; new landscaping areas to assimilate development into the landscape and assist in the transition between the urban edge and rural areas; a recreational resource; sites of importance to nature conservation; hedgerows and public rights of way.
- 8.70. Policy 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.
- 8.71. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.
- 8.72. The NPPF is clear that good design is fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 of the CLP 1996 echo this.
- 8.73. The Council's Design Guide SPD 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.

Assessment

8.74. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

8.74.1. *Whether development would contribute in enhancing the built environment*

8.75. The application is in outline with approval being sought for the means of access. Matters relating to layout, scale, landscape and appearance are reserved for later consideration. The application is accompanied by an Illustrative Masterplan which demonstrates how the quantum of development proposed could be accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 55 residential dwellings and p36 of the Design and Access Statement states *the proposed housing mix would be broadly in line with the recommendations for Cherwell District Council as set out in their Local Plan unless local circumstances at the time of a Reserved Matters application justified a different mix.* Density within the area to be developed would be 25-35 dwellings per hectare with a mix of 2-2.5 storey heights. This density would be in accordance with section B.102 of Policy BSC1. *35% of the housing would be affordable, distributed evenly across the site and integrated throughout the development by being tenure blind. Design is proposed to reflect the character and aesthetic qualities of the area and mirror design features of the settlement, including high quality, vernacular materials.* The public footpath which crosses the site would broadly divide the area to be developed, closest to Blackthorn Road, with that which would be part of the green infrastructure of the site, which would include existing vegetation, a natural play space / Locally Equipped Area for Play (LEAP) of 400sq.m., trim trail, SuDS, connecting footpaths, wildlife ponds and other green space. It is proposed to be landscaped as a buffer to seek a soft transition between the proposal and the adjacent countryside.

8.76. The proposal would be in accordance with Policy BSC11 as the plan demonstrates how a suitable quantum of green space can be provided, including a Locally Equipped Area of Play (LEAP). The Council's Landscape Officer reviewed the Illustrative Masterplan as presented for the previous application. She stated:

The southern part of the application site has been allocated as a landscape buffer area which will include play provision of a LEAP and trim trail and of which a strategy for the location of these will need to be provided. The LEAP should ideally be set within the housing area so it can be accessed easily and is overlooked by dwellings. Play facilities provide valuable open space within residential developments so it is essential that the evolving masterplan takes great consideration of play provision and where best it sits within the overall design. The current location of the LEAP and trim trail are very close to a proposed attenuation area with wildlife ponds also within the landscape buffer area so there need some careful consideration over safety. Although the play area has been located close to the existing PRow and proposed recreational routes, the viability of the location needs to be taken into account with the retention of the existing vegetation which could reduce the amount of visual surveillance, also taking into account the distance from the proposed residential areas.

8.77. The Landscape Officer continued by querying details such as maintenance of the ditches, protective fencing for the proposed wildlife ponds and SuDS basin, relocation of the play provision more centrally where it would be overlooked by outward-looking properties and street tree placement. These details can be addressed as part of a Reserved Matters application and via condition.

- 8.78. The submitted Design and Access Statement does go into some design principles for the site, however these are only illustrative and limited, and little weight can be given to the proposed layout, scale, design and form of the proposed dwellings. In the context of this being an outline planning application, officers are satisfied that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, scale, appearance and landscaping could be negotiated at reserved matters stage.
- 8.79. It is considered that the application has demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space / play areas. A contribution for Landscape and Ecology Monitoring has been agreed. The enhancement of the existing public right of way and opening up the south of the site to the public for recreation space is considered valuable for existing and future residents of the village.
- 8.80. For these reasons, the development of the site is considered to comply with this criterion of Policy Villages 2.

Residential Amenity

Policy Context

- 8.81. 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 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.

Assessment

- 8.82. The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. The position and scale of dwellings and their boundary treatments will be given due consideration at reserved matters stage.
- 8.83. The proposed development would be located to the east of the existing residential dwellings at Church Leys Field. At reserved matters stage a suitable separation distance and orientation of the proposed properties can be agreed to ensure the existing neighbouring dwellings are afforded suitable protection.

Conclusion

- 8.84. Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage in accordance with the requirements of Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance set out in the NPPF.

Highway Matters

Policy Context

- 8.85. Policy ESD15 of the CLP 2015 states *New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live*

and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.

- 8.86. Policy SLE4 states *All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.*
- 8.87. Policy Villages 2 lists criteria to which particular regard will be given when identifying and considering sites:
- 8.87.1. *Whether satisfactory vehicular and pedestrian access / egress could be provided*
 - 8.87.2. *Whether the site is well located to services and facilities*
 - 8.87.3. *Whether necessary infrastructure could be provided*
- 8.88. The NPPF advises that development should provide safe and suitable access for all, and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe.

Assessment

- 8.89. This part of the Appraisal reviews the following the criteria within Policy Villages 2:
- 8.89.1. *Whether satisfactory vehicular and pedestrian access / egress would be provided*
- 8.90. The application has been accompanied by a Transport Statement (Curtins, July 2022), and Addendum to the Transport Statement (Curtins, February 2023) and an Interim Travel Plan (Curtins, July 2022). The Travel Plan is intended to encourage people to choose alternative transport modes over single occupancy car use and, where possible, reduce the need to travel at all. These submissions have been assessed by OCC Highways.
- 8.91. The site is served by bus routes 29, S5 and H5 with the nearest bus stop 1km away at Ploughley Road or 1.2km away at Merton Road, equating to a 12 minute walk to each of them. The nearest railway station is Bicester Village, approximately 4.1km to the northwest of the site, equating to a 17-minute cycle ride.
- 8.92. OCC Highways have stated in their response to consultation: *OCC originally objected to 22/02455/OUT for the reasons that it had not been demonstrated that an LTN 1/20 compliant cycle track between the site and Ambrosden was achievable, and that the site is in an unsustainable location. However, with reference to approved application 22/01976/OUT on the opposite side of Blackthorn Road, it was agreed these reasons could be overcome and the objection was removed. OCC's detailed response included the following:*
- 8.93. Traffic impact: *The trip generation analysis shows an estimated two way peak hour trip rate of 28. The trip rate appears to have been arrived at using a sound methodology and is in line with what would be expected. The proposed traffic impact is unlikely to have a severe impact on the local highway network in traffic and safety terms.*
- 8.94. Vehicle access: *The vehicle access point off Blackthorn Road was relocated, as requested, to avoid the proposed new access opposite into 22/01976/OUT and is now considered acceptable in principle. Any required change to the speed limit, if*

not brought forward by 22/01976/OUT, will be required through the S278 process. The site is accessed via a single vehicular access point onto Blackthorn Road.

- 8.95. Pedestrian and cycle access: *The proposal would deliver a 3m shared use cycle track, approximately 75m in length, south-westwards from the site access. From there on, the route will follow facilities that are likely to be delivered beforehand by 22/01976/OUT. If that application does not proceed, then the facilities will have to be provided by this current application, and this must be reflected in the wording of the S106 (that will secure the S278 works).*
- 8.96. Sustainable transport connectivity / transport sustainability: *The site location is not ideal in terms of transport sustainability and the distance to the nearest bus stop but has been deemed to be acceptable. A contribution towards public transport services will be required should permission be granted.* The site has been deemed to be acceptable due to two recent decisions:
- 8.96.1. 22/02455/OUT: Connectivity from this same site was considered acceptable in the conclusion on highway matters within the Officer Report which was presented to Planning Committee on 13 July 2023. This was for a development of 55 dwellings: almost identical to the current application.
- 8.96.2. 22/01976/OUT: Connectivity from the site opposite was considered acceptable in the conclusion on highway matters within the Officer Report which was presented to Planning Committee on 9 February 2023. This was for a development of 75 dwellings and has the same walking and cycling distances to the bus stops and railway station.
- 8.97. In the event that the application is approved, officers recommend that a financial contribution is secured via a planning contribution towards the continuation of bus services through Ambrosden. This would ensure that the opportunities for residents to use sustainable modes of transport are maximised in accordance with the requirements of Policy SLE4 of the CLP 2015. OCC Highways have also sought a contribution for a Cantilever Shelter 5 Bus Bay at either the northbound or southbound stop at Ploughley Road, to encourage the use of public transport by providing attractive waiting facilities. A contribution is also sought to mitigate against the impacts of the additional foot traffic and to improve the existing local PRoW network, including the improvement of surfaces of all routes to take account of the likely increase in use, as well as new or replacement structures such as gates, bridges and seating, sub-surfacing and drainage. These would be secured through a legal agreement and would of course be of benefit to a large quantity of local residents in addition to those at the development subject of this application.
- 8.98. Public rights of way (PRoW): *The PRoW has been placed on the formal alignment across the site. This comprises footway and footpath and involves crossing the road twice. An alternative, parallel footpath linking the two end points is proposed, so walking alongside and across the road may be avoided. These details will be confirmed at the reserved matters stage. If the development roads are to be offered for adoption, the tarmacked section of the PRoW (i.e. on the footway and road) will be maintainable by OCC. If the remainder of the footpath at the eastern and western ends were to be surfaced in tarmac and to an agreed standard, they could also be included in the S38 adoption. Otherwise, they will be the responsibility of the developer. If the development roads are not adopted, the whole length of PRoW across the site will be the responsibility of the developer to ensure the surfaces are suitable and that there are no obstructions.*
- 8.99. S106 and S278 obligations are detailed in the section below entitled 'Impact on Local Infrastructure'.

Conclusion

- 8.100. Having regard to the above, a conclusion has to be made which is consistent with those which have occurred within the past fourteen months. The proposed development would be served by a safe and suitable means of access and the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policies ESD15, SLE4 and the relevant criterion of Policy Villages 2 of the CLP 2015.
- 8.101. For these reasons, the development of the site is considered to comply with this criterion of Policy Villages 2.

Flood Risk and Drainage

Policy context

- 8.102. Section 14 of the NPPF is 'Meeting the challenge of climate change, flooding and coastal change'. Paragraph 173 states *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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - 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.*
- 8.103. Paragraph 175 of the NPPF states 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.*
- 8.104. Policy ESD6 of the CLP 2015 broadly replicates national policy contained in the NPPF with respect to managing and reducing flood risk. The 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.
- 8.105. 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, reduce pollution and provide landscape and wildlife benefits.

8.106. Policy Villages 2 states that particular regard will be given to whether or not the development would have an adverse impact on flood risk.

Assessment

8.107. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

8.107.1. Whether the development would have an adverse impact on flood risk

8.108. A site-specific Flood Risk Assessment and Drainage Strategy (FRA) (Curtins, July 2022) and Technical Note (Curtins, October 2022) have been submitted to support the application. The Environment Agency's flood maps indicate that the site is located in a Flood Zone 1, at lowest risk from flooding. Cherwell SFRA (AECOM, May 2017) indicates that the site is within an area that is less than 25% susceptible to groundwater flooding.

8.109. The submitted FRA assesses sources of flood risk. Section 4.1 shows that the site is at very low residual risk from fluvial flooding: rivers or sea. Section 4.6 has noted that there is a potential risk of groundwater flooding. Mitigation measures are proposed within the report. Section 4.7 states that both Thames Water and the LLFA consider there to be no incident or historic flooding at this location, and it continues: *Providing they both maintain their drainage assets, the risk of flooding to the proposed development site from public sewers or highway drainage is considered as low.* Section 4.8 assesses surface water flowing to the site. It states that the site is located in an area mainly classified as being at very low risk of flooding from surface water, with an elevated level of low risk being due to the site being relatively flat with localised low points that have no positive drainage. Mitigation measures are proposed to ensure that the site will be very low risk following development. Section 4.9 assesses surface water flooding from the site. The development proposals indicate a change to the impermeable areas on the site, with the development having the potential to increase flood risk where additional run-off from proposed roads, paved areas and building roofs are discharged freely into the downstream drainage network. The report encourages the use of permeable areas, landscaping areas and sustainable drainage features utilising infiltration or attenuation where possible.

Conclusion

8.110. The submitted FRA is comprehensive and Thames Water and the LLFA have no objection subject to conditions. Consequently, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of the NPPF and Policies ESD6, ESD7 and Policy Villages 2 of the CLP 2015. As the proposed dwellings would not adversely affect flood risk either locally or elsewhere, subject to conditions, the proposals are acceptable.

8.111. For these reasons, the development of the site is considered to comply with this criterion of Policy Villages 2.

Ecological Implications

Legislative context

8.112. The Conservation of Habitats and Species Regulations 2017 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. Under the Regulations, competent authorities have a general duty,

in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. 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 licences by the appropriate authorities by meeting the requirements of the three strict legal derogation tests:

- 1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- 2) That there is no satisfactory alternative.
- 3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

8.113. The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

- a) *Protecting and enhancing sites of biodiversity or geological value and soils; and*
- d) *Minimising impacts on and providing net gains for biodiversity.*

It goes on to state: When determining planning applications, local planning authorities *should apply the following principles:*

- *If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.*

8.114. 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.*

8.115. 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 or potential ecological value.

8.116. Policy ESD11 of the CLP 2015 deals with Conservation Target Areas. The application site is within Ray Conservation Target Area, an area totalling 2,423 hectares that extends into Buckinghamshire. This policy sets out that *Where development is proposed within or adjacent to a Conservation Target Area, biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the*

aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, the design and layout of the development, planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of the Conservation Target Area.

- 8.117. The Natural Environment PPG (updated February 2024) post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although the Circular remains extant. Paragraph 18 of the PPG states that *biodiversity and geodiversity assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.*

Assessment

- 8.118. This part of the Appraisal reviews the following criteria within Policy Villages 2:

- 8.118.1. *Whether the land has been previously developed land or is of lesser environmental value*
8.118.2. *Whether significant adverse impact on heritage or wildlife assets could be avoided*

- 8.119. The land is a greenfield site. Contrary to that stated in the earlier Officer Report for the site under application reference 22/02455/OUT, the land is within the Ray Conservation Target Area.
- 8.120. The Ray Conservation Target Area includes the *alluvial floodplain of the River Ray extending along a number of small tributary streams and including some areas of land between these streams.* (Thames Valley Environmental Records Centre / Wild Oxfordshire). Paragraph B.240 of the CLP 2015 confirms that *The Target Areas have been identified to focus work to restore biodiversity at a landscape scale through the maintenance, restoration and creation of UK BAP priority habitats...* Paragraph B.241 states that ten Conservation Target Areas lie wholly or partly within Cherwell District.
- 8.121. In accordance with the policy requirement of ESD11: *...biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement,* the application is supported by an Ecological Assessment (EDP, May 2023) and a Biodiversity Metric Calculator. The Ecological Assessment was revised during the life of the previous application on the site in order to address initial concerns of the Ecology Officer, who stated that it is largely adequate.
- 8.122. Whilst development in a Conservation Target Area must be sensitively designed and take into consideration any ecological implications, Policy ESD11 does not restrict development from taking place within these areas.
- 8.123. The Ecology Officer states that sufficient biodiversity net gain cannot be achieved on site and therefore the proposal is to use additional off-site, adjacent land shown within the land edged blue on the Location Plan, to create appropriate habitats. She considers it ambitious but feasible provided public access is prohibited to the biodiversity area from the footpath and a post and rail fence is installed rather than just a shrub line, to limit trampling and dog walking. Subject to this being secured by agreement within a biodiversity management and monitoring plan for a minimum of 30 years, and ideally for the lifetime of the development, this would be acceptable. Specific targets relating to bats and birds' habitats will be satisfied via condition and adopted at reserved matters stage in accordance with Policy ESD10. The Council seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these can be best clustered) with the majority integrated into the fabric of the buildings.

- 8.124. A lighting strategy which is sensitive to the presence of commuting and foraging bats (including rarer, light sensitive species) will also be conditioned as agreed with the Ecology Officer. A CEMP for biodiversity will also be ensured by condition to protect retained vegetation. A LEMP is required in order to contain provisions for wildlife within the built environment.
- 8.125. NatureSpace objected to the original proposal submitted in 2022 on the grounds of lack of information in respect of the impact on great crested newts (GCN). Following the submission of additional information, concerns remain regarding potential impacts on great crested newts, but NatureSpace and the Council's Ecologist are in agreement that these can be satisfactorily mitigated through use of condition to secure a precautionary working method. Alternatively, the applicant can remove all risks associated with great crested newts and avoid submitting to further survey work by entering the Cherwell District Council's District Licence Scheme.
- 8.126. Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) has objected to the proposal in relation to biodiversity net gain, potential impacts on the Arncott Bridge Meadows SSSI and BBOWT reserve (both hydrological and recreational), and the Ray Conservation Target Area.
- 8.127. BBOWT raises concerns that the proposal does not provide sufficient evidence of biodiversity net gain nor secure such net gains in perpetuity. However, the Council's Ecologist is satisfied that the requisite 10% biodiversity net gains can be achieved through a combination of on- and off-site provision, the details of which can be secured by condition. Whilst it is acknowledged that safeguarding biodiversity net gains in perpetuity is desirable, the policy and legislative context only allows for a thirty-year provision, and it is not therefore reasonable for the LPA to require a longer-term agreement.
- 8.128. The potential implications of the proposed development for the Arncott Bridge Meadows SSSI and associated nature reserve are acknowledged, however it is considered that these can be satisfactorily mitigated for through planning obligations in accordance with the recommendations of Natural England and the Council's Ecologist.
- 8.129. In relation to the aims of the Ray Conservation Target Area, BBOWT states that we *consider that a great deal more information should be provided to illustrate how the development will "secure biodiversity enhancement to help achieve the aims of the Conservation Target Area"*. The application is for outline permission and officers are satisfied that these details can be agreed at a later stage, given that the Council's Ecologist is content that an appropriate overall biodiversity net gain can be achieved.
- 8.130. In conclusion, on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions or by entering the District Licencing Scheme, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policies ESD10 and ESD11 of the CLP 2015, as well as national policy contained in the NPPF.
- 8.131. There are no heritage assets in the vicinity of the site.
- 8.132. The proposals therefore achieve an acceptable standard against the relevant criterion set out in Policy Villages 2.

Best and Most Versatile Agricultural Land

8.133. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

8.133.1. *Whether best and most versatile agricultural land could be avoided*

8.134. The PPG Guide to Assessing Development Proposals on Agricultural Land (2021) states that the best and most versatile (BMV) agricultural land is graded 1 to 3a.

8.135. Paragraph 174 of the PPG states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land.

8.136. Policy Villages 2 of the CLP 2015 states that particular regard will be given to whether best and most versatile agricultural land could be avoided. The previous Officer Report for this site stated: *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.* This deduction was inaccurate. The maps show the land to be Grade 2: very good. The proposal therefore conflicts with national and local policy and this has to be taken into account when weighing the planning balance.

8.137. For these reasons, the development of the site does not comply with this criterion of Policy Villages 2.

Impact on Local Infrastructure

8.138. This part of the Appraisal reviews the following the criteria within Policy Villages 2:

- *Whether necessary infrastructure could be provided;*

Policy Context

8.139. Policy INF1 of the CLP 2015 states: *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

8.140. Policy BSC11 of the CLP 2015 states: *Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs likely to be generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

8.141. The Developer Contributions Supplementary Planning Document (2018) (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

8.142. Where on and off-site infrastructure / measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

8.143. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and / or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

8.144. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts. All requested contributions have variable price bases from October 2021 to April 2023 and are index linked:

Cherwell District Council

- Affordable housing provision: 35%. Mix to meet identified needs: rental units (3x 1 bed, 4 x2 bed, 6x 3 bed, 1x 4 bed), first homes (4x 2 bed, 1x 3 bed), shared ownership (1x 2 bed).
- Community hall contribution of £60,610.44 towards enhancements at Blackthorn Village Hall
- Off-site contribution of £110,936.65 towards the provision of outdoor sports facilities at Graven Hill and / or in the locality of the development
- Off-site indoor sport contribution of £44,262.24 towards enhanced community sporting facilities at Bicester Leisure Centre
- Public realm / public art contribution of £12,320.00 to enhance the landscaped area alongside the planned public footpath with a piece of artwork
- Use of the blue line land as shown on the Illustrative Masterplan dwg. no. 382 P01 Rev D dated July 2022 for proposed habitats for biodiversity net gain for a minimum of thirty years
- Provision of a commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Contribution for landscape and ecology monitoring
- CDC monitoring fee

Oxfordshire County Council

- £62,315 contribution towards public transport for the continuation of bus services in Ambrosden

- £15,347 contribution towards public transport infrastructure for the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road
- £15,000 contribution towards Public Rights of Way improvements to the local PRoW network
- Delivery of an LTN 1/20 compliant pedestrian and cycleway south-westwards from the site access and an uncontrolled crossing of Blackthorn Road
- A required change to the speed limit if not brought forward by the application on the opposite side of Blackthorn Road
- A S38 adoption for the tarmacked section of the public footpath if development roads are offered for adoption
- £432,081 towards secondary education capacity
- £39,650 towards secondary school land cost for secondary school places
- £26,922 towards special school education capacity serving the development
- £5,168 contribution towards expansion and efficiency of Household Waste Recycling Centres
- OCC Administration and Monitoring Fee estimated at £6,350

Other

- *Natural England*
Additional surface water treatment to be secured due to the hydrological connectivity of the proposed development site with Arncott Bridge Meadows SSSI and potential for surface water pollution, in order to mitigate the adverse effects of development which could destroy or damage the interest features for which Arncott Bridge Meadows SSSI has been notified.
- *Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board*
£47,520 as a contribution towards primary care infrastructure funding to be invested into capital projects to directly benefit this PCN location and the practices within it.

Conclusion

8.145. The application is not supported by any draft head of terms for a S106. However, written confirmation has been received that confirms the applicant is willing to enter into a legal agreement if the application is to be approved and do not contest any of the contributions set out above. Given the agreement to enter into a S106 / S278 / S38 as required, it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLP 2015. In the event that the application is recommended for approval at Committee, the decision will be subject to the finalisation of the agreed S106 / S278 / S38.

Remaining Policy Villages 2 criteria

- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
- *Whether land the subject of an application for planning permission could be delivered within the next five years;*

8.146. There is no reason to consider that these criteria could not be achieved.

Housing Mix/Affordable Housing

- 8.147. Paragraph 82 of the NPPF refers to rural housing. It advises that *planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.*
- 8.148. Policy BSC4 of the CLP 2015 requires new residential development *to provide a mix of homes... in the interests of meeting housing need and creating socially mixed and inclusive communities.*
- 8.149. Policy BSC3 requires development within locations such as Ambrosden to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in paragraph 4.7 of the Cherwell Interim Policy Guidance Note: First Homes (December 2021) there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is:
- a) 25% First Homes
 - b) 70% Affordable rent / social rent
 - c) 5% Intermediate housing such as shared ownership
- 8.150. The proposed masterplan shows a range of dwelling types and sizes, including affordable homes.
- 8.151. Paragraph 5.8 of the submitted Planning Statement (Walsingham Planning, November 2023) states that the development would deliver 35% affordable housing in line with the requirements of Policy BSC3. This would equate to provision of up to 20 affordable units on site. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined in the Developer Contributions SPD. This will be secured as a benefit of the scheme through a S106 agreement.

Noise, Contamination and Air Quality

- 8.152. Paragraph 180 of the NPPF advises that the planning system *should contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Development should help to improve local environmental conditions such as air and water quality.*
- 8.153. Saved Policy ENV1 of the CLP 1996 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution.
- 8.154. The Council's Environmental Protection Officer has no objection subject to conditions, which are proposed for the following reasons: a Construction Environment Management Plan for protection of the environment; a specialist acoustic consultant's report for an environment free from intrusive levels of noise; contamination found during construction to minimise risk for users and neighbours of the land; a detailed air quality impact assessment for the protection and enhancement of biodiversity and the natural environment.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. 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

- 9.2. 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 be afforded limited positive weight.

Positive benefits – Social

- 9.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposal would provide up to 27 affordable homes which is a matter that carries substantial weight in favour of the proposal. The proposal would also provide bungalows which is recognised as a need within Ambrosden village. Significant weight is to be afforded to the social benefits of the proposed housing.
- 9.4. The improvement to the footpath and its connectivity to new outdoor equipment also carries some positive weight in favour of the proposal as these will benefit existing and proposed residents.
- 9.5. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be at the level expected by policy, as well as open space. The provision of this would also be of community benefit to existing residents.
- 9.6. 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.

Positive benefits – Environmental

- 9.7. The site of the housing is well screened by existing hedgerow cover and the existing housing to the west. The provision of additional built form within the countryside would be offset by the provision of enhanced boundary planting to the east and south-east boundaries. The development would appropriately integrate satisfactorily within the village of Ambrosden.
- 9.8. The proposals commit to the provision of sustainable construction methods, and this should be given positive weight.
- 9.9. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 9.10. The proposed drainage strategy would improve the drainage on the site and have the potential to assist in reducing the issue of water logging of adjoining areas. This would be a positive contribution and weighs in favour of the application.

Negative impacts

- 9.11. It is 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.
- 9.12. The application site is positioned beyond the existing built-up limits of the village. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land. 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, the impact is considered to be limited. As such the development would not be seen as an isolated development in the open countryside.
- 9.13. The development has the potential to result in adverse impacts on the nearby SSSI and nature reserve and would result in the loss of on-site biodiversity. Given the overall biodiversity net gain that would be achieved on-site and through enhancements to the adjoining land to the east, and that measures to safeguard the SSSI and nature reserve can be secured by condition, these negative impacts are afforded limited weight.
- 9.14. The proposed development has the potential to result in adverse impacts on great crested newts and their habitat. This can be mitigated through the adoption of a precautionary working method and provision of update surveys where necessary, along with a licence if needed at reserved matters stage. These negative impacts are also therefore afforded limited weight.
- 9.15. No development or construction site is silent and therefore the development would result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.
- 9.16. The proposal is considered to result in moderate harm to the character and appearance of the area from the urbanisation of the site and result in some harmful visual impacts at a more localised level. It would also result in some harm to the pattern of development and character of the edge of the village. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 9.17. The proximity of the site from services and facilities is not ideal, however having regard to the rural context of the site and the relatively good level of services (including public transport) in the village as a whole, this is only considered to carry limited weight against the proposal.
- 9.18. The proposal would result in the development of agricultural land classified as grade 2, which falls within the definition of 'best and most versatile' land. This is afforded moderate negative weight.

Conclusion

- 9.19. 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 they are afforded full weight.
- 9.20. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 55 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded 750, the policy is reflective of the

housing strategy of the Local Plan in seeking to direct residential development of the appropriate scale to the most sustainable settlements in the District. This scheme is significantly below the strategic scale development (defined in para. XViii of the Executive Summary of the CLP 2015 as being schemes for 100 units or more) which are directed towards the district towns of Banbury and Bicester. Therefore, 55 units is considered to be of an appropriate scale to Ambrosden (a Category A village and not a town).

- 9.21. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. However, on balance, it is considered that the proposed harm to visual amenity and wider landscape impact would be less than significant given the context of the site and prevailing pattern of development. The site would be read as an extension to the neighbouring site to the west due to the comparative site layouts, building line and density and would be considered a balanced offset of the development approved immediately to the north creating an established and flush end to the settlement boundary of the village. On balance, the proposal is considered to sit comfortably within the context of the site, neighbouring sites and wider village setting.
- 9.22. On the basis of the scale of the proposal and the site's sustainable location, the proposal is not considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan and is in accordance with Policy Villages 2. Overall, it is considered that the identified harm to the open countryside and locality is outweighed by the benefits of the scheme. In accordance with the NPPF the proposed development is considered to represent sustainable development, the planning benefits of the proposal would not be outweighed by the limited harm identified and planning permission should therefore be granted.

10. RECOMMENDATION

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

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

Cherwell District Council (all contributions to be index linked)

- a) Provision of 35% affordable housing on site
- b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £2,017.03 per dwelling towards outdoor sport provision, plus £335.32 per occupier of each dwelling (based on an average occupancy rate of 2.4 persons per dwelling) towards indoor sport provision
- c) Payment of a financial contribution towards enhancements at Blackthorn Village Hall based on the requirements to provide 0.185m² of community space per occupier of the dwellings at a cost of £2,482 per m² (based on an average occupancy rate of 2.4 persons per dwelling)
- d) Payment of a financial contribution of £12,320.00 towards the provision of public art and its management and maintenance
- e) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling
- f) Provision of a commuted sum for the maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SuDS etc) or details

of long term management provision in accordance with Policy SBC11 of the CLP

- g) Provision of a Local Equipped Area of Play and commuted sum for maintenance or details of other management provisions
- h) Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line
- i) Payment of the Council's monitoring costs

Oxfordshire County Council (all contributions to be index linked)

- a) Payment of a financial contribution towards the continuation of bus services is Ambrosden of £62,315
- b) Payment of a financial contribution towards the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road of £15,347 (unless otherwise secured under a S278 or S38 agreement)
- c) Payment of a financial contribution towards improvements to the local public rights of way network of £15,000
- d) Obligation to enter into a S278 agreement will be required to secure mitigation/improvement works, including: new site access bellmouth junction from Blackthorn Road, including 2m footway on east side, and; new 3m wide shared use footway/cycleway, approximately 75m long, and uncontrolled crossing of Blackthorn Road, and; new LTN 1/20 compliant cycletracks and side road crossings, and a parallel crossing of Blackthorn Road (unless previously delivered by application no.22/01976/OUT)
- e) Payment of a financial contribution towards educational infrastructure serving the development of £498,653 (£432,081 towards secondary education capacity, £39,650 towards secondary school land cost, £26,922 towards special school education capacity)
- f) Payment of a financial contribution towards the expansion and efficiency of Household Waste Recycling Centres of £5,168
- g) Payment of the Council's monitoring costs

Other

- Payment of a financial contribution towards primary health care provision serving the development of £47,520, based on the predicted population increase arising from the development multiplied by £360 as there is no housing mix available.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 13th JUNE 2024. 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 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 INF1 of the Cherwell District Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CONDITIONS

Time Limit

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

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

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

Compliance with Plans

3. 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: Drawing 382_L01B, 382_P01D, 382_P02B, 382_P03B, 382_P04B, 382_P05B, 382_P06B, and 080633-CUR-XX-XX-D-TP-75004-P08.

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

Levels

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

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 guidance contained within the National Planning Policy Framework.

Contamination

5. 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 Policy ENV12 of the Cherwell Local Plan 1996 and government guidance within the National Planning Policy Framework.

Drainage

6. The approved drainage system shall be implemented in accordance with the following documents in the Flood Risk Assessment and Drainage Strategy:
Curtins Ref:080633-CUR-00-XX-RP-D-92001 Rev 05 Date July 2023
Appendix E BGS Infiltration Report
Appendix F Thames Water Correspondence
Appendix G Greenfield Run-off calculations
Appendix H Proposed Drainage Strategy; Proposed Levels Strategy; Proposed Impermeable Catchments Plan Proposed; and Surface Water Drainage Calculations (100 Year +40% Climate Change, +10% Urban Creep)

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

7. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.
 - Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

8. 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 order to avoid adverse environmental impact upon the community and to ensure compliance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Environmental Protection

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; hours of construction, including deliveries;
- i) the temporary site compound including temporary structures
- j) the location and noise levels of any temporary generators or other fixed mechanical plant.
- k) details of external lighting and proposed operation times.
- l) contact details for the site manager or other persons associated with the management of operations on the site.

Thereafter the development shall be carried out in accordance with approved CEMP.

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

10. Prior to the commencement of the development hereby approved a specialist acoustic consultants report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Where acoustic glazing and alternative means of ventilation are required to achieve this standard, full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of 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 and to comply with Policy ENV1 of the adopted Cherwell Local Plan

and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment should include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer, in order to address any adverse impacts on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: To ensure the development protects and enhances biodiversity and the natural environment in accordance with the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Natural Environment

12. As part of any reserved matters for layout, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To protect the existing trees and hedgerows on site and in the interests of visual amenities of the area to ensure the creation of a pleasant environment for the development and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Highways

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

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

14. Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed and retained in accordance with the approved details.

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

15. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval.

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

16. Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved 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

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will 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.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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 and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

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

Reason: To maximise the opportunities to promote the use of sustainable transport modes and the use of renewable energy, and to limit the impact of new development on air quality, to comply with Policies SLE4, ESD1 of the Cherwell Local Plan 2011-

2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained in the National Planning Policy Framework.

Water

18. No development shall be occupied until confirmation has been provided that either:
- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and to comply with Government guidance contained in the National Planning Policy Framework.

Ecology

19. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

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

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

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

21. No development shall commence until a CEMP for biodiversity which includes measures to protect retained vegetation, bat roost checks for any removed trees and protect nesting birds is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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

22. The development shall be constructed in accordance with the details agreed within the Ecological Appraisal Reference edp7101 r001c. The enhancement measures

shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

23. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP. This should include how created and retained habitats on site will be managed for people and biodiversity and to achieve the habitat conditions denoted within the BIA and how this fits together with the off site plan. This should include measures within the built environment also. CDC seeks the equivalent of a minimum of one provision for bats, birds or invertebrates per dwelling (though these may be clustered) with the majority integrated into the fabric of the buildings. Measures such as hedgehog highways and wildlife friendly planting should also be within the developed areas.

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

24. No development shall commence until a reptile mitigation strategy including a plan of any receptor sites, details of ecological supervision required, and timing is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved.

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

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

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

26. Additional surface water treatment and monitoring scheme due to the hydrological connectivity of the application site with Arcott Bridge Meadows SSSI, to ensure the long-term protection of the interest features of the SSSI.

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

Sustainability

27. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

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

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

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

Removal of PD Rights

30. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-C inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement of the bungalows hereby approved shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: To provide a mix of homes to meet current and expected future requirements in perpetuity, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Policy BSC4 of Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. Any alterations to the Public Highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0345 310 1111). Works required to be carried out within the Public Highway shall be undertaken within the context of a Legal Agreement (such as a Section 278 / 38 Agreement) between the applicant and the Highway Authority.

Planning obligation		Regulation 122 Assessment	
Detail	Amounts (all to be Index linked)	Trigger points	
Provision of, and commuted sum for maintenance of, open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP 2015	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p> <p>Details of ongoing management company if no commuted sum</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of a Local Area of Play and a Local Equipped Area of Play and commuted sum for maintenance or other management provisions	<p>Provision on site.</p> <p>Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).</p> <p>Details of ongoing management company if no commuted sum</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p>

			<p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Off-site outdoor sports facilities capital provision – Towards the provision of formal outdoor sports facilities at Graven Hill and / or in the locality of the development	55 x £2,017.03 per dwelling = £110,936.65	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Off-site indoor sports facilities – Towards improvements at Bicester Leisure Centre	<p>A sum based on a contribution of £335.32 per occupier of each Dwelling as follows:</p> <ul style="list-style-type: none"> • 2.49 (Average occupancy per Dwelling) multiplied by the Composition of the Development • Result multiplied by £335.32 <p>Example at 55 Dwellings 55 x 2.49 = 136.95 136.95 x £335.32 = £45,922.07</p>	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access.</p>

			<p>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.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
<p>Community hall facilities – To be spent on enhancements at Blackthorn Village Hall or other community building.</p>	<p>A sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2 as follows:</p> <ul style="list-style-type: none"> • (Average occupancy per Dwelling) multiplied by the Composition of the Development • The result multiplied by 0.185 (0.185m2 community space required per resident • That result multiplied by £2,482.00 (cost per m2 of 	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The Council will encourage the provision of community facilities to enhance the sustainability of communities.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer</p>

	<p>provision of community space) Example at 55 Dwellings 55 x 2.49 = 136.95 residents 136.95 x 0.185m² = 25.34m² 25.43 x £2,482.00 = £62,893.88</p>		<p>Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Public Realm / Public Art	<p>A developer contribution of £200 per dwelling would be requested plus 12% management and maintenance fees.</p> <p>Total £12,320.00</p> <p>We would be seeking a contribution towards the provision of public art to enhance the landscaped area alongside the planned public footpath with a piece of artwork referencing natural forms in wood, metal, or stone.</p>	To be delegated to officers	<p>SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives.</p> <p>SPD 4.132 The Government's Planning Practice Guidance (PPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.</p>
Contributions to bins	£106 per dwelling	To be delegated to officers	<p>Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p>Directly related – The need for these comes from the increase in the number of dwellings</p>

			<p>Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p> <p>5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>	To be delegated to officers	<p>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</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing</p> <p>Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.	To be provided and managed long term in accordance with the HMMP	To be delegated to officers	<p>Necessary – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p>Directly related – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p> <p>Fairly and reasonably related in scale and kind – To off-set the impacts of the development and provide a net gain.</p>

Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity	£360 per person generated (from SHMA occupancy) based on final housing mix	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking	To be confirmed	To be delegated to officers	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
Public transport contribution of £62,315 to contribute towards the continuation of bus services in Ambrosden, which are currently operated under contract to Oxfordshire	<p>£62,315</p> <p>Calculation: £1,133 per dwelling is sought from developments served by the bus routes along</p>	To be delegated to officers	<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>

County Council using time-limited funds.	Ambrosden on a fair and equitable basis. £1,133 x 55 dwellings - £62,315		
Public transport infrastructure contribution of £15,347 to contribute towards the provision of a bus shelter at either the northbound or southbound stop at Ploughley Road	£15,347 Calculation: based on the latest price of a Cantilever Shelter 5 Bus Bay at the time of comment.		<p>Local Transport Plan 4, Policy 34. Oxfordshire County Council will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.</p> <p>Provision of bus shelters to encourage the use of public transport by providing attractive waiting facilities.</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>
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	£15,000 Calculation: The proposed measures are based on the desk	To be delegated to officers	Necessary to ensure sustainable mode of transport and encourage and integrated into the development

	<p>assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per dwelling or per m2 tariff system. Estimated contribution breakdown by activity:</p> <ul style="list-style-type: none"> • site surveys & assessments 5% • habitat survey & mitigation 5% • landowner negotiations 5% • Materials, contractor, plant & equipment 60% • Legal processes e.g. temporary works closures, agreement payments 5-10% • Contract preparation & supervision 5% • Admin costs 5% • Contingency/Follow-up repair works 5-10% 		<p>and made attractive to future users to reduce car dependency.</p> <p>There is expected to be an increase in numbers of residents and their visitors using the rights of way network in the vicinity of the site due to the proximity of the development. OCC Countryside Access is seeking a contribution to mitigate the impact of this increase in numbers of residents and their visitors accessing the network along these routes.</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>The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered.</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> <p>The proposed measures are based on the desk assessment of likely costs for the measures. The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Team to plan and deliver</p>
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			<p>improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims.</p> <p>The contribution would be spent on improvements to the public rights of way in the vicinity of the development. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing etc.</p>
<p>Obligation to enter into a S278 agreement to secure:</p> <ul style="list-style-type: none"> - new site access bellmouth junction from Blackthorn Road, including 2m footway on east side - new 3m wide shared use footway/cycleway, approximately 75m long, and uncontrolled crossing of Blackthorn Road - new LTN 1/20 compliant cycletracks and side road crossings, and a parallel crossing of Blackthorn Road (unless previously delivered by application no.22/01976/OUT) 	To be delivered on and off site	To be delegated to officers	<p>Necessary to provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p>Directly related. This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

<p>Secondary education capacity contribution and contribution towards secondary school land in Bicester</p>	<p>£432,081 towards secondary education capacity and £39,650 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision.</p> <p>Calculation:</p> <p>Number of secondary pupils expected to be generated = 13</p> <p>Estimated per pupil cost of a new 600-place secondary school = £33,237</p> <p>$13 \times £33,237 = £432,081$</p> <p>Estimated per pupil cost of land for new secondary school (April 2023 prices) = £3,050</p> <p>$13 \times £3,050 = £39,650$</p>	<p>To be delegated to officers</p>	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>The scale of housing growth in Bicester requires another new secondary school, in addition to that recently opened at SW Bicester to meet the needs of already permitted development. Sufficient secondary school capacity to meet the needs of this site will be provided through the new secondary school planned as part of the southern section of the North West Bicester development. The school will be delivered in phases depending on the build out of the development. The first phase of at least 600 places is forecast to be required by the late 2020's, although this is subject to the speed of housing delivery.</p> <p>The proposed secondary school site is on land that forms part of the planning application reference 14/01641/OUT. This development would be expected to contribute proportionately towards the cost to the county council of acquiring this land.</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</p>

			provision of new school places based on cost per additional pupil.
Special School contribution to be spent on expansion of SEN school capacity	<p>£26,922 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.</p> <p>Calculation:</p> <p>Number of pupils requiring education at a special school expected to be generated = 0.3</p> <p>Estimated per pupil cost of special school expansion, as advised by Government guidance "Securing developer contributions for education" (Nov 2019) = £89,741</p> <p>$0.3 \times £89,741 = £26,922$</p>	To be delegated to officers	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.</p> <p>Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.</p> <p>The county council's Special Educational Needs & Disability Sufficiency of Places Strategy is available at https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places and sets out how Oxfordshire already needs more special</p>

			<p>school places. This is being achieved through a mixture of new schools and expansions of existing schools.</p> <p>The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation quoted above.)</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>
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	<p>£5,168</p> <p>Calculation:</p> <p>Space at HWRC required per dwelling (m²) = 0.18</p> <p>Infrastructure cost per m² = £275</p>	To be delegated to officers	<p>Necessary to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>OCC is required to arrange for places to be provided at which residents may deposit household waste and for the disposal of that waste, and that these places should be reasonably accessible to residents, available at reasonable times, and available to</p>

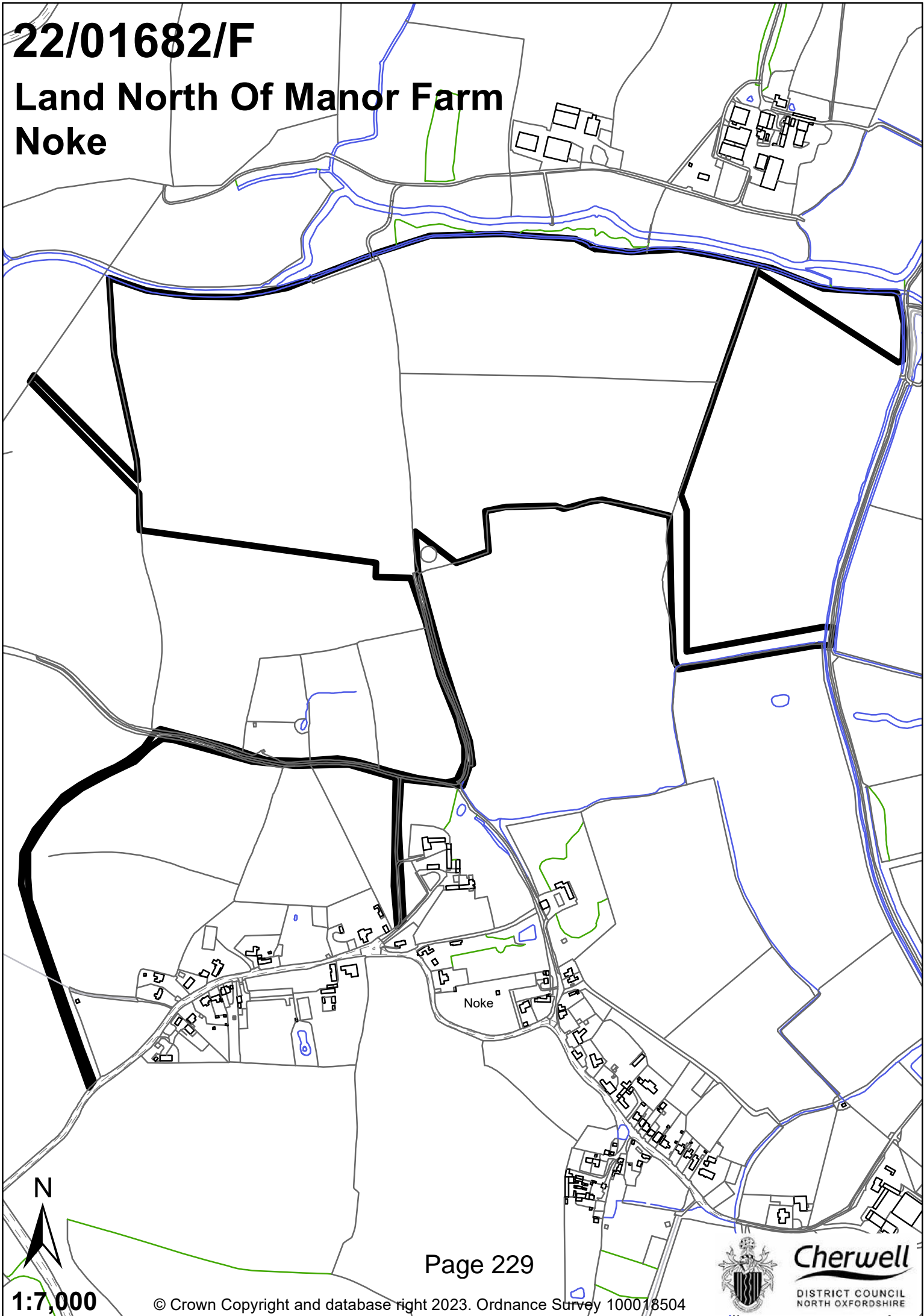
	<p>Land cost per m² = £247</p> <p>Total land and infrastructure cost per m² = £522</p> <p>£522 x 0.18 = £93.96 (cost per dwelling)</p> <p>55 x £93.6 = £5,168</p>	<p>residents free of charge. These are referred to as Household Waste Recycling Centres (HWRC) and the network of sites within the county is no longer fit for purpose and is over capacity.</p> <p>Directly related. Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p>Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 55 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 220 HWRC visits per year.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision based on build costs.</p>
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Land North Of Manor Farm Noke



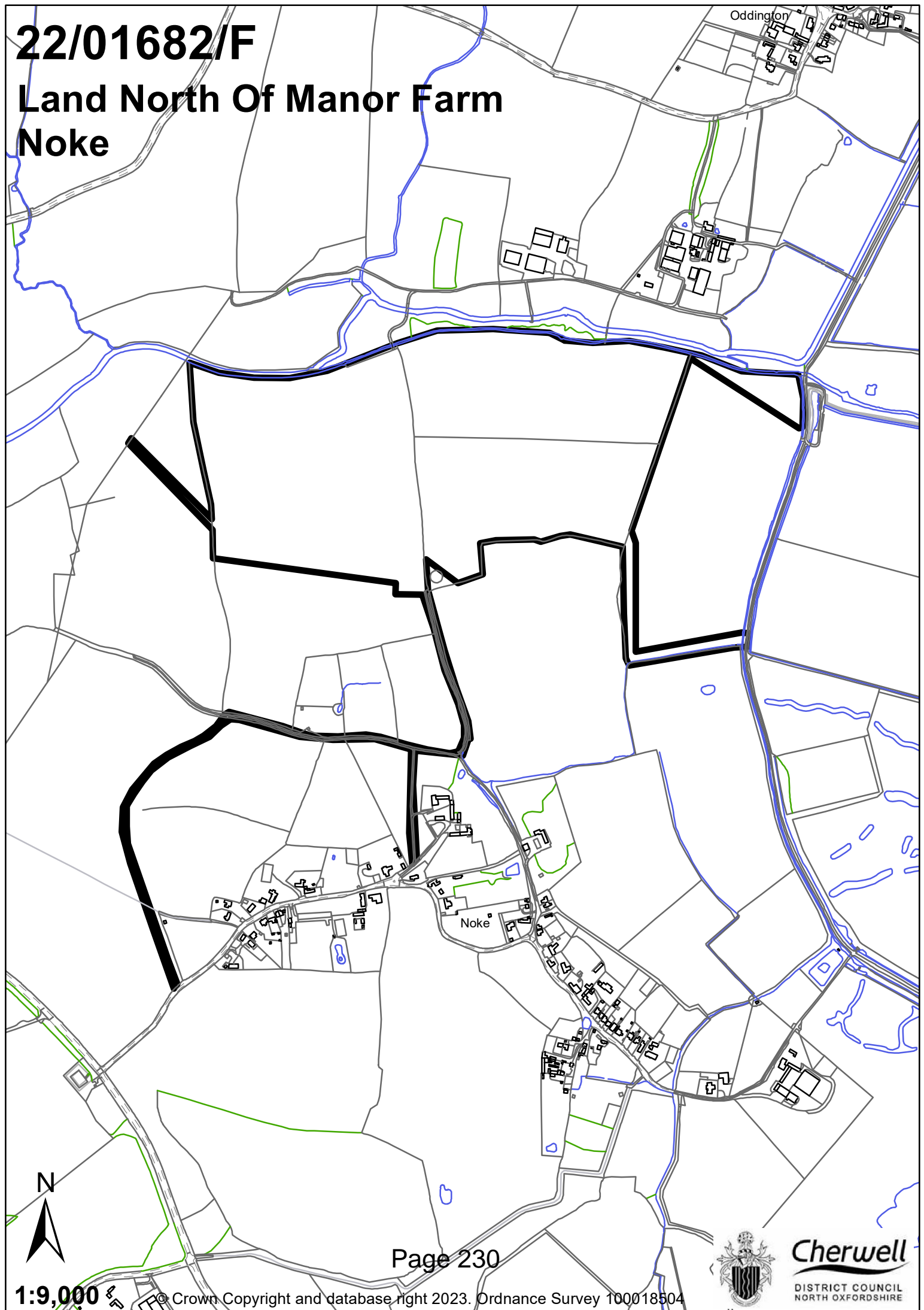
22/01682/F

Land North Of Manor Farm Noke



22/01682/F

Land North Of Manor Farm Noke



Case Officer: Rebekah Morgan

Applicant: Oxford New Energy

Proposal: Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.

Ward: Launton And Otmoor

Councillors: Councillor Gemma Coton, Councillor Julian Nedelcu, Councillor Alisa Russell

Reason for Referral: Major development

Referral:

Expiry Date: 16 January 2024

Committee Date: 06 June 2024

SUMMARY RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO: CONDITIONS.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises 43.78ha of agricultural land located approximately 3.5km to the east of Kidlington and approximately 4.5km north of the built-up area of Oxford. The site is comprised of agricultural land consisting of open fields and vegetative field boundaries. The northern edge of the site is bounded by the River Ray.

2. CONSTRAINTS

2.1. The following constraints are relevant to the application:

- The site is within the Oxford Green Belt
- There are Public Rights of Way (PROW) within the vicinity of the site
- The site is adjacent to a RSPB reserve – Otmoor
- Agricultural Land Classification: Grade 3b
- The constraints data identifies the potential presence of a range of protected and notable species on the site.
- The site is within an Archaeological Alert Area
- The site falls within Flood Zones 2 and 3
- The River Ray runs adjacent to the site
- There are Listed Buildings within close proximity of the site
- The site is within 2km of Sites of Special Scientific Interest
- The Site is within a Conservation Target Area
- The site is in close proximity to a Local Wildlife site – RSPB Otmoor
- The site is within a NERC Act S41 Habitat

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for a 26.6 MW Solar Photovoltaic (PV) Array and battery storage for a temporary period of 40 years. The proposal includes the provision of ground-mounted photovoltaic solar arrays and associated infrastructure, access, landscape planting and ecological enhancements.
- 3.2. The drawings show the photovoltaic arrays would be mounted a minimum of 90cm from the ground with the top edge being a maximum of 2.8m from the ground. The panels would be set out in rows. They would be orientated to maximise solar gain. A temporary tract for construction traffic would access the site via a field entrance on a no through road, off the B4027, just before entering the village of Noke. The operational access to the site would be at the other end of the village.

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:

20/00653/PREAPP: Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and new access.

The advice concluded that the development could not be supported at the time based on the submitted information. In particular, the following concerns were highlighted:

- The application is significant development within the Oxford Green Belt and is considered inappropriate development. Very special circumstances are therefore required if the principle of development is to be supported, but this has not been demonstrated through the pre-application submission.
- The proposal includes development within the Otmoor Conservation Target Area. This has not been justified and neither has it been demonstrated that the requirements of Policy ESD11 of the Local Plan will be met.
- The proposal includes development within Flood Zones 2 and 3. It needs to be demonstrated through an appropriate Flood Risk Assessment that the development is “essential infrastructure” and that the exception and sequential tests can be met.

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 (amend as appropriate). The final date for comments was **14 June 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:

Objections

- Impact on wildlife
- Impact on the enjoyment of walkers – loss of amenity

- Inappropriate location in the Green Belt
- Loss of agricultural land (Best and Most Versatile)
- Solar arrays are inefficient
- Change to industrial land is unacceptable
- Ecologically important area
- Impact on RSPB wetland
- Impact on migratory birds
- Impact on protected species
- Landscape impact and impact on the character of the area
- Impact on the Otmoor Conservation Target Area
- Traffic impacts
- Increased risk of flooding to Islip and Oxford
- Solar panels should be located on brownfield sites or roofs of existing buildings
- Detrimental to the openness of the Green Belt
- Impact on heritage assets
- Fails to protect the intrinsic character and beauty of the countryside (NPPF)
- Impact on public right of way through site
- Site cannot be screened from viewpoint 5
- Ecological mitigation measures outside red line boundary
- Benefit of scheme exceeds local demand
- Concerns regarding community benefit payment
- Low baseline values of agricultural land not justified
- Assessment on grid connection and availability should be considered impartially
- Minimal contribution to the district's renewable energy production
- Contrary to local and Government policy
- Insufficient justification of very special circumstances
- More suitable alternatives

Support

- The Pathway to Zero Carbon Oxfordshire report highlights the scale of change needed.
- Addresses climate change
- Support for the principle of the proposal
- Sensitively planned scheme that balances the Green Belt and needs of the area with the need to address climate change
- If executed with care, the land can still provide an ecological environment
- Solar is part of our children's future and needs to go somewhere

General comments

- Safety concerns about the entry and exit access road
- 'Lake effect' in respect of birds

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

7. RESPONSE TO CONSULTATION

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

7.2. FENCOTT AND MURCOTT PARISH COUNCIL: no comments or objections received at the time of drafting the report.

- 7.3. HORTON-CUM-STUDLEY PARISH COUNCIL: **object** to the application on the grounds of ecological impacts; impact on Green Belt; lack of very special circumstances to justify development in this instance; landscape and visual harm; seasonal impact on solar energy limits output.
- 7.4. ISLIP PARISH COUNCIL: **object** to the application on the grounds of industrialisation of the Green Belt; visual impact; bird displacement; impact on natural resource of Otmoor; access roads may open up potential for further development; impact on views from surrounding villages; impact on rain infiltration; more suitable sites in District; Oxford refused a similar application; loss of productive farmland.
- 7.5. NOKE PARISH COUNCIL: **object** to the application on the grounds of landscape and biodiversity impacts, including impact on Conservation Target Areas; visual impact on local landscape; impact on heritage assets and their settings; impact on Green Belt; residential amenity impact.
- 7.6. ODDINGTON PARISH COUNCIL: **object** to the application on the grounds of adverse effects being far outweighed by benefits of production of renewable energy; contrary to relevant Policy; Green Belt impact; visual impact including from Rights of Way; impact on setting of heritage assets; views of open countryside blocked; energy generated is likely to be less than stated in submission; loss of productive agricultural land; increased biodiversity inconsistent with keeping sheep; impact on nearby RSPB reserve,
- 7.7. BECKLEY AND STOWOOD PARISH COUNCIL: **object** on the grounds of Green Belt impact; impact on nearby RSPB reserve; flood risk; impact on wildlife; loss of agricultural land; impact on views; impact on public rights of way; impact during construction; renewable energy output.
- 7.8. CAMPAIGN TO PROTECT RURAL ENGLAND: **object** on the grounds of Green Belt impact; loss of Best and Most Versatile agricultural land; restrictions on output of the grid connection affect provision of renewable energy potential of site; impact on heritage assets; views of open countryside compromised; impact on biodiversity of site.
- 7.9. BERKS, BUCKS & OXON WILDLIFE TRUST: **object** on grounds of impact on Otmoor SSSI, Impact on Otmoor Local Wildlife site, impact on RSPB reserve, lake effect whereby birds mistake large area of solar panels as a lake, collision with panels, confusion regarding reflections, attempts by birds and bats to feed from the panels. Potential for birds to collide with security fencing. Conditions suggested.
- 7.10. BRITISH HORSE SOCIETY: **comment** that they are concerned regarding the increase in HGV movements during construction and the impact on safety of local horse riders. Request submission of a CTMP with specific section on awareness of equestrian users on the adjoining road network and appropriate measures to ensure all drivers are educated on safe interactions.
- 7.11. ENVIRONMENT AGENCY: **no objection** with regard to biodiversity and ecology, required further information regarding flood risk. No further comments received following submission of further details.
- 7.12. HISTORIC ENGLAND: **comment** that the solar farm would cause less than substantial harm to the scheduled Islip Roman Villa and Grade II listed buildings at Manor Farm, harm results from the change to settings, loss of Roman archaeological remains. Harm is at minor end of scale. Authority to include this harm when carrying out balancing exercise of harm/public benefit. With regard to mitigation of harm to undesignated archaeological remains defer to advice of OCC Archaeology.

- 7.13. LONDON OXFORD AIRPORT: no comments or objections received at the time of drafting the report.
- 7.14. NATIONAL AIR TRAFFIC SYSTEMS: **no objection**.
- 7.15. NATIONAL GRID: no comments or objections received at the time of drafting the report.
- 7.16. NATIONAL PLANNING CASEWORK UNIT: no comments or objections received at the time of drafting the report.
- 7.17. NATURAL ENGLAND: **no objection** and no concern with regard to soil classification.
- 7.18. NATURE SPACE: **comment** that ecological report states that development is at risk of injuring or killing great crested newts and that a licenced approach will be taken either via District Licence scheme or Natural England.
- 7.19. OPEN SPACES SOCIETY: no objections or comments received at the time of drafting the report.
- 7.20. RAMBLERS ASSOCIATION: no objections or comments received at the time of drafting the report.
- 7.21. ROYAL SOCIETY FOR THE PROTECTION OF BIRDS: no objection subject to conditions.
- 7.22. SOUTH OXFORDSHIRE DISTRICT COUNCIL: **comment** that the landscape is sensitive in this area (Ancient Woodland, historic villages with Conservation Areas and listed buildings) and landscape assessment should consider wider landscape impact, including cumulative impact with other solar farms, and impact from views and fabric and character of landscape. Site is in close proximity to Oxford heights landscape character area and Wooded Hills and Valleys sub-area. Request careful management of traffic generated. Close proximity to Woodeaten Quarry, Woodeaton Wood and Otmoor SSSI's.
- 7.23. THAMES VALLEY POLICE (DESIGNING OUT CRIME OFFICER): no comments or objections received at the time of drafting the report.
- 7.24. THAMES WATER: **no comments** to make.
- 7.25. WESTERN POWER: **comment** that it is out of their area.
- 7.26. OCC ARCHAEOLOGY: **no objection** subject to conditions.
- 7.27. OCC HIGHWAY AUTHORITY: **no objection** subject to entering into a Section 278 agreement and conditions.
- 7.28. OCC LANDSCAPE/GREEN INFRASTRUCTURE: District Council Landscape Officer to be consulted on proposals and comments taken into account.
- 7.29. OCC LEAD LOCAL FLOOD AUTHORITY: **no objection** subject to conditions.
- 7.30. OCC RIGHTS OF WAY: no comments or objections received at the time of drafting the report.
- 7.31. CDC ARBORICULTURE: **no objection**, condition suggested.

- 7.32. CDC CONSERVATION: **no objection**; less than substantial harm with public benefit of providing green energy to the grid.
- 7.33. CDC ECOLOGY: **no objection** subject to conditions but comment that they are concerned regarding impact upon wetland or migrating birds and aquatic invertebrates. There is insufficient evidence to show that there will not be any impact. Location is undesirable in ecological terms.
- 7.34. CDC ENVIRONMENTAL HEALTH: **no comments** to make.
- 7.35. CDC DRAINAGE: **no objection** as the flood risk at the site has been considered and an acceptable surface water management plan developed that accommodates the small impermeable areas on the site. Acknowledged that the solar farm will provide significant sustainability benefits in generating renewable energy. The Surface Water Management Plan contains appropriate attenuation, and that as the proposal is for carbon free generation of power they are satisfied that the required Exception Test can be passed and all flood risk considerations will be appropriately managed.
- 7.36. CDC LANDSCAPE SERVICES: **object** on the grounds of landscape and visual harm; inappropriate development in the Green Belt; harm to the openness of the Green Belt.
- 7.37. CDC PLANNING POLICY: **object** in principle as inappropriate development in the Green Belt.
- 7.38. CDC PROPERTY AND ASSETS: no comments or objections received at the time of drafting the report.
- 7.39. CDC RIGHTS OF WAY: **no objections** subject to conditions.

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 and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement

- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- ENV1: Development likely to cause detrimental levels of pollution
- C8: Sporadic Development in the countryside
- C25: Development affecting the site or setting of a schedule ancient monument.
- C28: Layout, design and external appearance of new development

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)
- Cherwell District Council Climate Emergency Declaration & 2020 Climate Action Framework
- British Energy Security Strategy April 2022

9. APPRAISAL

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

- Principle of development
- Principle of development in the Green Belt
- Impact on the character and appearance of the area
- Highway safety and impact on Public Rights of Way
- Flooding/Drainage
- Heritage impact
- Ecology impact
- Residential amenity

Principle of Development

9.2. Paragraph 11 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

9.3 The NPPF provides positive encouragement for renewable energy projects. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future and should support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF states that when determining applications for renewable and low carbon development local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; and approve such applications if its impacts are (or can be made) acceptable.

9.4 Policy ESD5 of the CLP 2015 states that renewable and low carbon energy provision will be supported wherever adverse impacts can be addressed satisfactorily. The

potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

- 9.5 In principle, therefore, there is policy support for development of this nature. However, the overall acceptability of development is dependent on other material considerations, including the principle of the development in the Green Belt.

Principle of development in the Green Belt

- 9.6 The site lies within the Oxford Green Belt and so the proposed development is assessed against Green Belt policy.

- 9.7 Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF states that: *“When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

- 9.8 Paragraph 156 of the NPPF states that when located in the Green Belt elements of many renewable energy projects will comprise inappropriate development and if projects are to proceed developers will need to prove *very special circumstances* such as the wider environmental benefits associated with increased production of energy from renewable sources. All development in the Green Belt needs to preserve the openness of the Green Belt and not conflict with the purpose of including land within it.

- 9.9 Policy ESD14 of the CLP 2015 states that development within the Green Belt will only be permitted if it maintains the Green Belt’s openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.

- 9.10 The proposed development constitutes inappropriate development in the Green Belt as it is not one of the exceptions set out at paragraph 154 of the NPPF and substantial weight is given to such harm.

- 9.11 An assessment is required into the impact of the development upon the openness of the Green Belt and on the purposes of including land within it, and then whether the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.

- 9.12 In relation to the purposes of the Green Belt, paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the most important attribute of Green Belts is their openness and permanence. This built development would clearly have an impact upon the openness of the Oxford Green Belt. Furthermore, the proposal conflicts with one of the five purposes of including land within Green Belts as stated in paragraph 143 of the NPPF, in that the proposed development would encroach into the open countryside.

- 9.13 In their Planning, Design and Access Statement the applicant accepts...*that the proposal would cause ‘harm’ to the Green Belt by reason of inappropriateness and because of the reduction in openness it would involve. In addition, there would be a limited degree of inevitable ‘harm’ to the landscape, to which moderate weight is attached, and a very minor level of ‘harm’ to the significance of the Grade II Listed heritage assets at Manor Farm, through changes to their setting, to which limited weight is attached.*

9.14 In order to attempt to overcome the harm identified the applicant has presented a very special circumstances (VSC) case (VSC) which sets out the perceived benefits of the Development which are as follows:

- Assists in reducing carbon emissions and combating climate change and ensuring local energy security which would assist in the Council's commitment to renewable energy set out in the Climate Emergency and Climate Action Framework 2020
- *no suitable non-Green Belt sites in the District which could accommodate the proposal due to grid connection and land area constraints*
- Delivering benefits to the local community such as the new permissive footpath
- Ecological and arboricultural benefits which, it is argued, result in delivering significant biodiversity net gain.
- Promotes rural diversification and thereby supports rural businesses
- The agricultural land is not identified as best and most versatile.
- Non-permanent nature of the development and potential for some agricultural use during the lifetime of the development (sheep grazing).

9.15 The final VSC point that the applicant makes is that *there are a number of site-specific environmental considerations waying in favour of the development*. It is the veracity of this statement, assessed in the sections below, that will be the determining factor in the establishing whether the proposal's VSC case overcomes the harm identified, set against the background of recent case law. The preceding points, whilst adding various degrees of weight to the applicant's case, do not introduce arguments that are not normally made in respect of other similar schemes.

Impact on character and appearance of the area

9.16 Given the nature and scale of this type of proposal, it is inevitable that a solar farm development would result in some landscape harm. In this context, the NPPF and local development plan policy adopts a positive approach indicating that development will be approved where harm would be outweighed by the benefits of the scheme. There is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where the development can be viewed, such as villages, roads, public rights of way and individual dwellings.

9.17 Paragraph 180 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised. Although the NPPF does not seek to protect, for its own sake, all countryside from development, it does set out to protect valued landscapes. The concept of valued landscapes is not defined in the NPPF; the application site does not form part of any designated landscape. Although the value of a given area within a particular landscape may depend on the value attributed to it by an individual or groups of people.

9.18 Guidance in determining applications for renewable and low carbon energy projects is set out in the PPG. The PPG advises that "the need for renewable or low carbon energy does not automatically override environmental protection and that cumulative impacts require particular attention, especially the increasing impact that such developments can have on landscape and local amenity as the number of turbines and solar arrays in an area increases". It continues that "particular factors a local planning authority will need to consider include:

- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”

9.19 Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided.

9.20 Given that landscapes will be valued by someone at some time, the term valued landscape must mean that they are valued for their demonstrable physical attributes, which elevate them above just open countryside but below those areas that are formally designated, such as National Parks, AONBs etc. However, there is nothing significant about the application site that would elevate it or the surroundings to that of the NPPF 'valued' landscape.

9.21 The planning application was supported by an Landscape and Visual Impact Assessment (LVIA) which concluded the following:

Overall, the proposed development will result in limited impacts at a localised level. The scale and form of proposed development is likely to result in impacts which are limited to the site area and its immediate context. In the wider landscape, potential views of the proposals are generally filtered by intervening vegetation. Those from elevated positions will be reduced by additional landscape planting along internal field boundaries within the site and along its boundaries.

9.22 In order to ensure the accuracy of the conclusions reached in respect of the landscape and visual effects of the solar farm, the Council had the LVIA assessed by an independent landscape consultant who specialised in critiquing such reports. The 33 page report identified a number of areas of disagreement in particular: with the methodology; an absence of commentary on certain aspects; and differences in the level of harm attributed.

9.23 They consultant reached the following conclusion:

Overall, it is considered that the overall landscape effects assessed are slightly understated due to not considering the potential impacts of the proposed planting scheme on the perceptual qualities of the open farmland landscape and in part due to a potential misapplication of the methodology criteria.

- 9.24 The consultant concluded that the harm of the solar farm to the landscape character is likely to be more pronounced on completion than stated: *At Year 1, the changes to landscape character and the perceptual, aesthetic and functional aspects of the landscape would be most pronounced for this landscape character type (i.e. seemingly falling into the threshold of 'Medium' magnitude in LVIA Table A.3).*
- 9.25 When assessing the development through time the consultant *consider that a higher magnitude of effect would be expected at Year 1 when the methodology is applied as stated and the impact of planting is considered in the context of the perceptual and functional qualities of the site as open farmland. We would agree that this has the potential to reduce over time, in particular noting the 40 year lifespan of the solar park itself. However as noted, the creation and enhancement of landscape features needs to be weighed against the loss of open qualities.*
- 9.26 The impact on the landscape as a result of the planting which would not only change the appearance of the open landscape when viewed from a distance, but it is also argued that the *amenity from the public footpath through and adjoining the site needs to be taken into consideration.*
- 9.27 It is therefore argued that by attempting to screen soften the impact of the solar farm from elevated long range views from public rights of way (PROWs) the proposal would change the open agricultural nature of this part of the landscape whilst also affecting the amenity of people using the footpath surrounding and within the development. As part of their Landscape rebuttal letter, the applicant's agent maintains that *the proposed landscape strategy is considered to be entirely in-keeping with prevailing local landscape character and existing visual experiences, at a local level, when navigating local public rights of way.*
- 9.28 The landscape consultant is broadly supportive of the conclusions reached in the LVIA and accepts that there will be differences in approach when it comes to the methodology employed and the conclusions reached. This point was picked up by the applicant's agent who pointed out that the Landscape Institute guidelines state that it is up to the individual landscape consultant to develop their own methodology for undertaking a Landscape & Visual Impact Assessment. There is however an acceptance by the applicant's agent that the methodological areas of difference relate to the age of the LVIA (produced in 2022) and the subsequent changes to the guidelines.
- 9.29 In conclusion, the proposed solar farm would have an adverse impact on the landscape. The harm identified is going to be most significant in the short-term as the development would be very evident from the footpaths on higher ground overlooking Otmoor. The harm would however reduce through the lifetime of the proposal as the planting becomes more established.

Highway safety and impact on Public Rights of Way

- 9.30 Paragraph 114 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;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) 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 In addition, paragraph 115 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.
- 9.32 The construction phase would require approximately 12 HGV movements per day which whilst on a lightly trafficked road had the potential to result in a safety risk on an S-bend stretch in the road at the construction access point. Following the receipt of additional information in respect of the proposed visibility splays, in respect of the access taken from Noke Village Road, the Local Highway Authority withdrew its objection of the proposal subject to a legal agreement (Section 278) and appropriate conditions. The proposal is therefore considered to be acceptable in respect of highway safety terms.
- 9.33 In respect of the public rights of ways, the County raised no objections subject to compliance with a number of standard measures and conditions. They had also sought to upgrade an existing and proposed a section of footpath to be converted into a bridleway to enable more riding access to Otmoor. They later withdrew this request once they accepted that it would impinge upon the Ecology Enhancement Area.

Flooding/drainage

- 9.34 Government guidance contained within the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. It explains 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.'*
- 9.35 The NPPF continues by stating that *'major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.'*
- 9.36 Policy ESD6 of the CLP 2015 echoes 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.
- 9.37 Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems (SuDS) to manage surface water drainage systems. This is with aim to manage and reduce flood risk in the district.

- 9.38 The northern part of the site lies within flood zones 2 and 3, which are considered to be at the highest risk of flooding, although the majority of the site is within flood zone 1. The site is also within 20 metres of a watercourse and there are a number of ponds in the vicinity.
- 9.39 A Flood Risk Assessment has been submitted with the application, explaining that all essential infrastructure would be located within flood zone 1 and all solar panels would be raised 0.90m above ground level, thus rendering the panels to be free from flooding. A number of mitigation proposals are included in order to reduce the risk of flooding to the flood zone to an acceptable level, including spacing between the piles supporting the panels and using the largest reasonably practical mesh in the securing fencing. A swale will be used to capture and store additional surface water run-off, with an attenuation device provided should percolation testing prove infiltration rates to be poor, attenuating runoff from the site to pre-development greenfield runoff rates.
- 9.40 Given the limited possibilities to connect to the grid, Officers have no reason to dispute the assertion that the proposed solar farm could not be located elsewhere.
- 9.41 The CDC Drainage Officer has confirmed that as “essential infrastructure” for the carbon-free generation of power, they are satisfied that the Exception Test can be passed and that all flood risk considerations will be appropriately managed. Officers agree that the sustainability benefits of the development to the community, through the generation of renewable energy and anticipated reduction in the impact of climate change would outweigh the flood risk in this location. Further, the FRA demonstrates that the development would be safe for its lifetime.
- 9.42 The Environment Agency is largely content with the scheme following the submission of additional details. Two queries were raised regarding the volume of compensatory storage and the design of the perimeter fencing, although since re-consulting the Environment Agency with the response to these, no further comments have been received at the time of writing. Officers consider the further detail submitted to be acceptable.
- 9.43 The proposed development is therefore considered to provide sustainability benefits to the community whilst remaining safe for its lifetime and avoiding the risk of flood risk elsewhere, in accordance with the above Policies.

Heritage Impact

- 9.44 The site lies around 600 metres east of a Scheduled Ancient Monument (SAM) known as Islip Roman Villa. The farmhouse and agricultural buildings at Manor Farm in Noke are Grade II listed and positioned to the south of the site. There are a number of other listed buildings further afield surrounding the site, and the Islip Conservation Area lies to the west.
- 9.45 Historic England has advised that the principal significance of the SAM Islip Roman Villa is the below-ground archaeological remains and the important historical information that they contain. There are no above ground remains, although the terracing into the hillside can be appreciated. The northern rural view of the valley of the River Ray, of which the site forms a part, contributes to the setting of the Scheduled Ancient Monument as it illustrates the deliberate siting of the villa on the high ground, and the agricultural surroundings and estate of the villa. The site also forms a part of the setting of the Grade II listed buildings at Manor Farm and plays a role in forming the agricultural character and appearance of the area that explains the development of the surrounding villages and farms, some of which are both designated and non-designated heritage assets.

- 9.46 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.*
- 9.47 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.
- 9.48 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 9.49 The NPPF goes on to explain that any harm to, or loss of, the significance of a designated heritage asset (from its alteration, or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional, and assets of the highest significance such as Scheduled Monuments, should be wholly exceptional.
- 9.50 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.51 Saved Policy C25 of the CLP 1996 states that in considering proposals for development which would affect the site or setting of a Scheduled Ancient Monuments, the Council will have regard to the desirability of maintaining its overall historic character, including its protection, enhancement and preservation where appropriate.
- 9.52 The applicant has undertaken an archaeological assessment of the site, indicating that there is a concentration of archaeological remains in the southern part of the site. The remains found are of a pattern of enclosures, trackways and field boundaries that possibly begin the late iron age, together with quarry pits and evidence of crop processing. Pottery is dated to the 3rd or early 4th Century, suggesting connection with the later phases of the villa, where similar dated pottery has been found. Historic England has confirmed that they consider the remains to form a part of the setting of the Roman villa, and that they make a minor contribution to its significance, although they are not of national significance.
- 9.53 Historic England has advised that the proposed solar farm would represent a minor change to the northern view from the villa, constituting less than substantial harm to the SAM, but that this is at the minor end of the scale of harm. The loss of archaeological remains would be harmful, although would constitute very minor harm to the significance of the SAM. Temporary harm would be caused during the construction period. Historic England also advise that less than substantial harm would be caused to the setting of the Grade II listed buildings at Manor Farm, although again, this is at the low end of the scale. This is echoed in the response from the Conservation Officer.

9.54 Officers are in agreement with the conclusions drawn by both the Conservation Officer and Historic England in that less than substantial harm would be result to the SAM and Grade II listed buildings at Manor Farm through development within their setting. In such cases, as the NPPF advises, this harm must be weighed against the public benefits of the proposal.

Ecology Impact

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

9.56 Paragraph 186 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.

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

9.58 Policy ESD10 of the CLP 2015 seeks 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.

9.59 The eastern edge of the site lies within the Otmoor Conservation Target Area (CTA). The principal aim of a CTA is to focus work to restore biodiversity at a landscape scale through the maintenance, restoration and creation of UK BAP priority habitats. CTAs are considered to represent the areas of greatest opportunity for strategic biodiversity improvement in the District and as such, development will be expected to contribute to the achievement of the aims of the target areas through avoiding habitat fragmentation and enhancing biodiversity.

9.60 Policy ESD11 of the CLP 2015 states that where a development is proposed within or adjacent to a CTA biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development that would prevent the aims of a CTA being achieved will not be permitted. Where there is potential for development, biodiversity enhancement will be secured.

9.61 The above polices are supported by Government guidance contained within 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.

9.62 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.

9.63 Natural England Standing Advice states that an LPA need only ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site.

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')

9.64 The Standing Advice sets out habitats that may have the potential for protected species. The site consists predominantly of open agricultural fields, bounded by mature trees and hedgerows. The site is partially within and adjacent to the Otmoor CTA and contains some NERC Act Section 41 habitat as coastal and floodplain grazing marsh. The site is within 2km of the Otmoor and Woodeaton Quarry and Woodeaton Wood SSSI's, and in close proximity to the RSPB Otmoor Local Wildlife Site. A number of ponds have been identified in the vicinity and part of the site with within 20 metres of a watercourse. A number of protected and notable species have been identified in the area. The site is therefore considered to have the potential to be a suitable habitat for a range of protected and notable species.

9.65 In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development.

9.66 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.

9.67 An Ecological Appraisal has been undertaken at the site. In summary, the survey identified a number of habitat features including an orchard, pond, hedgerows, semi-natural broad-leaved woodland and a river. In terms of protected and notable species the survey has identified that the site is suitable for use by protected species, although subject to provisions within the security fencing to allow movement and recommendations regarding the timing of works, the survey concludes that the development would not cause harm to badgers, brown hare, hedgehog, harvest mouse, otter, water vole, dormouse, bat, reptiles, invertebrates and birds, with the exception of the loss of nesting sites for 6 breeding pairs of skylarks. There is a risk of development injuring or killing great crested newts, although this is considered to be low. The applicant would need to apply for a licence from Natural England for these works or apply via the District Licence scheme. Biodiversity enhancements are proposed as part of the development and a metric has been submitted to support this.

- 9.68 Natural England, the Environment Agency and the RSPB have raised no objection to the proposal on ecological grounds. The Council Ecology Officer has raised no objection, although has expressed concern regarding the proximity of the site to the Otmoor Local Wildlife Site, the RSPB nature reserve and the Otmoor SSSI, which are among the most valuable ecological sites in the District. The CDC Ecology Officer clarified on 15 February 2024 that in light of the lack of definitive evidence that harm would arise as a result of the development, and as there is no obligation to consider alternative locations on ecological grounds, no objection was raised.
- 9.69 BBOWT has maintained their objection the scheme following the submission of an amended Ecological Appraisal, referring to guidance from Natural England and the RSPB advising that utility scale solar development should avoid, or not be built on or near, protected areas. The concern arises from indications that very large, unbroken expanses of solar panels can mimic water surfaces, resulting in the “lake effect” whereby birds, bats and insects mistake the solar panels for a body of water. There is also concern regarding the noise and pollution during construction of the solar farm, and for birds to collide with the proposed fencing. BBOWT consider that there is not yet sufficient evidence that a solar farm can be installed in close proximity to a wildlife site of such value without harm being caused to certain species and have therefore applied a precautionary principle.
- 9.70 Whilst the concerns of BBOWT are acknowledged, given that an ecology assessment has been carried out, together with recommendations for mitigation of harm, and the lack of objection from Natural England, the Environment Agency, the RSPB and the CDC Ecology Officer, and without evidence to confirm that harm would be caused to protected species as a result of a possible “lake effect”, Officers do not consider that the refusal of the application on this ground could be sustained at Appeal.
- 9.71 The applicant has explained that there are no bodies of water within the site, and so it is highly unlikely that low flying wildfowl collide with 2.1 metre tall fencing, given that they would have to have just taken off or be landing on the water. The panels would also be bounded with a pale or silver border and anti-reflective film that has been shown to reduce the attractiveness of the panels to insects. Further, the site would only be lit by infrared security lighting, which is not visible to birds or mammals. Skylark plots would also be provided to enhance breeding territories.
- 9.72 Officers are in agreement with the points raised by the applicant, and do not consider the height of the fence to pose a threat to birds. The scope of permitted development with regard to fencing should also be borne in mind. The limited lighting of the site is welcomed, as are the precautions with regard to insects, and these features can be controlled via condition.
- 9.73 With regard to construction noise and disturbance, Officers consider that this is likely to be similar to that of the authorised use of the site for agricultural purposes, of which there is no control at present. However, a Construction Environment Management Plan can be secured via condition to ensure that the development does not result in harm in terms of environmental pollution.
- 9.74 To conclude, Officers are of the opinion that the development will not result in harm to protected species or their habitat, based on the evidence available at the time of writing. Biodiversity enhancements are proposed as part of the scheme, supporting the aims of the Conservation Target Area designation. The proposal therefore accords with the above policies in terms of ecological impact.

Residential Amenity

- 9.75 Paragraph 191 of the NPPF advises that planning policies and 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.

- 9.76 These provisions are echoed in Policy ESD15 of the CLP 2015 which states 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'.
- 9.77 Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution including noise and light pollution and traffic generation.
- 9.78 The Council's Environmental Health Officer considered the inverter noise specification and concluded that the residents of the closest properties would not be unduly affected.
- 9.79 The closest property to the site is Logg Mead House, which is approximately a minimum of 120m to the north of the proposed development. The development is screened from this property by line of trees running along the north edge of the application fields. Officers are satisfied that with the additional proposed planting any harm to residential amenity is going to be negligible and the development would therefore comply with the aforementioned local plan policies and the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate earlier. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.
- 10.1. Economic objectives – The location of the proposed development is in an area where a solar farm development would be economically viable (where there is a gap in the grid capacity) and would provide economic benefits during the construction phase. The development would not result in the loss of Best Most Versatile (BMV) agricultural land (the importance of protecting BMV land was re-emphasised in a recent ministerial statement which made the point 'food security for our national security').
- 10.2. Social objectives – The applicant is proposing to incorporate a permissive footpath into the scheme. The development would not result in significant detriment to the living amenities of nearby residents.
- 10.3. Environmental objectives – The solar farm, which would only be in place for 40 years, would provide up to 26.6 megawatts of installed electrical generation capacity, delivering significant environmental benefits by reducing carbon emissions. The development would thereby assist with delivering the Council's commitments under the Climate Emergency and Climate Action Framework 2020. There would be biodiversity enhancement which will be of benefit to the Conservation Target Area. There would be harm to the visual amenities of the area particularly when the site is viewed from higher ground. Although this would lessen though time, the planting around the development result in some harm to the open nature of this part of the landscape. There would be less than substantial harm (albeit at the lower end of the scale) to the setting of the nearby scheduled ancient monument.

- 10.4. The relevant pros and cons of the scheme set out above help to establish whether the VSC case is so compelling that outweighs the harm that would result to the openness of the Oxford Green Belt. In order to establish whether such a high bar has been overcome it is important to assess the development in respect of recent case law, whilst accepting the limitations of drawing too many parallels given the number of variables that characterise each individual site.
- 10.5. The applicant cites the solar farm, allowed at appeal, at Rowles Farm (13/01027/F – appeal reference APP/C3105/A/13/2207532) which is approximately 2km from the application site. Despite its proximity and the presences of PROWs running through the site, this is perhaps not a quite an appropriate comparison given that the landscape impact is largely restricted to the confines of the site.
- 10.6. A recent appeal recovered by the Secretary of State (SoS) for determination (Hertsmere Borough Council appeal reference N1920/W/22/3295268) gave *very significant positive weights* to a solar farm which would generate 49.9MWs. The attribution of such weight is consistent with other appeal decisions. In this case, the appeal was dismissed as the Inspector/SoS found that the scheme would have a significant impact on the landscape's character as well as the settings of a number of listed buildings. Whilst there are parallels with the scheme under consideration, the landscape harm resulting from the Otmoor site is not considered to be significant. Also, whilst a negative, English Heritage accepts that the *less than substantial harm* to the SAM is at the lower end of the scale.
- 10.7. Another recent appeal recovered by the SoS for determination (North Herts Council appeal reference APP/X1925/V/23/3323321) is perhaps a closer comparison in respect of landscape harm, when the Inspector concluded that there would be *moderate adverse impact on the landscape character area, both following construction (year 0) and when planting had become established (year 10)*. In respect of a nearby SAM the SoS, concluded that there would be a moderate level of harm to its setting. The SoS disagreed with the Inspector's recommendation and approval was granted. This decision reflects the current perception that unless there is relatively significant harm identified, the positive of additional renewable energy is normally sufficient to overcome conflict with green belt policy.
- 10.8. Whilst this is still a very balanced decision, it is therefore nonetheless concluded that the VSC case outweighs the harm to the openness of the Oxford Green Belt and that therefore when considered as a whole, the economic, social and wider environmental benefits of the scheme outweigh any adverse effects on the landscape and the setting of the SAM. The proposal. is therefore considered to represent a sustainable form of development and it is recommended that planning permission be granted.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO CONDITIONS (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

To be provided as part of the written update

CASE OFFICER: Rebekah Morgan

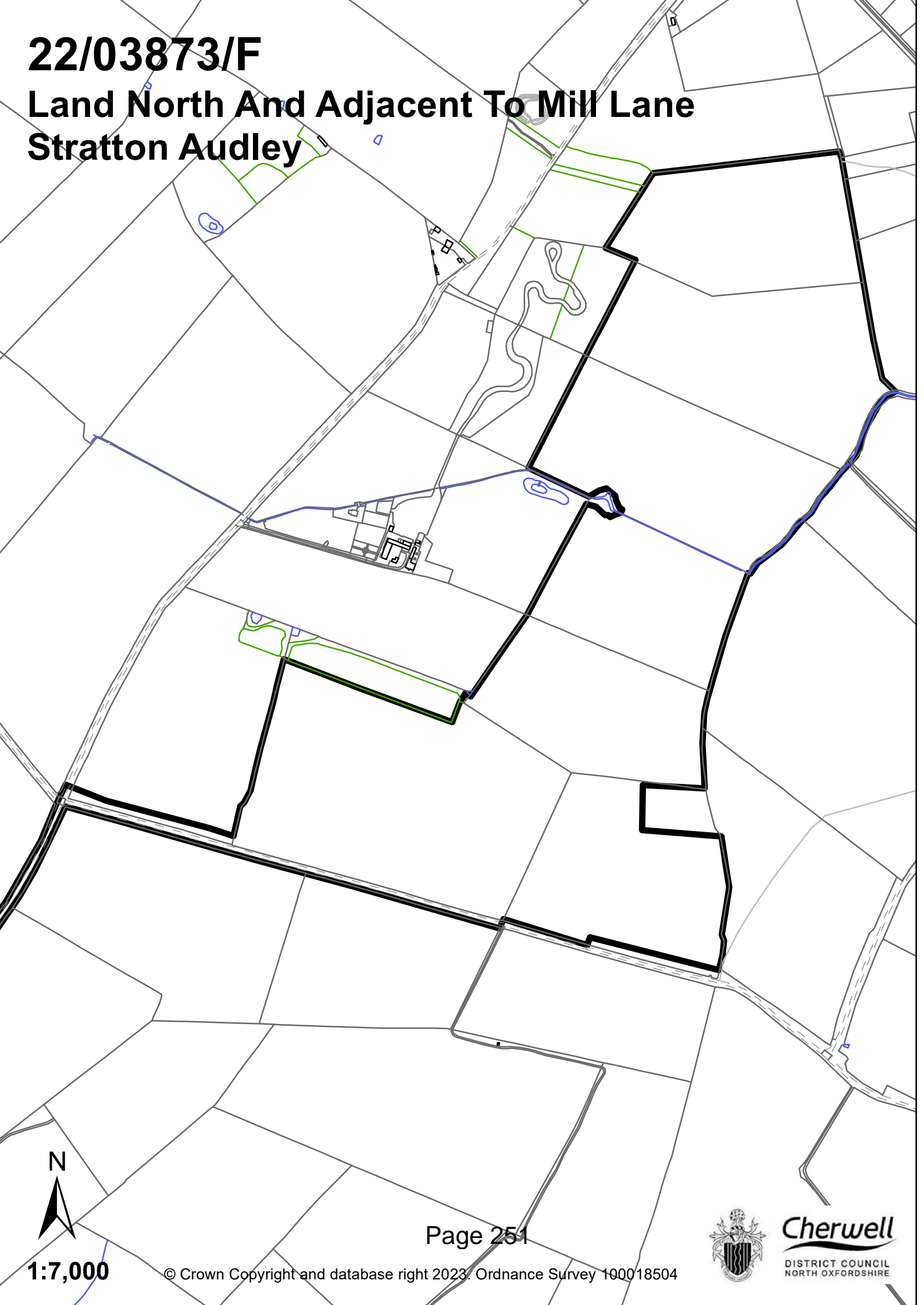
Land North And Adjacent To Mill Lane Stratton Audley



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22/03873/F

Land North And Adjacent To Mill Lane Stratton Audley

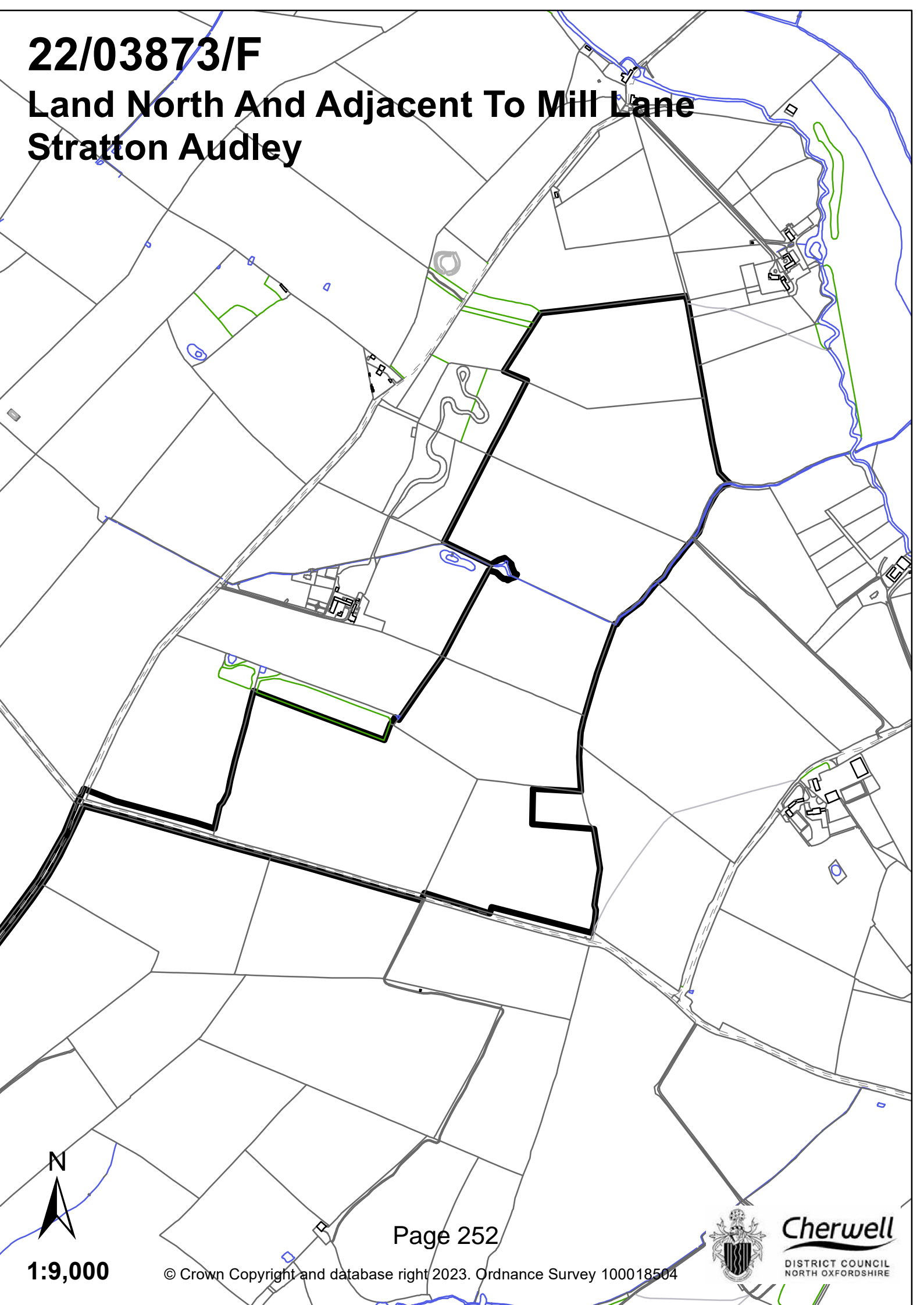


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22/03873/F

Land North And Adjacent To Mill Lane Stratton Audley



Case Officer: Rebekah Morgan

Applicant: JBM Solar Projects 8

Proposal: Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

Wards: Fringford And Heyfords, Launton and Otmoor, Bicester North and Caversfield, and Bicester East.

Councillors: Fringford And Heyfords – Councillor Grace Conway-Murray, Councillor Nigel Simpson and Councillor Barry Wood
Launton and Otmoor – Councillor Gemma Coton, Councillor Julian Nedelcu and Councillor Alisa Russell
Bicester North and Caversfield – Councillor Simon Lytton, Councillor Nicholas Mawer and Councillor John Willett
Bicester East – Councillor Tom Beckett, Councillor Donna Ford and Councillor Rob Parkinson

Reason for Referral: Major development

Expiry Date: 18 December 2023

Committee Date: 06 June 2024

SUMMARY RECOMMENDATION: APPROVAL SUBJECT TO: CONDITIONS.

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located approximately 0.7km to the northeast of Stratton Audley and approximately 1.5km southeast of Fringford. The application site is comprised of 7 agricultural field parcels in the open countryside and has a site area of approximately 59.4 hectares. The red line boundary includes provision for cabling works (which will run almost entirely below the highway/verge) through the neighbouring villages and therefore the overall site area totals 67.9 hectares. The fields are separated by intermittent hedgerows and low level fencing. The land across the site is relatively flat although the highest points are in central and northern parts of the site.
- 1.2. The surrounding area is predominantly agricultural in nature. Pool Farm sits immediately adjacent to the site and is used as a wedding venue business. The site is accessed via an existing agricultural access point from the adjacent road.

2. CONSTRAINTS

- 2.1. The following constraints are relevant to the application:
- There is a public right of way adjacent to the northern boundary of the site (outside of the application site area) – ref: 371 8b/10.
 - There are two other public rights of way within close proximity of the site – ref: 225 6/10 (to the east) and 371 3/10 (to the south).
 - Agricultural Land Classification: Grade 3b
 - The constraints data identifies the potential presence of a range of protected and notable species on the site.

- The site is within an Archaeological Alert Area
- The main area of the site is within Flood Zone 1 (part of the redline area for the cabling works crosses Flood Zones 2 and 3).
- The constraints data identifies the presence of low pressure and high pressure gas pipelines within the vicinity of the site.
- There are Listed Buildings adjacent to the part of the redline line area that identifies the cabling route. There are no listed buildings within the vicinity of the main part of the site.
- The part of the red line area that identifies the cabling route passes adjacent to and through the RAF Bicester Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for a 44 MW Solar Photovoltaic (PV) Array and battery storage. The proposal includes the provision of ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.
- 3.2. The drawings show the photovoltaic arrays would be mounted a minimum of 80cm from the ground with the top edge being a maximum of 3m from ground level. The panels would be set out in rows with between 4 and 10m between the rows. They would be orientated to maximise solar gain.

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:

22/01796/PREAPP: Proposed erection of a Solar Photovoltaic (PV) Array and battery storage units, with a total export capacity of up to 44 MW

- 5.2. The pre-application enquiry concluded that the broad principle of the development was considered to be acceptable as it was supported by local and national policy. The applicant was advised that a Landscape Visual Impact Assessment would be required to support an application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notices displayed near the site and by advertisement in the local newspaper. The final date for comments was **14 June 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:

Objections

- Loss of productive agricultural land
- Should be located on land that cannot be used for crop production (i.e. next to a motorway, airfields that do not interrupt safe use and on roofs)
- It should be on brownfield land
- Submitted ecological reports are inaccurate and incomplete

- There are better, alternative locations closer to urban centres
- The length of time (40 years) is not temporary but a permanent development
- Impact of construction work and disruption on local villages
- Question why the site needs to be so large
- Technology is likely to significantly improve in the next 10-20 years, therefore sacrificing farm land for 40 years does not make sense
- Landscape harm and visual impact
- Highly visible from surrounding footpaths
- The batteries should be sunk into the ground and not visible by road users
- Impact on the tranquillity of the area and the footpaths
- Loss of wildlife
- Loss of hedgerows
- Significant amount of crushed concrete and gravel is required to support the fencing, for the pathways/tracks within the site and to provide bases for the battery stations etc..
- Waste and pollution when dismantling the site
- Impact of glint/glare on flight paths
- Cable route not suitable due to Tree Protection Orders and public safety issues
- Highway safety concerns
- Increased traffic
- Roads not suitable for further HGV traffic
- Neighbouring properties will be affected by noise from inverters
- Site security lights will impact on bird life and the sky will be less dark
- Impact on the neighbouring business at Pool Farm
- The project is only for the financial gain of the land owner
- Impact on property value of neighbouring dwelling
- Development would set a precedent resulting in the loss of more countryside
- Dispute the land classification – this is productive agricultural land

Support

- Cherwell Policies support green energy and solar power
- Significant contribution towards net zero carbon and supports a greener carbon free future
- Contributes towards managing wholesale electricity prices
- Boost to the UK's energy independence needs
- Biodiversity benefits
- If future circumstances change, the solar farm can be easily removed
- Supports a move away from fossil fuels
- We are in a climate crisis and should support renewable energy

General comments

- Support Stratton Audley Parish Council's claims for more compensation – the trenches for laying cables in the village should also be used to put the village electricity supply underground.
- Requested conditions relating to electromagnetic compatibility to prevent impacts on broadband users and radio signals etc..

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

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. LAUNTON PARISH COUNCIL: No comments or objections to the proposal.
- 7.3. STRATTON AUDLEY PARISH COUNCIL: Objection. The Parish Council has submitted a detailed letter of objection covering the following points:
- The landscape and its despoilment for this and future generations
 - Interim development in future years
 - Disruption during construction
 - Construction traffic and highway safety
 - Noise and residential amenity
 - The land itself and its best and most productive use
- 7.4. GODINGTON PARISH COUNCIL: Objection. The Parish Council has submitted a detailed letter of objection covering the following points:
- Cumulative harm to the local countryside
 - Construction traffic and highway safety
 - Disruption during construction of the grid connection
 - Harm to residential amenity
 - Land productivity
 - Impact on local businesses
- 7.5. OCC HIGHWAYS: No objection subject to conditions and an obligation to enter into a Section 278 agreement to secure works to the highway.
- 7.6. OCC ARCHAEOLOGY: *The proposal site lies in an area of archaeological interest, and the approved reports of a geophysical survey and archaeological evaluation have been submitted with this application. The geophysical survey identified a number of weak anomalies which potentially represented ditched enclosures. The trenched evaluation targeted these anomalies, as well as 'blank' areas across the site. Within the trenches, ditches and pits containing later prehistoric, as well as possibly Neolithic pottery, were recorded in the southern part of the site. An undated cremation and a possible oven were also recorded, which along with the enclosures, may represent a dispersed or multi-focal later prehistoric site. A small group of Roman ditches were also recorded in the centre of the site. These features will need to be fully investigated and recorded via archaeological mitigation, in line with the attached conditions.*
- 7.7. LEAD LOCAL FLOOD AUTHORITY: No objections subject to conditions requiring the approved drainage scheme to be implemented and a record of the installed SuDs to be submitted.
- 7.8. CDC ENVIRONMENTAL PROTECTION:
- Noise: I have read the Noise Impact Assessment Report provided by the applicant (ref 2061200- RSKA-RP-001, dated January 2023) and noted the predicted noise levels from the proposed inverters and substations which could cause a significant impact to the local noise environment should mitigation not be installed (+20db above background level). I also note that potential mitigation to reduce the noise levels to acceptable levels is discussed but not finalised, therefore I would recommend conditions.*

Contaminated Land: No comments

Air Quality: No comments

Odour: No comments

Light: No comments

- 7.9. CDC CONSERVATION OFFICER: *With respect to impact on heritage assets, a detailed Built Heritage Assessment has been submitted, which has concluded that the site makes no contribution through setting to the significance of Stratton Audley Conservation Area or any Scheduled Monument, Listed Building, proposed Local Heritage Asset, or non-designated heritage asset. No harm to any heritage asset as arising through change to setting has been identified.*

From the submitted assessment, I would concur with this assessment, and it is considered that there would be no harm to the significance of the heritage assets, with their setting preserved.

- 7.10. CDC ECOLOGY OFFICER: No objections subject to conditions. Detailed comments have been provided regarding assessment of Biodiversity Net Gain, District Licence matters and questions regarding decommissioning.

- 7.11. CPRE: A detailed response has been submitted setting out a number of concerns/objections to the proposal. The letter concludes with the following summary:

This development will have a highly damaging impact on the rural landscape. This site has not been allocated for development in the currently adopted local plan. CPRE does not believe that development has sufficient support from the local communities that are most affected by it. CPRE further believes that this development does not significantly contribute to the district's net zero objective and there is a surfeit of opportunities that are not being sufficiently explored, such as rooftops and car parks, which cause significantly less harm than this development. CPRE would urge that this development is refused.

- 7.12. BBWOT: As a wildlife conservation organisation, our comments refer specifically to potential impacts on wild species and habitats which may occur as a result of the proposal. We have the following comments on this application:

- Potential for serious impact on Oldfields Copse ancient woodland/proposed Cherwell District Wildlife Site (CDWS) and Poodle Gorse CDWS through impact on some of the species that use the sites.
- Potential for serious impact on priority species breeding and wintering birds
- Concern in relation to Biodiversity Net Gain calculations provided
- Mitigation measures
- Concerns relating to lighting
- Concerns relating to fencing

The response provides detailed comments on each of the points raised above.

- 7.13. NATURE SPACE: *The applicant for the above planning application has now been sent their NatureSpace Report and impact plan which they should shortly submit to yourself. Should you be minded to approve planning for the above planning application there are mandatory conditions and informatives within the Report (on pages 6/7) that must be used in verbatim on the decision notice. This is in order to comply specifically with conditions in the council's district licence.*

If the district licence conditions are not used in verbatim, it could potentially lead to the LPA being unable to send out authorisation paperwork to the applicant on time and a decision notice needing to be reissued. If the authorisation has been issued to the applicant, then it could also mean that an administrative breach of the licence conditions has occurred.

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 and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 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)
 - Cherwell District Council Climate Emergency Declaration & 2020 Climate Action Framework
 - British Energy Security Strategy April 2022

9. APPRAISAL

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

- Principle of development
- Impact on the character and appearance of the area
- Highway safety and impact on Public Rights of Way
- Flooding/Drainage
- Heritage impact

- Residential amenity
- Ecology impact
- Other matters – impact on neighbouring business

Principle of Development

- 9.2. Paragraph 11 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 9.3 The NPPF provides positive encouragement for renewable energy projects. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future and should support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF states that when determining applications for renewable and low carbon development local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; and approve such applications if its impacts are (or can be made) acceptable.
- 9.4 Policy ESD5 of the CLP 2015 states that renewable and low carbon energy provision will be supported wherever adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.
- 9.3. In principle, therefore, there is policy support for development of this nature. However, the overall acceptability of development is dependent on other material considerations.

Impact on the character and appearance of the area

- 9.4. Given the nature and scale of this type of proposal, it is inevitable that a solar farm development would result in some landscape harm. In this context, the NPPF and local development plan policy adopts a positive approach indicating that development will be approved where harm would be outweighed by the benefits of the scheme. There is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where the development can be viewed, such as villages, roads, public rights of way and individual dwellings.
- 9.5. Paragraph 180 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised. Although the NPPF does not seek to protect, for its own sake, all countryside from development, it does set out to protect valued landscapes. The concept of valued landscapes is not defined in the NPPF; the application site does not form part of any designated landscape. Although the value of a given area within a particular landscape may depend on the value attributed to it by an individual or groups of people.
- 9.6. Guidance in determining applications for renewable and low carbon energy projects is set out in the PPG. The PPG advises that “the need for renewable or low carbon energy does not automatically override environmental protection and that cumulative impacts require particular attention, especially the increasing impact that such developments can have on landscape and local amenity as the number of turbines and solar arrays in an area increases”. It continues that “particular factors a local planning authority will need to consider include:

- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
 - the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”
- 9.7. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.8. The site is relatively flat and is currently in agricultural use. It is well screened from the public highway by mature hedges and buildings. However, the proposed development would be visible from the public rights of way (PROWs) in the immediate vicinity and from viewpoints across the wider landscape.
- 9.9. Given that landscapes will be valued by someone at some time, the term valued landscape must mean that they are valued for their demonstrable physical attributes, which elevate them above just open countryside but below those areas that are formally designated, such as National Parks, AONBs etc. However, there is nothing significant about the application site that would elevate it or the surroundings to that of the NPPF 'valued' landscape. The agricultural nature of the site with its slight undulating nature, despite being close to a number of public rights of way that give it a degree of sensitivity by virtue of it being accessible, does not significantly elevate its status. In other words, there are no attributes that take it to a level just below that associated with designated landscapes.
- 9.10. The application was submitted with a Landscape and Visual Impact Assessment (LVIA) which concluded there would be some impact on the wider landscape, predominantly due to the change in use and loss of openness. The LVIA was independently appraised and whilst it raised some criticism of the methodology, it largely supported the approach taken. The consultant has however questioned the inclusion of a field in the southwestern corner of the site.
- 9.11. Having reviewed a number of recent appeals, the case law is very clear that any landscape harm would need to be substantial to outweigh the overall public benefits of providing renewable energy. The Inspector for a 2023 appeal in the village of Scranton (ref: APP/G2713/W/23/3315877) concluded that '*The Framework sets out a presumption in favour of sustainable development, and renewable energy*

development is central to achieving a sustainable future. The appeal scheme would make a valuable contribution to this. In addition, significant biodiversity enhancements would be achieved. The proposal would however be a significant development in the countryside and policy requires that any impacts are, or can be made, acceptable. The only adverse impact identified is a limited localised harm to the landscape character and visual impact. This impact can be effectively mitigated'.

- 9.12. In this case, the landscape is not designated or considered to be particularly sensitive. Although a longer term temporary use (approx. 40 years) at the end of the life of the development, the land can be restored to its former use and the structures removed.
- 9.13. Concerns have been raised regarding the loss of agricultural land. The application has been submitted with an Agricultural Land Classification Assessment classifies the land as Grade 3b, which is not considered to be 'Best and Most Versatile Land'. This classification is consistent with the Council's constraints data. Therefore, the temporary loss of this land to facilitate the solar farm is acceptable in policy terms.
- 9.14. To conclude although harm would result, the landscape impacts would be localised, and the site has the potential to revert back to its existing condition at the end of the lifetime of the development.

Highway safety and impact on Public Rights of Way

- 9.15. Paragraph 114 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;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) 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.
- 9.16. In addition, paragraph 115 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.
- 9.17. The Local Highway Authority has raised no objections subject to conditions and legal agreement relating to works to the highway.
- 9.18. The Local Highway Authority note that the proposed access arrangements appear to be satisfactory in principle. A Section 278 agreement is required relating to installation of radii kerb access to ensure the access and visibility splays are suitable for the construction traffic.
- 9.19. Additional comments were provided relating to the removal of the formalised passing places that were previously installed for East West Rail construction traffic. The comments state '*I understand that the improved junctions at the A4421 and Mill Road are to remain, as will one passing bay close to the A4421. The estimated daily average of 11 two-way HGV movements (5.5 inbound and 5.5 outbound) is likely to result in very few instances of HGVs having to pass on this relatively short stretch of road, so the existence of passing places is not considered necessary. The level of*

generated traffic, over a relatively short six-month duration, cannot be demonstrated to have an unacceptable impact on highway safety, nor can the impacts on the road network be considered as severe’.

- 9.20. Subject to the recommended conditions it is considered that the proposals, are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
- 9.21. With regards to PROWs, the proposal commits to provide a permissive footpath route over the lifetime of the development. This is noted by Oxfordshire County Council and welcomed as it will provide an important connection in the local rights of way network. Conditions will be required to ensure the details of the PROW are suitable in terms of access, signage, suitable landscaping and maintenance.

Flooding/Drainage

- 9.22. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 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.’*
- 9.23. Paragraph 175 of the NPPF continues by stating that *‘major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.’*
- 9.24. Policy ESD6 of the CLP 2015 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.
- 9.25. Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems (SuDS) to manage surface water drainage systems. This is with aim to manage and reduce flood risk in the district.
- 9.26. This site lies within Flood Zone 1 which is areas at the lowest risk of flooding. A Flood Risk Assessment and Outline Drainage Strategy has been submitted with the application. The FRA concludes that *‘the site is currently a greenfield site and is existing agricultural land. The proposed development will only alter the impermeable area on site by a diminutive amount, resulting in a negligible increase in surface water runoff. The solar panels will not increase the impermeable area on-site, and therefore will not increase the volume of surface water runoff’.*
- 9.27. The Lead Local Flood Authority has raised no objections subject to conditions requiring the implementation of the drainage scheme. Therefore, the development complies with Policy ESD6 of the CLP 2015.

Heritage Impact

- 9.28. The main body of the site (where the solar array and equipment would be located) is not within a Conservation Area or close to any listed buildings, however it is within an Archaeological Alert Area.
- 9.29. A section of the application site relating to the provision of cabling works crosses through both the Stratton Audley Conservation Area and RAF Bicester Conservation Area. In addition, this element of the scheme passes close to a number of listed buildings.
- 9.30. 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.*
- 9.31. 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.
- 9.32. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.

Listed Buildings and Conservation Areas

- 9.33. The element of the scheme that passes through the Conservation Areas and close to Listed Buildings is related to cabling work to connect the proposed development into the National Grid network. The proposed works would be underground and would not result in built form. Therefore, the proposals would not have a detrimental impact on the character and appearance of the Conservation Areas or the setting of Listed Buildings.

Archaeology

- 9.34. Policy ESD15 of the CLP 2015 requires that where archaeological potential is identified applications should include an appropriate desk-based assessment and if necessary, a field evaluation. The site lies in an area of archaeological interest, and as requested by Oxfordshire County Council's Archaeologist, the approved reports of a geophysical survey and archaeological evaluation have been submitted with this application.
- 9.35. The County Archaeologist has commented that *'The geophysical survey identified a number of weak anomalies which potentially represented ditched enclosures. The trenched evaluation targeted these anomalies, as well as 'blank' areas across the site. Within the trenches, ditches and pits containing later prehistoric, as well as possibly Neolithic pottery, were recorded in the southern part of the site. An undated cremation and a possible oven were also recorded, which along with the enclosures, may represent a dispersed or multi-focal later prehistoric site. A small group of Roman ditches were also recorded in the centre of the site. These features will need to be fully investigated and recorded via archaeological mitigation, in line with the attached conditions'*.

- 9.36. Subject to conditions relating to archaeology, the proposal would not cause harm to heritage assets and is considered to comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Ecology Impact

- 9.37. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.38. Paragraph 186 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.
- 9.39. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.40. 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.
- 9.41. 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.
- 9.42. 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.
- 9.43. 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’)

9.44. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site comprises mostly open agricultural fields, with a number of mature trees and hedgerows, therefore the site has the potential to be a suitable habitat for a range of protected and notable species and this is supported by the Council’s constraints data.

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

9.46. 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.

9.47. The application is supported by a Biodiversity Net Gain Assessment, Landscape and Ecological Management Plan and Nature Space District Licence Report.

9.48. A range of comments have been received regarding ecology and biodiversity, including those from BBOWT. The Council’s Ecologist has had ongoing discussions during the course of the application with additional information being submitted. The Council’s Ecologist has concluded that: *‘The applicants have now submitted the full metric as part of their biodiversity impact assessment. This proposes a net gain of over 200%. I have some reservations about the aim of achieving moderate condition for the grassland within the compounds as this does not allow for the fact that much of the grassland is actually covered with a sealed surface of panels (at least half by surface area is impacted at least by shading) – it does not seem accurate to treat this the same as the creation of 49 hectares of ‘other neutral grassland’ in the traditional sense. Whilst I appreciate there is no habitat class of ‘grassland with solar panels’ – I think as a minimum it should be accepted that the grassland is likely to achieve fairly poor condition at best. However, even changing the condition proposed to this lower level leads to a 100% net gain for biodiversity on site and so I have no objection on these grounds but suggest the applicant may wish to consider what is feasible in their HMMP for the site.*

I support the proposed change in seed mix to a now more beneficial type and appreciate the clarity over lighting and fencing.

Ideally a comparative monitoring scheme is carried out to monitor bat and breeding bird activity changes over time across the site in comparison to baseline, even if only at 3, 5 and 10 years. There is a relative paucity of information on the impacts of solar farms in these habitat conditions and this would contribute to the knowledge base for our locality. This could be factored into the LEMP or HMMP. Note this is a request as opposed to requirement’.

- 9.49. A certificate and impact risk map for the Great Crested Newt District Licence has been submitted. The Council's Ecologist has confirmed that the conditions recommended by Nature Space need to be included in the decision notice.
- 9.50. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land 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.

Residential Amenity

- 9.51. Paragraph 191 of the NPPF advises that planning policies and 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.
- 9.52. These provisions are echoed in Policy ESD15 of the CLP 2015 which states 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'.
- 9.53. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution including noise and light pollution and traffic generation.
- 9.54. A full noise assessment has been submitted with the application. The assessment is based on 'worst-case' scenarios in terms of potential impacts. The assessment concludes:
- When assessing against WHO guidelines for environmental noise, the predicted levels are shown to be at or below the threshold laid out in WHO guidelines for external amenity spaces, and internal amenity spaces, both at night-time and during the day.
 - Furthermore, a number of assumptions have been made with respect to the typical operational capacity of the development that are considered to over-estimate the noise emissions and, subsequently, the degree of impact.
 - Accounting for the points raised above, it is considered that the likelihood of significant adverse impact upon the amenity of nearby NSRs is low.
- 9.55. The Council's Environmental Protection Officer has considered the report and advised that significant impact to the local noise environment would occur should mitigation not be installed, therefore conditions are recommended to ensure the appropriate mitigation is installed and maintained.
- 9.56. Third Party comments have raised concerns that a new dwelling (at Land adjacent to Merrick Hill Stud, Godington) was not considered in the assessment as it is a new dwelling. The property is approximately 400m away from the closest point of the proposed site. This is closer than Godington Hall (approx. 900m), but further away than Pool Farm that sits adjacent to the site. As with the other residential properties in the area, officers are satisfied that given the nature of the development and the distances involved the residential amenities of the neighbours would not be unduly compromised.

9.57. Overall, with appropriate mitigation measures, the proposal is not considered to have significant impacts on the amenity of any of the local residents in the area.

Other matters

9.58. The application site is adjacent to Pool Farm which is currently used as a wedding venue including use of some of the outside space. It is acknowledged that during the construction phase, there could be noise/disturbance that has the potential to impact on the use of parts of the neighbouring site and the potential perception of disruption could deter customers from booking the site. In the longer term, the proposed development should only have a limited impact on the neighbouring business once construction is complete. There may be some locations where the solar panels may be visible and this is likely to impact on potential photographic locations for the weddings, however it is a large site and alternative locations within the site could be used for this purpose.

10. PLANNING BALANCE AND CONCLUSION

10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate earlier. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.

10.2. Economic objectives – The location of the proposed development is in an area where a solar farm development would be economically viable (where there is a gap in the grid capacity) and would provide economic benefits during the construction phase. The development would not result in the loss of Best Most Versatile (BMV) agricultural land (the importance of protecting BMV land was re-emphasised in a recent ministerial statement which made the point ‘food security for our national security’).

10.3. Social objectives – The applicant is proposing to incorporate a permissive footpath into the scheme. The development would be of significant detriment to the living amenities of nearby residents.

10.4. Environmental objectives – The solar farm, which would only be in place for 40 years, would provide up to 44 megawatts of installed electrical generation capacity, delivering significant environmental benefits by reducing carbon emissions. Although some harm would result, the visual impact on the land, which is not considered to be visually sensitive, and has no designation, can be largely mitigated with planting. The application will also result in significant Biodiversity Net Gain.

10.5. When considered as a whole, the economic, social and wider environmental benefits of the scheme outweigh any adverse effects on landscape character and the visual amenities of the area. The proposal is therefore considered to represent a sustainable form of development and it is recommended that planning permission be granted.

11. RECOMMENDATION

**GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW
(AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED
NECESSARY)**

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Drawing number 1120022-ADAS-XX-XX-DR-P-8001 - [Site Location Plan A]
 - Drawing number 1120022-ADAS-XX-XX-DR-P-8002 - [Site Location Plan B]
 - Drawing number 1051745-ADAS-XX-XX-DR-PL-8000 - [Site Layout Plan Overall]
 - Drawing number 1051745-ADAS-XX-XX-DR-PL-8001 - [Site Layout Plan 1 of 4]
 - Drawing number 1051745-ADAS-XX-XX-DR-PL-8002 - [Site Layout Plan 2 of 4]
 - Drawing number 1051745-ADAS-XX-XX-DR-PL-8003 - [Site Layout Plan 3 of 4]
 - Drawing number 1051745-ADAS-XX-XX-DR-PL-8004 - [Site Layout Plan 4 of 4]
 - Construction Compound drawing Rev A - [Indicative Construction Compound]
 - Typical battery station drawing - [Typical battery stations ancillary drawing]
 - Typical inverter + DC batteries drawing Rev A - [Typical battery stations ancillary drawing]
 - Typical cable route trench drawing Rev A - [Typical Cable Route Trench Sections Details]
 - Comm mast details drawing Rev A - [Comms and Weather Station mast]
 - Customer switchgear drawing Rev A - [Customer Switchgear Details]
 - DNO building drawing Rev A - [DNO Building Details]
 - Fence & CCTV details drawing Rev A - [Fence, Track and CCTV]
 - Inverter building drawing Rev A - [Inverter Station Details]
 - 3P table drawing Rev A - [PV table details]
 - Spares container drawing Rev A - [Spares Container Details]
 - Trench section drawing Rev A - [Trench Sections Details]
 - Access gate drawing Rev A - [Access Gate]
 - Drawing number 111299-10-01 - [Indicative Access Junction]
 - Drawing number 111299-10-02 Rev A - [Indicative Access Junction Swept Path Analysis Generic Low Loader (18m)]
 - Drawing number 111299-10-03 Rev A - [Indicative Access Junction Visibility Splay 2.4m x 215m]
 - Drawing number 111299-10-04 - [Indicative Access Junction Visibility Splay 2.4m x 120m]
 - Preliminary Ecological Appraisal by Western Ecology dated July 2022
 - Breeding bird surveys by Western Ecology dated November 2022
 - Great Crested Newts Survey Report by Western Ecology dated November 2022
 - Wintering birds survey by Western Ecology dated November 2022
 - Landscape and Visual Appraisal by RSK ADAS Ltd dated November 2022
 - Review of Landscape and Visual Appraisal by Huskinson Brown Associates dated February 2024
 - Landscape and Ecological Management Plan by RSK ADAS Ltd dated

November 2022

- Site Enhancement Strategy
- Biodiversity Net Gain Assessment by RSK ADAS Ltd dated December 2022
- Transport Statement by RSK ADAS Ltd dated November 2022
- Arboricultural Planning Statement by RSK ADAS Ltd dated November 2022
- Flood Risk Assessment & Outline Drainage Strategy by RSK ADAS Ltd dated November 2022
- Built Heritage Assessment by Pegasus Group dated November 2022
- Archaeological Desk Based Assessment dated November 2022
- Geophysical Survey Report by Magnitude Surveys dated October 2022
- Solar Photovoltaic Glint and Glare Study dated November 2022
- Agricultural Land Classification by Amet Property dated November 2022
- Statement of Community Involvement by JBM Solar dated December 2022
- Technical Statement on Battery Energy Storage Systems by JBM Solar dated December 2022
- Landscape and Ecological Management Plan RSK ADAS Ltd dated May 2023

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

Temporary Permission

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

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

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

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

Landscaping Scheme

5. Prior to the clearance of the site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- i. Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- ii. 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,
- iii. details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps

The development shall not be carried out other than in strict accordance with the approved scheme and the hard landscape elements of the scheme shall be fully implemented prior to the first operation of the development and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscaping Implementation

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

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscape Maintenance

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

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

Highways and Public Rights of Way

8. Prior to the first use of the solar farm hereby approved, details of the raised kerbed bell mouth site access plan as shown indicatively on the Indicative Access Junction drawing no. 111299-10-01 shall be submitted to and approved in writing. The mitigation measures shall be carried out in accordance with the agreed details prior to first occupation.

Reason: In the interest of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

10. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

11. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed prior to commencement of development in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

12. Prior to operation of the site, full details of the permissive path through the site, including the route, width, signage and access furniture, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details agreed.

Reason - In order to comply with Government guidance contained within the National Planning Policy Framework.

13. Prior to operation of the site, full details of protection, mitigation and improvements of the existing paths within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details agreed.

Reason - In order to comply with Government guidance contained within the National Planning Policy Framework.

Drainage

14. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Document: Drainage Response Date: 13/04/2023

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

15. 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 installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

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

Environmental Protection

16. Prior to the commencement of the development hereby approved, full details of a noise mitigation scheme including the noise levels to be achieved with the mitigation at the Noise Sensitive Receptors listed in the noise report (ref 2061200-RSKA-RP-001, dated January 2023) shall be submitted to and agreed by the LPA. Thereafter, and prior to the first use of the development, the development shall be carried out and retained 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 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Archaeology

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the National Planning Policy Framework.

19. Following the approval of the Written Scheme of Investigation referred to in condition 18, 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.

Reasons: 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 National Planning Policy Framework.

Ecology

20. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Padbury Brook: Impact Plan for great crested newt District Licensing (Version 3) (Sheets 1 and 2)", dated 22nd January 2024.

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, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

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

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

22. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence'), and in addition in compliance with the following:

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

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, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

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

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

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

24. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (member of the IEEM or similar related professional body) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan

2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Lighting

26. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.

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

Planning Notes

1. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
2. 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.
3. 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 WMLOR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.
4. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

CASE OFFICER: Rebekah Morgan

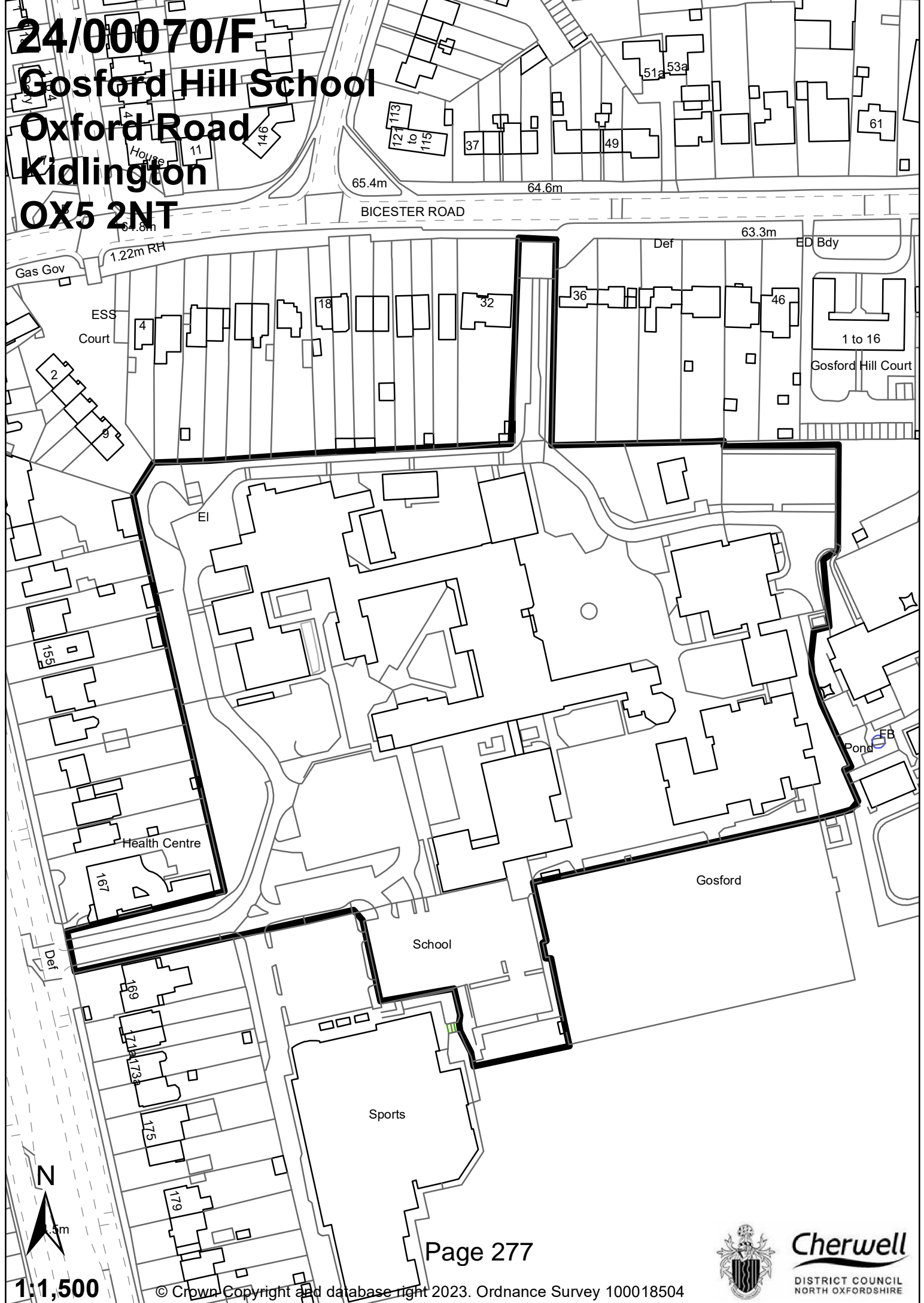
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Gosford Hill School
Oxford Road
Kidlington
OX5 2NT

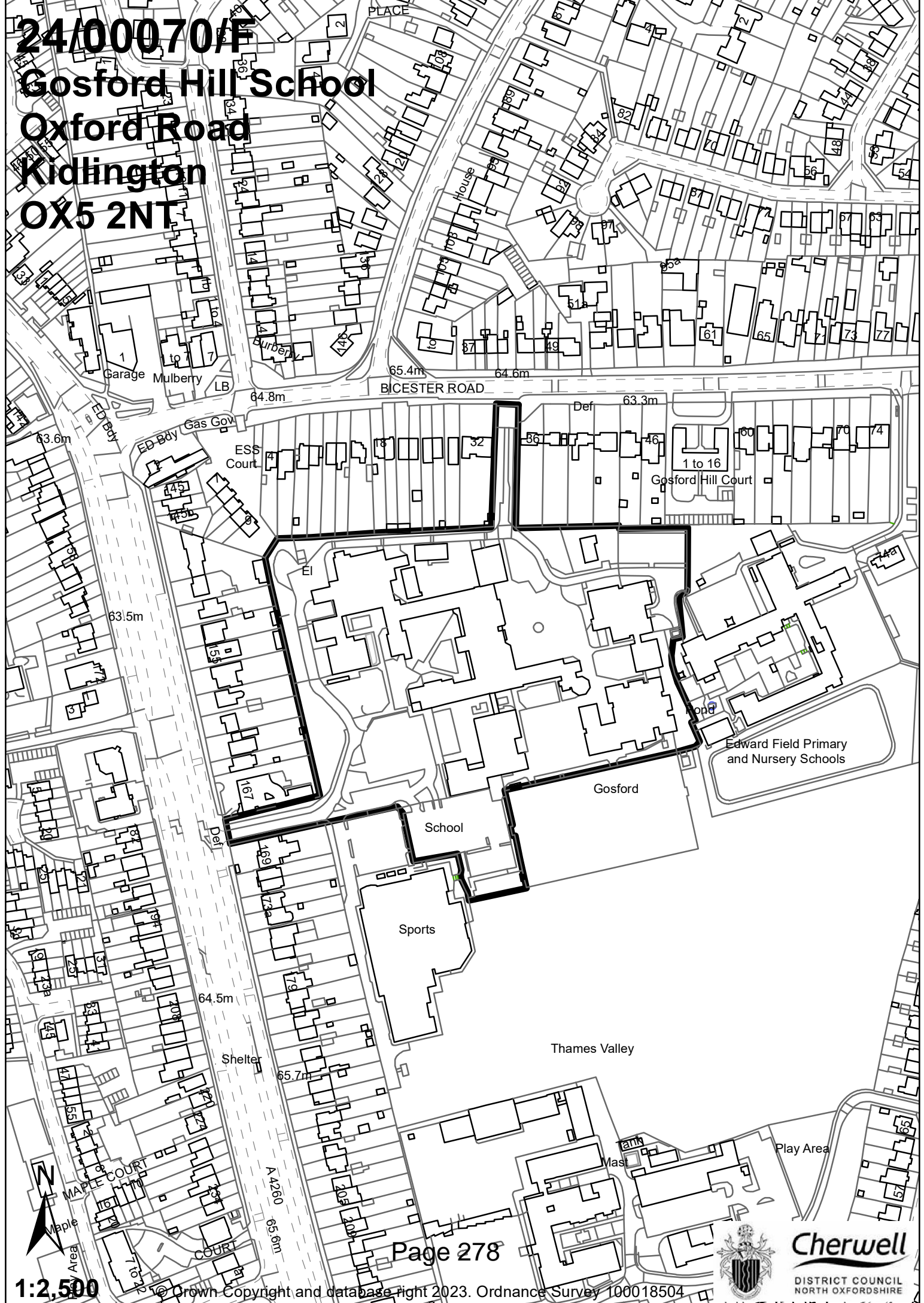


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Gosford Hill School
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Case Officer: Emma Whitley

Applicant: Bowmer & Kirkland (for Dept for Education)

Proposal: Construction of a new replacement school with associated landscaping, car parking, and the re-instatement of access from Bicester Road, and the demolition of existing buildings

Ward: Kidlington East

Councillors: Cllr Fiona Mawson, Cllr Ian Middleton and Cllr Linda Ward

Reason for Referral: Major development

Expiry Date: 13 June 2024

Committee Date: 6 June 2024

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site, Gosford Hill School, in Kidlington, comprises a group of one, two and three storey buildings.
- 1.2. The school site is bounded to the north and west by residential properties, with the Edward Feild Primary School is to the east and the Kidlington and Gosford Leisure Centre and associated playing fields to the south.
- 1.3. The site is currently accessed via Oxford Road for both pedestrian and vehicular access. Previously, access was also provided via Bicester Road, although this was closed in 2000 (ref: 99/02281/OCC). The site has existing on-site parking and is bounded with palisade fencing and hedgerows with several trees along the western eastern and northern boundaries.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the site is not within a conservation area and there are no other heritage assets within the vicinity of the site. There are no other notable constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the construction of a replacement school with associated landscaping and car parking, the demolition of existing buildings and the re-instatement of the access onto Bicester Road.

4. RELEVANT PLANNING HISTORY

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

99/02281/OCC – Permanent closure of the Bicester Road access to the school including reinstatement of the footpath and grass verge to the Bicester Road. *Application Permitted 7 March 2000.*

00/01701/OCC – Construction of a single storey extension forming 5 new classrooms. Demolition of existing 6 classroom 'Horsa' building and internal alteration. *Application Permitted 22 November 2000.*

03/00673/OCC – Change of use of caretakers house from residential to educational use. *Application Permitted 14 May 2003.*

11/01763/OCC – Replace existing gas boilers with new biomass/gas boiler system; the work includes a new external biomass (wood pellet) fuel store (OCC ref. R3.0146/11). *Application Permitted 7 February 2012.*

12/00038/OCC – Retention and continued use of a double relocatable classroom unit (ref T1) for a further period of 5 years (OCC ref. R3.0009/12). *Application Permitted 1 March 2012.*

5. PRE-APPLICATION DISCUSSIONS

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

22/03630/PREAPP – Gosford Hill School has been selected as a project under the Department for Education's School Rebuilding Programme. We are undertaking a feasibility exercise and have determined that the best option is to fully demolish the school and re-build. This will ensure that the entire school meets the DfE Spec 21, ensuring that it achieves net-zero carbon in operation. It also un-constrains the design and enables flexibility in orientation and layout, to maximise gains for natural day-lighting and PV generation and reduction in solar glare. The existing school is under-subscribed. The new school will have a reduced PAN as a 5 FE school with a maximum capacity of 900 pupils from Year 11-13, down from its current capacity of 1,050. The design proposes a two storey 'U shaped' new build block, with the courtyard orientated north, situated on the existing school footprint in the middle of the site. A shared leisure centre located on the school site at the western boundary to be retained.

23/02683/PREAPP – Demolition of existing buildings and the construction of a new 3-storey secondary school with associated sports courts/pitches, parking, access, landscaping and drainage (follow-up to 22/03630/PREAPP).

- 5.2. The applicant was advised in respect of the 2022 pre-app that the principle of the proposal to modernise the facility could be generally supported. However, there were a number of outstanding issues that needed to be resolved.
- 5.3. Subject to the comments set out in the 2023 follow up pre-app being addressed; the LPA indicated that it would offer support in principle to the 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 **28 February 2024**, 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:

- Highway safety concerns due to the re-opening of the access onto Bicester Road
- Increased traffic directed to Bicester Road
- Bicester Road at capacity
- Increase in pollution along Bicester Road
- Increase in anti-social behaviour as a result of the re-instatement of the access
- Loss of property value due to re-opening of Bicester Road entrance
- Access concerns to neighbouring properties at school start and finish times during term-time
- Residential amenity concerns with regards to floodlighting of playing fields
- In support of the retained trees, however not sufficient barrier to pollution during the winter
- Additional road crossings required as a result of the re-opening of the entrance to Bicester Road
- In support of the proposals
- In support – school in need of modernising
- In support – re-opening of the access will help disperse pupils between two entrances
- Construction works may result in some disturbance to neighbouring properties
- Impact to Kidlington and Gosford Leisure Centre during construction
- Relocation of shared parking facilities away from the Leisure Centre
- Loss of wildlife to accommodate re-opening of access
- Access and Circulation Plan relates to The Laureate Academy in Hemel Hempstead
- The Transport Assessment is of a poor standard; the assessment of the existing road network is inadequate
- No innovative or realistic measures to encourage sustainable transport included
- Footways on Oxford Road and Bicester Road are below the minimum standards set out within LTN 1/20 and no off-carriageway cycle routes providing access to the site
- Proposals to reduce the number of pupils requires further explanation
- Reopening of the access on to Bicester Road has not been assessed
- Impact on car parking to the wider site during construction
- Increase in pollution along Bicester Road
- Teacher stewards required to monitor students accessing/ egressing site
- Construction traffic impact during peak school drop off/ pick up times
- No dedicated school bus parking areas for school post-construction
- Anti-social behaviour concerns
- Proposal is more efficient use of land with associated benefits of external space availability
- Insufficient incorporation of energy-efficient technologies and practices

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

Gosford and Water Eaton Parish Council: no comments or objections received at the time of drafting the report.

Kidlington Parish Council: in support of the application but the re-opening of the access on to Bicester Road requires careful consideration with regards to parking issues and ease of access. Further, KPC seeks uniformity of information submitted with planning applications and that greater clarity provided on the website to signpost amended planning applications.

COUNCILLOR COMMENTS

Councillor Ian Middleton – Local Member Views:

I strongly support these proposals for much needed school facilities in Kidlington

Gosford Hill is a great school that deserves a great building. The plans look very impressive and I hope the final result will be equally impressive when complete.

My only concern would be to take properly into account the issues raised by the leisure centre about access during and after the development. Hopefully those can be taken care of fairly easily so I would encourage the applicants to engage with their neighbours at the earliest opportunity.

CONSULTEES

- 7.2. ARCHAEOLOGY (OCC) – No objections. Comments: The site lies in an area of archaeological interest, however the extensive development which has previously taken place on the site has likely destroyed any archaeological remains, and so there are no archaeological constraints to this scheme.
- 7.3. BUILDING CONTROL (CDC) – No objections. Comments: The proposed work is subject to the Building Regulations and will require approval.
- 7.4. ECOLOGY (CDC) – **Objection**. Comments (date: 1 February 2024)

The ecology surveys submitted with this application, including the Preliminary Ecological Appraisal (PEA) and Bat Surveys report, provide a sufficient overview of the ecological constraints. However, there does not appear to be any information provided about how the site will achieve at least a 10% net gain. CDC seeks a 10% net gain for all developments, in line with the Cherwell Local Plan and Community Nature Plan 2020-2022. We would expect the application to be supported by a Biodiversity Net Gain or Enhancement Plan as well as a completed BNG metric (excel format). A Habitat Management and Monitoring Plan (HMMP) or similar should also be provided. The HMMP should show how habitats will be created, maintained, and monitored long-term. In addition to a 10% net gain in habitat units, we would expect to see a variety of species specific enhancements, including integrated bird/bat boxes, bee bricks, and hedgehog houses and highways.

Apart from the lack of information about BNG, I would have no objection to the proposals, subject to conditions.

The bat surveys identified two pipistrelle bat roosts within the buildings. The survey effort and mitigation scheme provided by Arbtech should be sufficient to obtain a bat licence (though updated surveys will likely be required if demolition does not take place within 12-18 months of the surveys). A bat licence should be conditioned. The applicant should note that any roofing membranes installed in the new building

should be bat friendly (pass the snagging propensity test) and any treated timbers must follow safety guidelines for bats.

Due to bat activity on site, we should condition a lighting plan for bats. The lighting plan should be in line with the Bat Conservation Trust (BCT) guidance note 08/23. Most importantly, the hedgerows, trees, and any new bat boxes/bricks should not be lit.

We should also condition adherence to the recommendations made in section 4.2 and 4.3 of the Preliminary Ecological Appraisal Report provided by Indigo Surveys in October 2022. These recommendations include timing of work to avoid breeding birds, precautionary methods for terrestrial mammals, and protection of retained hedgerows and trees.

Comment (date: 8 March 2024)

My previous comments about BNG (1/2/24) have not been fully addressed. While the site plans show that large areas of green space are being incorporated into the school grounds, there is no evidence to show that the habitats created on site will provide a 10%+ net gain, as required by the Cherwell Local Plan and Community Nature Plan. The baseline habitats and the proposed habitats should be entered into the BNG metric to show how a net gain will be achieved. It does look like there will be a good amount of green space introduced to the site, but without the metric, there is no way for me to quantify this or assess if 10% gain can be achieved. We will also need a Habitat Management and Monitoring Plan (HMMP) or similar which shows how these habitats will be managed long-term. Ideally we would have some of these details up front, but this can be conditioned.

The lighting plan shows that most of the trees on the western boundary will be subject to >1 Lux, which would not be ideal for bats using these areas. Because the bat report recorded several bats using the western boundary, I would recommend that PIR sensors and timers are used to reduce light spill at night where possible. The areas in the eastern section of the site will be subject to much lower levels of lighting which is good. There are no details about where the bat boxes (mitigation and enhancement) will be installed on site. It's important that these are installed in areas where there is no/low levels of lighting. As such, I would recommend that these are installed on trees on the eastern boundary.

Comment (date: 21 May 2024)

The applicants have now submitted a BNG assessment, Statutory metric and a HMMP.

The BNG assessment is OK but the applicant should note a mistake has been made within the metric where the incorrect ha for individual trees planted has been put in (they have included retained trees in the creation tab by mistake I think) giving an artificially high % net gain for habitats which then does not tally with their own BNG assessment.

The area habitat gain within the assessment is the correct one at 7.84% gain which I would consider to be acceptable given this application was submitted prior to mandatory net gain coming in. However the BNG assessment and metric shows there will be a 100% loss in hedgerow units on site with all hedgerow removed and no additional hedgerows proposed to be planted. This would not be acceptable as it constitutes a significant loss in linear habitat. The applicant should state how they will overcome this by planting additional hedgerow on site to ensure a net gain.

The need to ensure there is a net gain in hedgerow units could be included as a pre-commencement condition which would require an updated metric and an updated HMMP. However it would be best if there was an indication of where and how this might be done to ensure a condition is not imposed which would subsequently be difficult to discharge.

Apart from the need to update the HMMP when the issue of hedgerow loss is dealt with, whilst much of the HMMP is OK (to also serve as a LEMP), there is a proposal to install only one swift box and this would be a missed opportunity to install a group of swift bricks within the fabric of the new building. Swifts are colonial nesters and a couple of triple bricks would be much more valuable here and more in line with expectations for this type and size of building.

In addition to this I would recommend that the conditions proposed by Megan on 1/2/24 are included on any decision, namely the need for a bat licence, adherence to the recommendations made in section 4.2 and 4.3 of the Preliminary Ecological Appraisal Report provided by Indigo Surveys in October 2022 and a full lighting scheme.

7.5. PLANNING POLICY (CDC) – **No objections** or comments received at the time of drafting the report.

7.6. THAMES VALLEY POLICE – **Holding Objection**. Comments (21 February 2024):

- The National Planning Policy Framework 2023 paragraph 96(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2023, paragraph 135(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

Building security

- The cycle storage at the Bicester Road entrance will be vulnerable to theft due to the isolated location away from any surveillance from buildings (Reason for objection). I ask that this store is relocated closer to the buildings where it is well overlooked by surveillance and within the secure perimeter.
- I ask that a Security and Access strategy is provided, which evidences how the principles of Secured by Design have been incorporated into the scheme. This document should provide details regarding access controls, CCTV and intruder alarms that will be installed into the building. Detailed boundary treatment plans should also be provided.
- I recommend all external doors into buildings are electronically access controlled, to enable dynamic lockdown of the building to be rapidly and easily achieved in an emergency.
- I recommend a CCTV system is installed, which provides coverage of all gated entrances into the school, and all external doors or vulnerable ground floor windows which could permit access into school buildings. CCTV should also be included inside, at a minimum to include the main entrance and reception

area/foyer area and any shared use areas. It would be recommended to also provide coverage in internal circulation areas, particularly on the ground floor.

- The main entrance and foyer into the building must be easy to identify/well signposted and reception/admin staff in the building must have a clear unobstructed view of the entrance. Elevations/illustrations provided show additional fenestration detail or signage may be required to make the main entrance stand out clearly from other entrances/fire escapes.
- All ground floor glazing should be laminated glass certificated to BS EN 14449. Bin stores are very vulnerable to crime and arson, and must be robustly secured to a minimum LPS 1175 schedule 7 SR2 or equivalent.

Postal deliveries

- It is unclear from plans how post deliveries will be managed outside of the buildings opening hours. Postal deliveries should be made either via secure external post boxes certificated to DHF TS009, or via through-the-wall post boxes into a container also rated to protect against arson attacks.

Parking

- I recommend all car parks are access controlled with barriers to prevent unauthorised access and unauthorised parking/use for ASB outside of legitimate opening hours. I note the staff car park appears to have barriers on plans, I recommend barriers are also added to the “additional car park” next to the AWP.
- I highlight the potential Oxford United stadium that is proposed very close to this development – failing to adequately secure any parking facilities creates a risk that fans will use parking on match days or during other events.

Comments (10 May 2024):

Thank you for re-consulting me on the above application.

I note that this amendment includes the extension of the 2.4m weldmesh fence and gate to incorporate the cycle stores into the secure line of the school. If the gate to the north is secure during the school day, this reduces the risk of external theft however I maintain concerns that there is insufficient surveillance over the cycles due to the location of the store. It must be remembered that not all offenders are external to a development, and the isolated location of the proposed store still creates opportunities for theft and criminal damage to cycles. If the cycle store is to remain in this location, it must be fully covered by CCTV with image quality sufficient to identify an offender. The store must also be lit.

I maintain the remainder of my comments provided on 21st February 2024 which are still unaddressed.

7.7. LEAD LOCAL FLOOD AUTHORITY (OCC) – No objections subject to conditions.
Comments:

SuDS:

The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing: Reference: Flood risk assessment and drainage strategy- 600822 gosford hill school

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

Conditions:

1. Surface Water Drainage

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

- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

2. SuDS As Built and Maintenance Details

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.

7.8. EDUCATION (OCC) – No objections. Comments:

The application is for the much-needed rebuild of Kidlington's existing secondary school. The project will fully address the significant suitability and condition issues faced by the school, and provide a modern learning environment.

The school construction project is being managed by the Department for Education, working in partnership with River Learning Trust, the responsible body for operating the school, and Oxfordshire County Council, as local education authority.

The school is being rebuilt as a 900-place school, in line with the needs of the local population. This scale of school has been determined in the context of the strategic developments in the adopted Cherwell Local Plan, which will require a new school to be built in Begbroke, as the scale of population growth will exceed that which could be accommodated by the existing local school site areas. As such, the proposal is in line with Oxfordshire County Council's strategic planning of school places for the area.

7.9. ARBORICULTURE (CDC) – **Objection**. Comments (6 March 2024):

Desk based assessment.

Comment – Unable to support based on current information.

The proposal includes a tree removal and retention plan, which details ten BS5837:2012 category A and B trees to be removed in order to facilitate development. The plan itself appears to have inconsistencies with trees listed as differing categories

in the schedule to what is illustrated on the plan. If trees are to be removed within the proposal, a full arboricultural impact assessment is required. The proposal comes with no detail which would be expected under an arboricultural method statement, therefore we have no assurance correct practices will be followed to ensure successful retention of all trees highlighted for retention within the plan.

I'm really unable to consider the impact of this proposal in absence of a detailed impact assessment and method statement, therefore my default position in this scenario is to object as the proposal holds potential to offer unacceptable impact arboricultural impact.

Objection. Comments (22 May 2024):

The arboricultural impact assessment reveals the majority of trees proposed for removal are facilitative to construct temporary classrooms, for a period of 14 months on the sites north boundary. This consists of the removal of an identified category A feature, cited in the AIA as offering tangible arboricultural and conservation benefits to the site. I consider the removal of this feature, particularly to facilitate temporary facilities a conflict with BS5837:2012, and CDC local plan policy ESD13 point B.235. Removal of category B features for the same reason further evidence this concern.

The footprint of the main school only requires the facilitative removal of four category B trees, which on a balance of how many are retained is acceptable subject to suitable mitigation. Being centrally located within the site, public amenity to the wider landscape is reduced.

The AMS appears acceptable, identifying suitable construction/demolition exclusion zones utilizing protective fencing to prevent physical damage, and utilization of existing hardstanding within RPAs to prevent ground damage. Suitable methodologies for working within RPAs with regard to hardstanding and utilities is provided. The AMS details suitable protection methods, and working practices.

In summary both the AIA and AMS is acceptable however, the proposal to remove category A and B features for temporary teaching facilities forms the basis of my objection.

7.10. ENVIRONMENTAL HEALTH (CDC) – **No objections.** Comments (5 February 2024):

General:

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

Noise:

Having read the noise report provided I am satisfied with it's contents and finding and have no further comments.

Contaminated Land:

Having read the read the phase 1 and 2 reports provided I am satisfied with the contents and findings. I agree that a watching brief should be taken during demolition and construction works and would recommend the following condition to be placed on any permission granted: Any contamination that is found during the course of

construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Air Quality:

Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with detailed mitigation measures proposed by the developer, in order to address any adverse impacts on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Odour:

A scheme for the ventilation and extraction of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. This shall include noise and odour assessments undertaken in accordance with the requirements of BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates), and the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2022 EMAQ 2nd Edition (or subsequent updates). The approved system shall be installed and operated in accordance with the approved scheme at all times the building is in use for the purposes hereby permitted.

Light:

Prior to the first use of the development hereby approved details of the external [lighting/security lighting/floodlighting] including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Comments (17 April 2024):

Having studied the lighting document provided I am satisfied with the details and understand that a further application will be made for any floodlighting that is required for the sports pitches.

I am therefore happy to remove my recommendation for the condition for lighting but my other comments and conditions still stand from my earlier response.

7.11. LANDSCAPE SERVICES (CDC) – No comments or objections received at the time of drafting the report.

7.12. SPORT ENGLAND – **No objections.** Comments:

Sport England has no comments to make on the design and layout of the school building. We note there only to be an assembly how and activity studio. There is not to be sport hall.

We would suggest there is storage provision for sport equipment for the MUGA and playing field.

The school is adjacent to Kidlington and Gosford Leisure Centre, which is heavy used along with the adjacent playing fields.

There are no details on the pitch construction. The pitch itself is very tight on the site. We would suggest moving the MUGA closer to the car park to allow 'wobble room' for the football pitch. We would also suggest omitting the nearest footpath for the same reason as moving the MUGA.

We would suggest a planning condition to ensure the football pitch and run-off area is constructed to the create standard.

As there are no details on the MUGA, we would encourage the applicants to allow for future sports lighting if it is not part of this application, which would be disappointing.

Like the construction of the football pitch, we would encourage a condition to ensure that the MUGA is built to the appropriate standards.

We would encourage a community use agreement for the football pitch, the multi-use games area and the car park to support the leisure centre.

Sport England's Position

Given the above, Sport England raises no objection to the application because it is considered to accord with exception provide of our Playing Fields Policy and paragraph 103 of the NPPF.

There are the conditions we would like to suggest CDC consider imposing:

1. The playing field and pitch shall be constructed and laid out in accordance with the planning application, 24/00070/F and Drawing No. SRP1114-ALA-ZZ-ZZ-D-L-9002 rev P03 standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, May 2011), and made available for use at the commencement of school's operation.
2. Prior to commencement of the Multi Use Games Area details of the design and layout of Multi Use Games Area. This should include a section through the edge of the Multi Use Games Area, levels, fencing and drainage details. Shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The Multi Use Games Area shall be constructed in accordance with the approved design and layout details.
3. Within 12 months of the date of this permission, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

If you wish to amend the wording of the condition(s) or use another mechanism in lieu of the condition(s), please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome, and we are involved in any amendments.

7.13. RECREATION AND LEISURE (CDC) – Comments:

- Is the school looking to include floodlighting on the MUGA? Floodlighting will allow for further usage by the community.

- No specifications for the sports facilities provided, please provide further details. MUGA and pitches should be in line with Sport England / FA standards. Need to ensure the run-off space for the grass pitch next to the MUGA is sufficient.
- Details of any Community Use Agreement to include the new facilities.
- In line with the current Joint Use Agreement and Head lease, need to ensure there is adequate car parking for sports centre users in the 'shared' car park post construction.
- Impact of the building work on the Kidlington & Gosford Leisure Centre, which will remain open throughout the building work. Need to ensure there are enough parking spaces for sports centre users in the 'shared' car park during the construction phase.

7.14. LOCAL HIGHWAYS AUTHORITY (OCC): no objections subject to an obligation to enter into a S278 agreement as detailed below and Planning Conditions as detailed below. Comments:

Introduction

The proposals are to completely replace the existing school buildings with a new building on a different footprint. Staff numbers are expected to stay the same, but the number of pupils will be limited to 900 compared with a current capacity of 1050.

Access arrangements

The vehicular and primary pedestrian access from the A4260 Oxford Road will remain unchanged. There is a signal-controlled crossing of Oxford Road and an informal crossing point on the service road, leading to a footway that is separated from the access road by railings.

Accessibility of the school by active travel modes will be greatly improved by the proposed reopening of the path connecting to Bicester Road, to the north of the site.

Bicester Road has a 20mph speed limit and has advisory cycle lanes on both sides of the carriageway. The identified cycling measures in the Kidlington Local Cycling & Walking Infrastructure Plan (LCWIP) are as follows.

An off-carriageway cycle path will make the route safer in the future and will help to encourage more cycling trips to the school.

It is understood that the access from Bicester Road used to be open to vehicles as well as pedestrians and cyclists. There is one recorded collision between a pedestrian and a vehicle turning into the site; this may have been a contributory factor in the closure of the access. However, it is unlikely that there are restrictions preventing the access from being opened up at any time, but as it is likely to attract a significant number of pedestrians and cyclists it must be ensured that appropriate safety measures are put in place.

Many of the students (and possibly staff) will approach the school from the north, via Evans Lane and Blenheim Road. This means they will need to cross Bicester Road, which I understand may often have on-street car parking at that location (although none was present during my site visit). Parking is likely to become more common at school drop-off and pick-up times unless measures are introduced.

I have discussed the matter with Road Safety Lead Engineer and we consider that a humped Zebra crossing somewhere between Evans Lane and the entrance would be appropriate in this situation. This feature would have the benefits of providing a safe

crossing point, preventing on-street parking and reducing vehicle speeds. The location of such a crossing will be influenced by the presence of private vehicle accesses. Following my visit, I consider the best location would be in line with the school entrance, with a slight offset to the west. The school gate may be set back in the opening to create more space where pupils may tend to congregate.

A humped Zebra would be consistent with that in-place approximately 120m to the east. If it is demonstrated to not be feasible at that location by the Road Safety Audit, then it may be possible 40m to the west, where the diagonal footway emerges from Evans Lane. Yellow "School Keep Clear" zig-zag markings may be used across the entrance (and possibly on the other side of the road too, as outside Edward Field School) if the Zebra is away from the entrance, or if a Zebra is not possible.

The hump on which the Zebra crossing sits should be wide enough, if possible, to allow future conversion to a parallel crossing (for cyclists) without having to extend the hump. In the future, it may be possible to introduce off-carriageway cycle facilities on the north side of Bicester Road or along Evans Lane, and this would require a crossing that cyclists could use to access the school.

Public transport

There is excellent provision of public transport services along Oxford Road, as identified in the Transport Assessment.

Site layout

Access into and through the site has been carefully considered, as demonstrated by the Access and Circulation drawing in Appendix C of the Transport Assessment (TA).

Student cycle parking is well distributed so that approximately half will serve those using the main entrance and half for the Bicester Road entrance. However, it is noted that the latter cycle parking is outside of the gate. If there is no gate at the north end of the access route (none is shown), the cycle store will be accessible to the general public and will not be secure.

Car and cycle parking

Section 3.2 of the TA suggests that OCC guidance for car parking is one space per four staff and one space per ten students. This is not something I recognise; the OCC document Parking Standards for New Developments (2022) says in Table 5, Use Class F1 (incl. education), "Site specific assessment required based on travel plan and operational needs."

Given that the proposed new building is a straight replacement for the existing facility, and that the number of staff will remain the same, it is considered reasonable that the car parking provision stays virtually the same as before. The OCC requirement for 25% of spaces to have EV charging facilities will be met (26 out of 102).

Minimum cycle parking spaces are determined at one per 20 staff and one per ten students. This would be four and 90 spaces respectively, meaning that the proposed provision (ten and 106) will be adequate.

Traffic impact

It is agreed that there will not be an increase in vehicle trips resulting from the development, so there is no need to carry out any further assessment.

Travel Plan

As the development is not a new school, nor an expansion of an existing school, OCC will not request a School Travel Plan.

The Travel Planning team officer has commented that it is an idea opportunity to ensure the correct infrastructure is in place to facilitate active, sustainable travel. I believe this is the case with the inclusion of a Zebra crossing on Bicester Road. One additional, useful facility would be a cycle maintenance station.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

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

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

The development shall not be used or occupied until the parking and manoeuvring areas have been provided in accordance with the plan hereby approved and have been constructed, laid out, surfaced, drained and completed in accordance with specification details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with government guidance contained within the National Planning Policy Framework. Specification details are required prior to commencement of development to ensure the details are appropriate before groundwork is commenced.

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

- BSC7: Meeting Education Needs
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- 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
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- TR1: Transportation Funding
- ENV1: Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 'Planning for schools development': statement (15 August 2011).

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
- Residential Amenity
- Highways
- Ecology and Biodiversity
- Flood Risk and Drainage
- Trees
- Other Matters

Principle of Development

9.2. Government guidance contained within 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.

9.3. Paragraph 99 of the NPPF is clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It goes on to state that Local Planning Authorities should:

- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

- 9.4. The 'Planning for schools development: statement' is also a relevant material consideration; which emphasises the government's commitment to meeting demand and providing choice and opportunity and raising standards in state-funded education (including Academies and free schools). It states the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers should support that objective.
- 9.5. Policy PSD1 of the Cherwell Local Plan (CLP) 2015 accords with the NPPF's requirement for sustainable development and that planning applications that accord with policies in the statutory Development Plan will be approved without delay.
- 9.6. Policy BSC7 of the CLP 2015 reflects the provisions and aims of the NPPF, acknowledging that continued provision of primary and secondary education, along with early years and lifelong learning will be required throughout the District to accommodate population growth, stating that: 'The Council will work with partners to ensure the provision of pre-school, school, community learning and other facilities which provide for education and the development of skills. New school buildings should be located in sustainable locations'.
- 9.7. The proposal seeks to demolish and re-build the existing school, within the existing curtilage of the site, on the basis that the current facility is outdated and dilapidated in places. The re-build seeks to modernise and create a more carbon neutral facility, in line with DfE's Spec 21. The supporting Planning Statement asserts that the current facility has surplus capacity, with the new school proposed to have a reduced capacity of 900 pupils from Year 7-13, down from its current capacity of 1,050. Notwithstanding this, the Pupil Place Plan 2023 and the Planning Statement asserts that the increase in demand for secondary school places as a result of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review which allocated an additional 4,400 homes expected to be delivered across North Oxford, Kidlington and Begbroke/Yarnton is beyond the time covered by current forecasts which extend up to 2026/2027.
- 9.8. The County Council (as Statutory Education Provider) has confirmed its support for the principle of the proposal, stating that this project would complement any future educational provision for the planned strategic development at Begbroke (PR8), and does not change the County Council's assessment of the provision, which will be required as a result of the Begbroke development.
- 9.9. Sport England has raised no objections to this as it considered to accord with their Playing Fields Policy and Paragraph 103 of the NPPF. Given that the playing pitches themselves would not be affected by the development, the loss of the section of playing field is considered to be acceptable.
- 9.10. The principle of development is therefore considered to comply with the provisions and aims of Policies ESD1 of the CLP 2015. Thus, the overall principle of development, in sustainability terms, is acceptable. However, the overall acceptability of the proposal is subject to other considerations such as the impact of the proposal on the visual amenity of the site and surrounding area, impact on neighbours and highway safety, which are addressed below.

Design and Impact on the Character of the Area

- 9.11. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2015, which looks to promote and support development of a high standard that contributes

positively to an area's character and identity by creating or reinforcing local distinctiveness.

- 9.12. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Given the location and context of the site, I would not consider the site to be particularly sensitive to visual change, subject to existing natural boundaries being retained.
- 9.13. The proposed buildings would be set within the context of the existing school site and would be viewed in this setting. The 'L' shaped, 3-storey block in the central section of the site, is larger in scale than the original pre-app submission (2-storey), it nevertheless appears to be a logical layout. This proposal represents a consolidation of the existing sprawling one-to-three storey buildings within the site to a concentrated area nearest the functional recreational buildings of the leisure centre and provides opportunity for extension in the future, if required. Further, this proposal steps the building further away from the neighbouring dwellings and would ensure that the building remains well screened from the public realms of Bicester Road and Oxford Road. The 'L'-shaped building provides good links to the sports pitches and leisure centre to the south, with the MUGA and football pitch located to the north of the site.
- 9.14. The proposed replacement building would be constructed within the existing school complex and there would be little opportunity to view the proposals from the public domain outside of the school complex from Oxford Road and Bicester Road; although there may be some glimpsed views possible through gaps provided by the entrance road to the site. The replacement building would be visible within the school and leisure centre complex and would be an additional storey higher than some of the existing buildings to which it would replace. However, the proposal would respond positively to the existing modern recreational buildings of the leisure centre.
- 9.15. The re-siting of the car park and sports provision are at ground level and are not considered to have a significant impact on the character and appearance of the area from outside the school and leisure centre complex. Further, it reduces the level of parking upon entering the school complex, allowing the proposed new building to provide a visually obvious physical entrance to the school and to create a sense of arrival at the school, which the existing car park currently does not allow for.
- 9.16. The proposed palette of materials is considered to be responsive and in-keeping with the existing context of the school and leisure complex. The use of school colours is supported as it further adds architectural interest to the building on its own.
- 9.17. It is disappointing to see that in order to accommodate the temporary buildings on site during construction, the removal of trees and hedgerows to the northern boundary of the site (to the rear of residential dwellings 36 – 60 Bicester Road) are required. This will inevitably result in some harm to the character and appearance of the site and immediate locale. However, once the temporary buildings are removed from site, trees and hedgerow planting would take place to replace some of this loss. That being said, the loss of the existing trees is not considered so significant to warrant the refusal of planning permission on this basis.
- 9.18. There are several trees along the boundary of the site. The trees worthy of protection would be retained, and this is supported by the Council's Arboricultural Officer. Further, a Tree Retention and Removal Plan was submitted as part of the application, and this is proposed to be conditioned.

- 9.19. The proposed development therefore complies with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential Amenity

- 9.20. Paragraph 191 of the NPPF advises that planning policies and 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.
- 9.21. Saved Policy C31 of the CLP 1996 requires that in existing residential areas, any development which is not compatible with the residential character of the area, should not cause an unacceptable level of nuisance or visual intrusion. These provisions are echoed in Policy ESD15 of the CLP 2015 which states 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'.
- 9.22. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution including noise and light pollution and traffic generation.
- 9.23. The proposed consolidation of buildings into one building would be situated further away (the building would be situated approximately 130 metres from the properties fronting the Bicester Road and 80 metres from the properties situated fronting Oxford Road compared to the existing buildings which are situated approximately 40 metres from properties fronting the Bicester Road and 50 metres from the properties fronting Oxford Road). Officers conclude that the increase in the distance from the closest neighbours to the proposed main body of the replacement school mitigates any harm that would result from the proposed taller building.
- 9.24. The proposals seek to provide the main staff car park within close proximity to residential boundaries (rear gardens of properties on Oxford Road). The car park is screened by existing residential boundary treatments and trees, which are proposed to be retained. A noise assessment was undertaken and submitted as part of the application, which outlined that the external areas (playing fields and playgrounds) satisfy recommended good practice. Further to this, the Council's Environmental Health Officer did not provide any objections in this regard.
- 9.25. There is no floodlighting currently proposed for the new sports pitches (4 court MUGA and a football pitch) as lighting is not funded as part of the redevelopment. Any lighting proposed in the future would therefore be subject to an additional planning application. While the Environmental Protection Officer noted that the Noise Assessment supporting this application stated the noise levels would not be above 50db at the nearest noise sensitive receptor, which is the recommended level for such a pitch, the MUGA and football pitch would be situated approximately 15 metres from the site boundary with residential properties fronting Bicester Road. Given this proximity, a condition is recommended to ensure that the hours of use do not unduly affect the neighbouring residents.
- 9.26. Part of the proposals require the expansion of the existing electricity substation within the site. Careful consideration has been given to its siting, scale, potential noise generation and relationship to existing neighbouring residential properties. The substation is proposed to sit within the car park, adjacent to the Leisure Centre and

existing sports pitch. The Council's Environmental Health Officer agreed with the findings of the Noise Report and that this was an acceptable location.

- 9.27. The submitted Construction Environmental Management Plan (CEMP) identified that there is potential for medium level impact in relation to noise and dust during construction with regards to residential dwellings adjacent the site. There is low impact identified in relation to vibration, fumes, visual and pollution. The CEMP has identified working hours of the site in order to remain respectful and mitigate the disruption to residents where possible. Restrictions would also be in place on construction deliveries during peak school drop off/ pick up times. Measures to control noise and dust measures are also included in this document. Whilst it is acknowledged that some harm to neighbouring properties will be caused during the construction phases of development, Officers are satisfied that measures are in place to ensure the impact of construction is of an acceptable level. Further to this, the Council's EHO considered the CEMP acceptable.
- 9.28. Officers acknowledge that the re-opening of Bicester Road would result in some harm to neighbouring residents, particularly given this access has been closed for a significant amount of time. That being said, the access would be for pedestrians and bicyclists once construction is completed and would most commonly used during peak school access hours of 08:00 – 09:00 and 15:00 – 16:00 in term time. This impact is therefore concentrated and limited. Further, as planning permission is not required for the re-opening of this access, it would not be reasonable for planning permission to be refused on this basis.
- 9.29. The proposed development therefore complies with Policy ESD15 of the CLP 2015, saved Policies C28 and ENV1 of the CLP 1996 and Government guidance contained within the NPPF.

Highway Safety

- 9.30. Policy SLE4 of the CLP 2015 states that development which is not suitable for the roads that serve the development, and which would have a severe traffic impact will not be supported and that new development should facilitate the use of sustainable modes of transport such as public transport, walking and cycling. It also requires that new development provide financial and/or in-kind contributions to mitigate the transport impacts of development.
- 9.31. The NPPF has similar stipulations requiring opportunities to promote walking, cycling and public transport to be identified and pursued and ensuring that patterns of movement are integral to the design of schemes. It also requires that safe and suitable access to the site can be achieved for all users and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.32. As a result of the proposal, staff numbers are expected to remain the same with student numbers reducing to 900 from the current capacity of 1,050. The Local Highways Authority (LHA) considered that there would not be an increase in vehicle trips resulting from the development and therefore the proposal is considered acceptable in principle.
- 9.33. The re-opening of a pedestrian/ bicycle access to the north of the site from Bicester Road is also included in this proposal. This element would help to improve access to the school for pedestrians and cyclists to the north of the school, as noted by the LHA. Although the reopening of the access does not require planning permission, the LHA has required that a raised zebra crossing be provided between Evans Lane and the

Bicester Road pedestrian access point in order to alleviate any conflict between pedestrians and vehicles.

- 9.34. The proposed development therefore complies with Policies ESD15 and SLE4 of the CLP 2015, and Government guidance contained within the NPPF in respect of highway safety.

Ecology and Biodiversity

- 9.35. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.36. Paragraph 186 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.
- 9.37. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.38. 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.
- 9.39. 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.
- 9.40. 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.
- 9.41. The site plans demonstrate large areas of green space would be incorporated into the school grounds, the proposed development will deliver a net gain of 7.84% area habitat units on site, which complies with Policy ESD10 of the CLP 2015. However, the proposal also results in 100% net loss in the linear hedgerow, which the Ecologist raises an objection over. The Ecologist has stated that this matter can be overcome.

through a pre-commencement condition, although following the submission of a Planting Scheme, Officers consider this is not required.

- 9.42. A Planting Strategy (drawing number SRP1114-ALA-ZZ-ZZ-D-L-9017) was submitted following the Ecologist's comments on 21 May to identify an area of hedgerow and 23 trees to be planted following the removal of the temporary buildings. It is disappointing to see the loss of the linear habitat in its entirety in order to accommodate temporary buildings. However, the incorporation of additional new planting to mitigate some of this harm is welcomed and therefore considered sufficient to overcome the reason for objection, given the overall benefits of the scheme.
- 9.43. The lighting plan identifies that trees along the western boundary would be subject to >1 Lux, which is not ideal for bats using this area. A condition has therefore been included to require details of an external lighting strategy to include lighting sensors as the existing lighting layout plan does not address this.
- 9.44. Officers are satisfied, in the absence of any objection from Natural England and the Council's Ecologist, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Flood Risk and Drainage

- 9.45. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 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.'*
- 9.46. Paragraph 175 of the NPPF continues by stating that *'major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.'*
- 9.47. Policy ESD6 of the CLP 2015 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.
- 9.48. Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems (SuDS) to manage surface water drainage systems. This is with aim to manage and reduce flood risk in the district.

- 9.49. The application site is located within a very low risk area for flooding, with a chance of flooding of less than 0.1% each year. A Flood Risk Assessment and Drainage Strategy was submitted as part of the application (dated 19 December 2023). The LLFA has reviewed the information and have supported the proposal, subject to recommended conditions.
- 9.50. Officers are satisfied, and subject to conditions, that the proposal therefore complies with Policies ESD6 and ESD7 of the CLP 2015 and Government guidance contained within the NPPF.

Trees

- 9.51. Following an objection from the Council's Arboricultural Officer, an updated Tree Retention and Removal Plan was provided, along with an Arboricultural Method Statement and Arboricultural Impact Assessment. The submitted Arboricultural Method Statement and Arboricultural Impact Assessment provide substantial guidance and information in relation to the management of trees on site during the course of construction and with regards to the removal of trees.
- 9.52. The Council's Arboricultural Officer raised a further objection due to the loss of the hedgerow and trees to the rear of the dwellings of 36 – 60 Bicester Road in order to accommodate the temporary buildings during construction. The agent advised that the temporary buildings cannot be sited elsewhere on the site due to operational requirements during demolition and construction. However, once the temporary buildings are removed from site, trees and hedgerow planting should go some way in mitigating their loss.

Neighbour Comments

- 9.53. A number of objections were received with regards to the re-opening of the Bicester Road entrance and the risk this would pose to highway safety. The LHA did not object to the reopening of this access, providing a raised zebra crossing on Bicester Road is constructed as part of highway mitigation works. The LHA did not consider that the re-opening of this access would result in additional vehicular traffic directed to Bicester Road, particularly given the slight drop in pupil numbers accommodated by this proposal. The re-opening of the access would also result in the dispersal of pupil numbers between the two entrances rather than pupils entering the school via one access point.
- 9.54. The potential impact on the value of property as a result of the re-opening of the Bicester Road access is not a material planning consideration and cannot be taken into account.
- 9.55. As advised by the School Place Planning Lead, in their response to the planning consultation, the school is being rebuilt as a 900-place school, in line with the needs of the local population, which was determined in the context of the strategic developments in the adopted CLP 2015. The slight reduction in pupil numbers, as a result of the proposed scheme, is therefore not considered to be a negative of the scheme.
- 9.56. As mentioned previously, the re-opening of Bicester Road would result in some harm to neighbouring residents, particularly given this access has been closed for a significant amount of time. That being said, the access would be for pedestrians and bicyclists once construction is completed and would most commonly be used during peak school access hours of 08:00 – 09:00 and 15:00 – 16:00 in term time. This impact is therefore concentrated and limited. Further, as planning permission is not

required for the re-opening of this access, it would not be reasonable for planning permission to be refused on this basis.

- 9.57. Comments were raised with regard to site parking and access to the leisure centre. Temporary parking during construction will remain accommodated within the site and access to the leisure centre will be accommodated throughout construction. Following construction, parking at the site will remain virtually unchanged, as noted by the LHA.

Other Matters

- 9.58. It is noted that the Environmental Health Officer (EHO) recommended a pre-commencement condition to submit an Air Quality Impact Assessment. Given that as a result of this application, pupil numbers would not change, the development will have zero adverse impact on local air quality. Further to this, the criterion for information to be provided within an Air Quality Impact Assessment is '*Annual Average Daily Traffic (AADT) split between light duty vehicles (LDV) and heavy duty vehicles (HDV) (>3.5 tonnes, i.e. HGV, buses and coaches), and average speed for any roads predicted to experience a change in traffic of >100 LDVs or 25 HDVs per day as a result of the proposed development operation.*' The proposed development would not experience a change of more than 100 LDVs or 25 HDVs per day due to there being no discernible change in traffic resulting from the proposed development operation, therefore this criterion is not triggered. The Council's EHO has confirmed that the condition relating to Air Quality Impact Assessment is therefore not required in this instance.
- 9.59. With regards to the Combustion Plant and how this affects air quality, the heating/hot water strategy would use emission free techniques as described within the Energy Report (i.e. ground source heat pumps and PV cells). These would not need to be quantitatively assessed in the air quality assessment.
- 9.60. The Crime Prevention Design Advisor (TVP) has raised a holding objection with regards to building safety, postal deliveries and parking. The scheme has been designed with the intention to achieve the measures promoted by Secured by Design. However, the agent has advised that formal accreditation was unnecessary in this instance but confirmed that they will ensure bin stores are lockable, postal deliveries will be managed by reception and provide access controls on inner doors to stop unauthorised entry, all of which would overcome the key concerns raised by TVP.
- 9.61. The proposed fencing around the site was amended following the TVP's comments so that the 2.4-metre-high security fencing is now proposed immediately adjacent to the access from Bicester Road which would ensure the security of the cycle store, whilst accommodating the school's preference for the cycle store to remain in that location. It is therefore considered that matters in relation to crime prevention have been sufficiently addressed.

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.
- 10.2. 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.

- 10.3. The proposed development would improve upon the existing secondary educational provision within this part of Kidlington. The proposed development would represent a positive visual addition to the character and appearance of the area, given the design approach which is considered appropriate in the context of the school site. The proposals would not be to the detriment of the levels of sports provisions; indeed, it would provide improved facilities.
- 10.4. Whilst it is disappointing to see the scheme would result in the loss of established trees in order to accommodate temporary buildings in one area of the site, it is not possible to site the temporary buildings in another area of the site due to impacts during the demolition and construction phases of development. Following objections from the Council's Ecologist and Arboricultural Officer, a Planting Scheme was submitted to outline the planting of a new hedgerow and additional 23 trees in that area of the site to overcome some of the harm from the loss of trees.
- 10.5. Subject to conditions, the proposed development would not cause harm to the safety of the local highway network, residential amenity, sustainable drainage systems or increase potential flood-risk at the site or on adjacent land. Whilst a small area of ecological value would be lost, some harm is overcome through the re-planting of a new hedgerow and trees.
- 10.6. Whilst the loss of mature trees and hedgerow is unfortunate, the clear benefits of providing a new educational facility for the local community significantly outweighs the harm identified. As set out in the report above, all other areas of concerns can be effectively mitigated by condition. It is therefore concluded that the proposal amounts to sustainable development and is therefore recommended for approval.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

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 following plans and documents:

Drawing numbers:

SRP1114-ALA-ZZ-ZZ-D-L-9001 Rev P03 (Site Location Plan)
SRP1114-ALA-ZZ-ZZ-D-L-9002 Rev P03 (Illustrative Masterplan)
SRP1114-STL-01-00-D-A-0100 Rev P05 (Proposed Ground Floor Plan)
SRP1114-STL-01-01-D-A-0101 Rev P05 (First Floor Plan)
SRP1114-STL-01-02-D-A-0102 Rev P05 (Proposed Second Floor Plan)
SRP1114-STL-01-R1-D-A-0103 Rev P03 (Proposed Roof Plan)
SRP1114-STL-01-ZZ-D-A-0210 Rev P03 (Proposed North and East

Elevations)
SRP1114-STL-01-ZZ-D-A-0211 Rev P03 (Proposed South and West Elevations)
SRP1114-STL-ZZ-ZZ-D-A-0320 Rev P02 (Proposed Site Sections)
SRP1114-STL-01-ZZ-D-A-0310 Rev P02 (Proposed Building Sections)
SRP1114-STL-01-ZZ-D-A-0311 Rev P02 (Proposed Building Sections 2)
SRP1114-ALA-ZZ-ZZ-D-L-9019 Rev P02 (Site Section 1 of 3)
SRP1114-ALA-ZZ-ZZ-D-L-9020 Rev P02 (Site Section 2 of 3)
SRP1114-ALA-ZZ-ZZ-D-L-9021 Rev P02 (Site Section 3 of 3)
SRP1114-STL-01-ZZ-D-A-0501 Rev P02 (Site Solar Study – Autumn Equinox)
SRP1114-STL-01-ZZ-D-A-0500 Rev P02 (Site Solar Study – Summer Solstice)
SRP1114-STL-01-ZZ-D-A-0502 Rev P02 (Site Solar Study – Winter Solstice)
SRP1114-STL-01-ZZ-D-A-0503 Rev P02 (Site Solar Study – Spring Solstice)
SRP1114-STL-01-ZZ-I-A-0600 Rev P02 (Proposed External Views – Entrance)
SRP1114-STL-01-ZZ-I-A-0602 Rev P02 (Proposed External Views – Aerial Views)
SRP1114-STL-01-ZZ-I-A-0601 Rev P02 (Proposed External Views – External Courtyard)
SRP1114-STL-01-ZZ-I-A-0603 Rev P02 (Proposed Internal Views – Internal Views (1 of 2))
SRP1114-STL-01-ZZ-I-A-0604 Rev P02 (Proposed Internal Views – Internal Views (2 of 2))
SRP1114-BNK-00-00-D-X-4000 Rev 00 (Logistics Plan)
SRP1114-BNK-00-00-D-X-4001 Rev 00 (Logistics Plan – Phase 1)
SRP1114-ALA-ZZ-ZZ-D-L-9006 Rev P02 (Access and Circulation)
SRP1114-ALA-ZZ-ZZ-D-L-9010 Rev P03 (Detailed Landscape General Arrangement 1 of 5)
SRP1114-ALA-ZZ-ZZ-D-L-9011 Rev P03 (Detailed Landscape General Arrangement 2 of 5)
SRP1114-ALA-ZZ-ZZ-D-L-9012 Rev P03 (Detailed Landscape General Arrangement 3 of 5)
SRP1114-ALA-ZZ-ZZ-D-L-9013 Rev P03 (Detailed Landscape General Arrangement 4 of 5)
SRP1114-ALA-ZZ-ZZ-D-L-9014 Rev P03 (Detailed Landscape General Arrangement 5 of 5)
SRP1114-ALA-ZZ-ZZ-D-L-9027 Rev P03 (Tree Retention and Removal Plan 1 of 2)
SRP1114-ALA-ZZ-ZZ-D-L-9018 Rev P03 (Tree Retention and Removal Plan 2 of 2)
SRP1114-BNK-00-00-D-X-4002 (Logistics Plan – Phase 2)
SRP1114-BNK-00-00-D-X-4003 (Logistics Plan – Phase 3)
SRP1114-ALA-ZZ-ZZ-D-L-9009 Rev P02 (Urban Greening Factors)
SRP1114-ALA-ZZ-ZZ-D-L-9008 Rev P02 (BB103 Areas)
SRP1114-ALA-ZZ-ZZ-D-L-9029 Rev P02 (Tree Retention and Removal Plan – Temp Accommodation)
SRP1114-RPS-ZZ-ZZ-D-E-6314 Rev P01 (External Lighting Layout)
SRP1114-ALA-ZZ-ZZ-D-L-9004 Rev P04 (Fencing General Arrangement 1 of 2)
SRP1114-ALA-ZZ-ZZ-D-L-9017 (Planting Strategy)

Documents:
Planning Statement (dated December 2023)
Design and Access Statement (dated 20 December 2023)
Bat Emergence and Re-entry Surveys (dated 3 October 2023)
Primary Ecological Appraisal (dated 19 October 2022)
Noise Impact Assessment (dated 19 December 2023)
Statement of Community Involvement (dated 15 December 2023)
Transport Assessment (dated 18 December 2023)

Interim Travel Plan (dated 18 December 2023)
Photovoltaics Statement (dated 19 December 2023)
Energy Report (dated 20 December 2023)
Flood Risk Assessment and Drainage Strategy (dated 19 December 2023)
Phase 1 Geo-environmental Desk Study Report (dated September 2022)
Arboricultural Impact Assessment (dated March 2024)
Arboricultural Method Statement (dated March 2024)
Biodiversity Net Gain Assessment (dated May 2024)
Habitat Monitoring and Maintenance Assessment (dated May 2024)
Construction Environmental Management Plan (dated 15 May 2024)

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. Bat licence: Where an offence under Regulation 43 of the Habitats and Species Regulations 2017 ((or any regulation revoking or re-enacting or amending that regulation) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

4. Bat boxes: Full details of a scheme for the location of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the bat boxes shall be installed on the site in accordance with the approved details.

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

5. HMMP: The development shall be undertaken in accordance with the recommendations set out in sections 3-6 of the Habitat Monitoring and Maintenance Plan dated May 2024.

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

6. Surface and foul water: Before any above ground works commence a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved and shall be maintained as such thereafter.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and

property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. SuDS Details: Prior to occupation of the development hereby approved, a record of the installed SUDS and the 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:

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

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

8. CEMP: The approved Construction Environmental Management Plan dated 15th May 2024 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 in the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, and to comply with Government guidance contained within the National Planning Policy Framework.

9. Contaminated Land Desk Study: Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

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.

10. Ventilation Scheme: A scheme for the ventilation and extraction of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. This shall include noise and odour assessments undertaken in accordance with the requirements of BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates), and the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2022 EMAQ 2nd Edition (or subsequent updates). The approved system shall be installed and

operated in accordance with the approved scheme at all times the building is in use for the purposes hereby permitted.

Reason: To protect the amenities of nearby residents and the character of the area and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. External Lighting: Prior to the first use of the development hereby approved details of the external lighting including the design, position, orientation, times of operation, whether they are controlled by movement sensors and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents, visual amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. MUGA in accordance with plans: The Artificial Grass Pitch and Multi Use Games Area shall be constructed strictly in accordance with drawings numbered SRP1114-ALA-ZZ-ZZ-D-L-9002 Rev P03 (Landscape Illustrative Masterplan), SRP1114-ALA-ZZ-ZZ-D-L-9010 Rev P03 (Detailed Landscape General Arrangement 1 of 5) and SRP1114-ALA-ZZ-ZZ-D-L-9011 Rev P03 (Detailed Landscape General Arrangement 2 of 5).

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. MUGA details: Prior to the laying of the MUGA all surface pitch hereby approved, full details to include colour and finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the all-surface pitch shall be laid and maintained in accordance with the approved details.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the first use of the four court MUGA and the football pitch, the hours of use shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason – To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. MUGA and football pitch Community Use: Within 3 months of the date of this planning permission, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local

Planning Authority. The agreement shall set out the facilities to which it relates and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 and Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. MUGA Maintenance: Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified time period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that a new Artificial Grass Pitch is capable of being managed and maintained to deliver Artificial Grass Pitch which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy BSC 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. No floodlights: No floodlights shall be erected on the land without the prior express planning permission of the Local Planning Authority.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. Landscaping: The development shall not be carried out other than in accordance with Drawings numbered SRP1114-ALA-ZZ-ZZ-D-L-9010 Rev P03 (Detailed Landscape General Arrangement 1 of 5), SRP1114-ALA-ZZ-ZZ-D-L-9011 Rev P03 (Detailed Landscape General Arrangement 2 of 5), SRP1114-ALA-ZZ-ZZ-D-L-9012 Rev P03 (Detailed Landscape General Arrangement 3 of 5), SRP1114-ALA-ZZ-ZZ-D-L-9013 Rev P03 (Detailed Landscape General Arrangement 4 of 5), SRP1114-ALA-ZZ-ZZ-D-L-9014 Rev P03 (Detailed Landscape General Arrangement 5 of 5) and the approved landscaping scheme and hard landscape elements shall be carried out prior to the first use or occupation of the development and shall be retained as such thereafter.

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

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

19. Tree Retention and Removal Plan & AIA: The development shall be carried out in line with the recommendations set out within the Tree Retention and Removal Plan (drawing number SRP1114-ALA-ZZ-ZZ-D-L-9029 P02), Arboricultural Impact Assessment undertaken by Middlemarch Environmental Ltd dated March 2024 and Arboricultural Method Statement undertaken by Middlemarch Environmental Ltd dated March 2024.

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 and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. Ecological Appraisal: The development shall be carried out in line with the recommendations set out within sections 4.2 and 4.3 of the Preliminary Ecology Appraisal undertaken by Indigo Surveys dated October 2022.

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

21. Raised zebra crossing: Prior to the first use of the building hereby approved, details of the raised zebra crossing highways mitigation measures shall be submitted to and approved in writing. The mitigation measures shall be carried out in accordance with the agreed details prior to first occupation.

Reason: In the interest of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. Cycle Parking: Prior to the first use or occupation of the development hereby permitted, additional covered cycle parking facilities shall be provided on the site, and land within the site shall be allocated and reserved for future additional cycle parking, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided, and the land allocated for future cycle parking 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 Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. Parking and manoeuvring: Prior to the first use or occupation of the development hereby permitted, a plan detailing the proposed parking, turning, loading/unloading 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 and turning/loading/unloading facilities shall be laid out and

completed in accordance with the approved details before the first occupation of the buildings. The car parking, turning/loading/unloading spaces shall be retained for the parking, turning/loading/unloading of vehicles at all times thereafter.

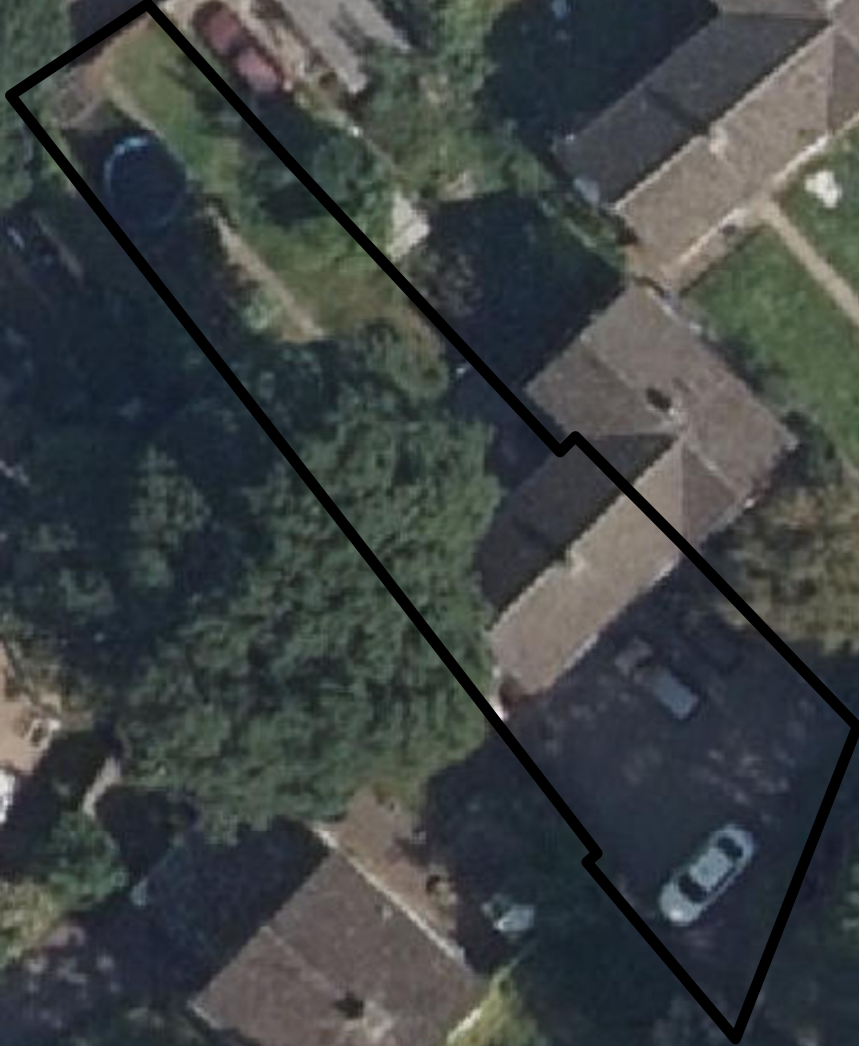
Reason - In the interests of highway safety and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Emma Whitley

TEL: 01295 221504

Agenda Item 14
24/00246/F

242 Broughton Road
Banbury
OX16 9QL



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242 Broughton Road

Banbury

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24/00246/F

242 Broughton Road

Banbury

OX16 9QL



Case Officer: Astrid Burden

Applicant: Mrs Yasmin Kousar

Proposal: Erection of a single storey rear extension, to provide all necessary adaptations relating to works required at the above property, providing a ground floor bathroom (LAS) and a kitchen to be safe and usable for disabled occupant

Ward: Banbury Calthorpe And Easington

Councillors: Cllr Ian Harwood, Cllr Kieran Mallon, Cllr Lynne Parsons

Reason for Referral: Application submitted by a member of staff of CDC acting as agent.

Expiry Date: 10 June 2024

Committee Date: 6 June 2024

SUMMARY RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a semi-detached dwelling with means of access onto Broughton Road only, and a rear grassed area that is elevated by 0.2 metres in comparison to the dwelling.
- 1.2. The site is bounded by residential neighbours to the side and by a car park to the rear. The front facing boundary of the curtilage is marked by a small brick wall, the entire space in between the dwelling and the public footpath is cemented. The space in between the dwelling and the rear boundary is a long grass-covered garden and a patio space approximately 4.1 metres away from the dwelling rear.
- 1.3. The dwelling is externally built with cream-coloured brick and dark grey concrete roof tiling.
- 1.4. Wychwood Gardens is characterised by of large mature protected trees, hedgerows, and light-coloured detached dwellings, many of which have cladding as an exterior material. Woodgreen Avenue is characterised by a combination of terraced and semi-detached dwellings with similar materials to that of the proposal site, and a dual carriageway lined with trees in the centre. Broughton Road's built environment is characterised by large, detached dwellings with red or cream-coloured brick, and roadside landscaping.

2. CONSTRAINTS

- 2.1. Just outside of the site to its south-east are two trees, one smaller and one larger, and just to the south-west of the site is an Oak tree covered by a Tree Protection Order, with TPO reference 009/1991.
- 2.2. The vicinity of a pond within the curtilage of no. 109 Broughton Road and another source of standing water to the Southeast of that indicates the likely presence of Great Crested Newts.

- 2.3. There are several swift hotspots at a short distance from the proposal site, which are given further weight due to the vicinity of mature trees and number of protected trees.
- 2.4. There are Oxon Protected and Notable Species recordings for badgers, sparrowhawks, and swifts close to the proposal site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application relates to the proposed erection of a single storey rear extension, which would serve as a new kitchen. The submitted plans also show the conversion of existing kitchen to a new downstairs bathroom for increased accessibility, including new garden access and bathroom window.

4. RELEVANT PLANNING HISTORY

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

Application: 00/01932 Refused 24 November 2000

Creation of a new driveway access to Broughton Road.

Application: 98/01325/F Refused 17 September 1998

Construction of new vehicular access onto Broughton Road.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place regarding this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of 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 February 2024**, although comments received after this date and before finalising this report have also been considered.

- 6.2. No comments have been raised by third parties.

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. BANBURY TOWN COUNCIL: no objections.

OTHER CONSULTEES

- 7.3. BUILDING CONTROL: the proposed works are subject to building control regulations.

- 7.4. ARBORICULTURE: objection due to influencing distance from Protected Tree.

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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Natural England’s Standing Advice
- CDC Residential Design Guide 2018
- Cherwell Home Extensions and Alterations Design Guide (2007)
- Site Constraints
- Planning History
- Neighbour/Consultation Responses

9. APPRAISAL

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

- Impact on Character of Host Dwelling and Surrounding Area
- Impact on residential amenity
- Impact on Trees/Hedges/Landscaping
- Impact on Ecology

Impact on Character of Host Dwelling and Surrounding Area

9.2. The proposed extension would be set down in height and set to the rear of the dwelling, and externally facing materials are proposed to match those of the existing dwelling.

9.3. Overall, therefore, the proposed development would not negatively impact the character or appearance of the surrounding area.

Impact on residential amenity

- 9.4. The proposed extension would be set away from the shared boundary with the adjoining neighbouring dwelling and would not project beyond the rear elevation of that dwelling. The proposal would also be set off the south-western side boundary and further from that boundary than the existing two-storey dwelling.
- 9.5. Overall, having regard for its spatial relationship with neighbouring properties, it is considered that the proposal would not adversely affect the living conditions of neighbours either through loss of outlook, light or privacy or through an imposing or overbearing form of development.

Impact on Trees/Hedges/Landscaping

- 9.6. The proposal is within the root protection area of an Oak tree, subject of a Tree Preservation Order, in the neighbouring dwelling's curtilage (7 Wychwood Gardens). The Council's Arboricultural Officer has been consulted on this application and has requested an Arboriculture Impact Assessment or method statement.
- 9.7. That said, it is noted that the application property's permitted development rights remain intact, and an extension could be carried out without the need to make a planning application.
- 9.8. It is therefore considered not reasonable to require an Arboriculture Impact Assessment or method statement; however, it would be appropriate to require by condition that a tree specialist is present during the foundation works to ensure the potential damage to the roots is intercepted.
- 9.9. The applicant's agent has noted the presence of the Oak tree and (i) advises that the foundation trench could be limited to 1 metre in depth below ground level, (ii) acknowledges that the situation requires additional controls on foundation depth given the proximity to the TPO tree and taking into account the soil type and (iii) agrees to the condition mentioned above.

Ecology Impact

- 9.10. Paragraph 175 of the NPPF 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.
- 9.11. 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.
- 9.12. Given its scale and siting, it is considered that the proposal would not adversely affect ecological interests or have impacts in this regard that warrant refusal of the application. It is considered that an informative note should be attached to any permission granted to make the applicant/developer aware of their responsibilities.
- 9.13. The proposal is therefore not contrary to Policy ESD10 of the CLP 2015, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so it is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawings numbered 22-Ca-010778-P01 and 22-Ca-010778-P03.

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 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.

Arboriculture

3. No development shall take place below ground level unless an appropriately qualified arborist is present and all works in the vicinity of the root zones to the adjacent Oak tree must be carried out in accordance with the advice of a suitably qualified arborist. Subsequently, that is, in relation to all development above ground level, suitably qualified arborists shall (i) monitor the development at regular intervals and (ii) submit monitoring reports to the local planning authority, the frequency of which (in the case of both (i) and (ii)) shall be agreed in writing by the local planning authority before development commences.

Note to applicant: The development below ground level to which this condition refers includes any excavation work particularly the digging and cement foundation setting.

Reason – To ensure the protection of the trees and their root systems and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to

commencement of the development as it is fundamental to the acceptability of the scheme.

4. The block paving to be used under the tree canopy must be of a porous material and shall be retained as such thereafter.

Reason – To ensure that the tree is retained in a safe and healthy condition and is not adversely affected by construction works.

CASE OFFICER: Astrid Burden

24/00600/CDC

Agenda Item 15

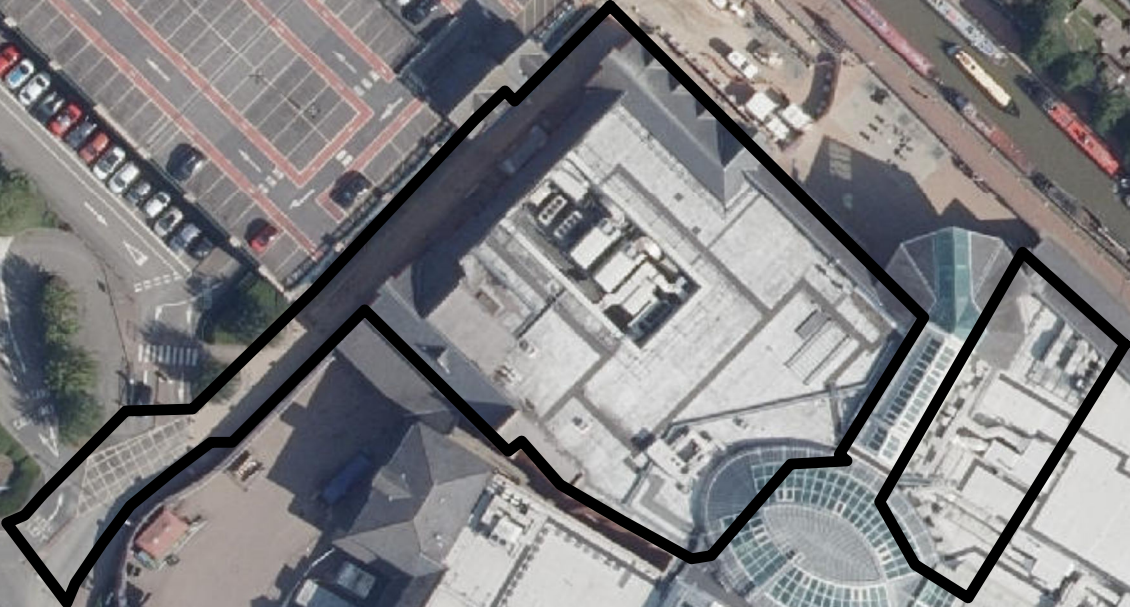
Cherwell District Council

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Castle Quay

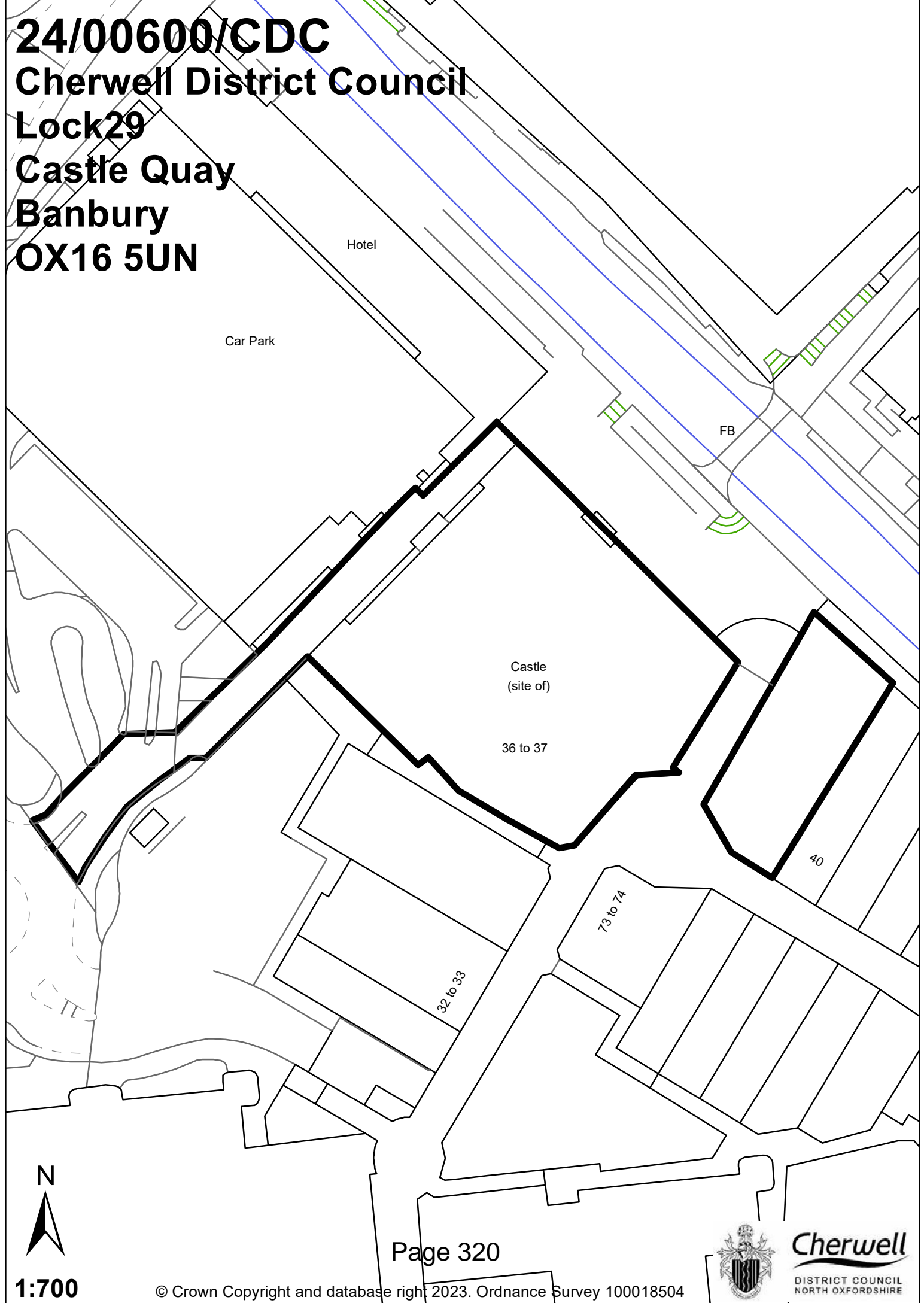
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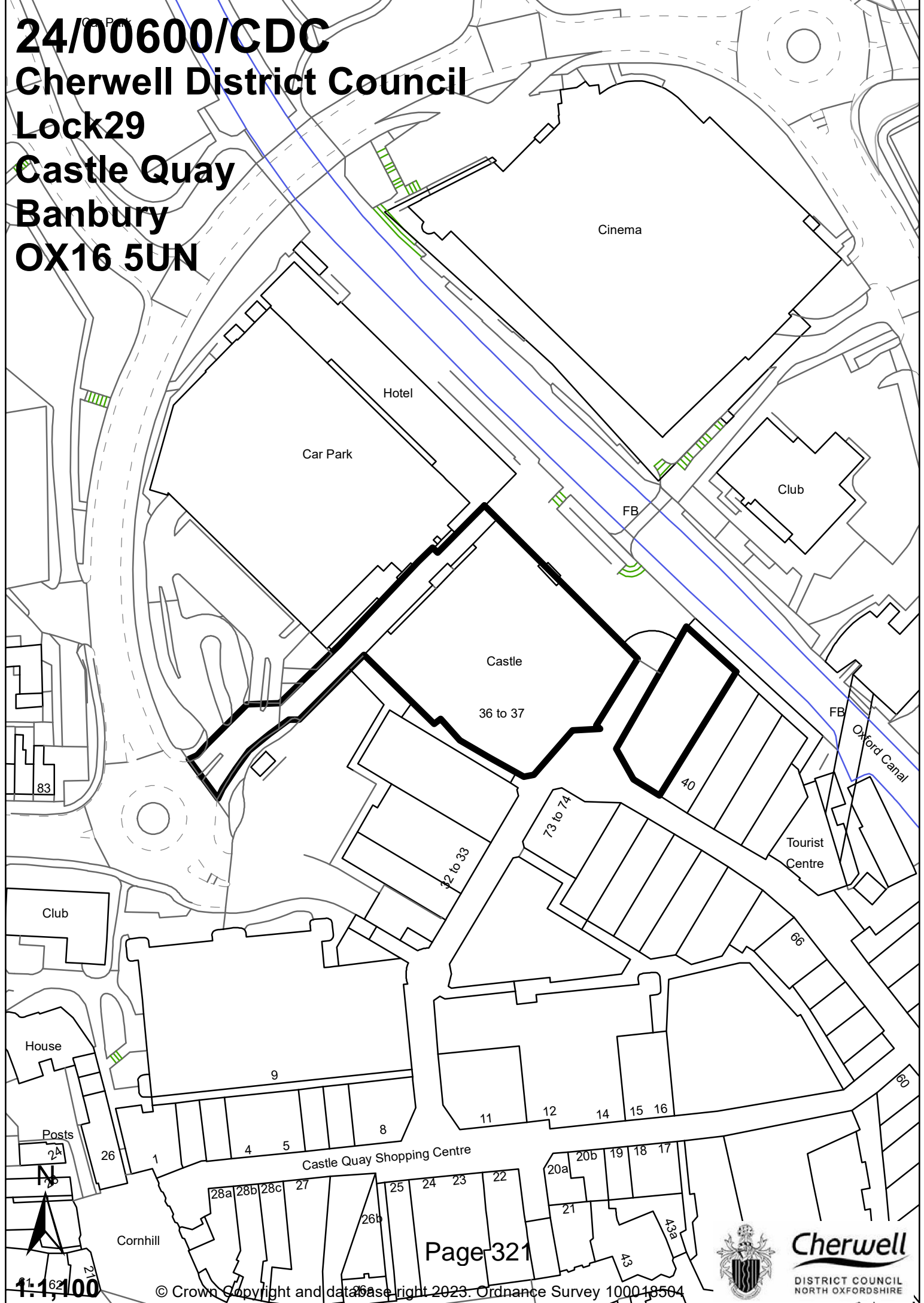
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24/00600/CDC
Cherwell District Council
Lock29
Castle Quay
Banbury
OX16 5UN



Case Officer: Michael Sackey

Applicant: Cherwell District Council

Proposal: New/enlarged shop front windows

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 June 2024

Committee Date: 06 June 2024

SUMMARY RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is part of the Castle Quay shopping centre, specifically the first floor Unit formally occupied by British Home Stores, above Lock 29. The Castle Quay Shopping Centre is located within Banbury Town Centre.

2. CONSTRAINTS

2.1. The application site is within the setting of the Oxford Canal Conservation Area and Public Right of Way Ref: 120/103/40 runs adjacent to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the enlargement and alterations to two existing windows and insertion of three additional window openings into the north-eastern elevation of the building to match those of the existing and proposed.

3.2. The current application is a resubmission of application reference (23/03103/CDC) which related to two of the three new windows proposed here.

4. RELEVANT PLANNING HISTORY

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

Application: 23/03103/CDC Permitted 16 February 2024

Insertion of two new window openings

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, 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 **2 April 2024**, 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.

BANBURY TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. No objections

OTHER CONSULTEES

- 7.3. CDC Conservation - No objections

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

- 9.1. Given its nature, the proposal has no implications for highway safety or ecology or archaeology. The key issues for consideration in this case are:

- Design, and impact on the character of the area and on heritage assets; and
- Residential amenity

Design, and impact on the character of the area

Assessment

- 9.2. The proposed new window openings and alterations would be located on the north-eastern side of Castle Quay and would be readily visible from the public domain and within the setting of the Oxford Canal Conservation Area.
- 9.3. The first floor windows proposed to the west of the entrance to Castle Quay would partly replace a bricked up faux window, which already benefits from a matching sill to the rest of the windows to this side. Given this, it is considered that this is an appropriate position for a new window. The other proposed window also respects the linearity of the windows to this elevation.
- 9.4. Both proposed windows to the west of the entrance to Castle Quay would match the designs of existing fenestration on the building in terms of size, scale, design and materials and as such would be in keeping with the established character and appearance of the building.
- 9.5. The proposed arched window along with the downwards enlargement of the two existing arched windows to the east of the entrance to Castle Quay would impact the form and symmetry of the fenestration to this side of the existing building. However, given their design and location, it is not considered that they would result in significant harm to the overall character of the area, or the setting of the conservation area, due to this element of the proposal retaining the arched form of the existing windows and its relative scale in the context of the wider shopping centre building.
- 9.6. The proposal would also interrupt the canopy roof below the existing arch windows relating to the downward extension of the existing arched windows and new arched window. However, given its scale and extent and impact of the alterations to the existing canopy roof, it is considered that this element of the proposal would not result in significant harm to the character of the area or the setting of the conservation area.
- 9.7. It is also noted that the windows to the ground floor below the proposed window and enlargement do not follow a symmetrical pattern and as such the impact on the symmetry above is not considered to result in an adverse impact.
- 9.8. The building is a modern building and the proposed changes to the windows are considered to be complementary to the character of the building and the area.
- 9.9. Overall, it is considered that the proposed development would not result in significant harm to the character and appearance of the area or the setting of the Oxford Canal Conservation Area. As such, it would accord with Policies ESD15 and of the CLP 2031 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential Amenity

- 9.10. The site is not located in close proximity to any residential building and as such the proposed windows would not result in any impact on the amenities of the locality and would thus accord with Policy ESD15 of the CLP 2015 in this respect.

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposal complies with the relevant Development Plan policies and NPPF 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 should therefore be granted.

11. RECOMMENDATION

TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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 application form and the following plans and documents: Drawing No. 7165-GBS-XX-XX-DR-A-101-P02, 7165-GBS-XX-XX-DR-A-101-P03 and 7165-GBS-XX-XX-DR-A-103-P02.

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

CASE OFFICER: Michael Sackey

TEL: 01295 221820

Agenda Item 16

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	6 June 2024
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway
Date Portfolio Holder agreed report.	In progress
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

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

1. Recommendations

The Planning Committee resolves:

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

2. Executive Summary

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

Implications & Impact Assessments

Implications	Commentary
Finance	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. Kelly Wheeler, Finance Business Partner, 14/05/2024
Legal	As this report is purely for information there are no legal implications arising. Shahin Ismail, Legal Services Manager and Interim Deputy Monitoring Officer, 28 May 2024

Risk Management	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. Celia Prado-Teeling, Performance Team Leader, 14 May 2024			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader, 14 May 2024
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

Supporting Information

3. Background

- 3.1 When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2 Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition then they could have appealed against the condition at the time it was originally imposed.
- 3.3 Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

New Appeals

- 4.1 23/01265/OUT – OS Parcel 0078 North West of Quarry Close, Bloxham, Oxfordshire.

Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Method of Determination: Public Hearing.
Hearing Date: 22.05.2024. 2 Days
Planning Application: 23/01265/OUT.
Appeal Reference: 24/0005/REF.
Start Date: 07.03.2024.

- 4.2 22/03868/OUT – Land West Adj to Salt Way and West of Bloxham Road, Banbury.

Development of up to 60 homes including open space provision, parking, landscaping, drainage and associated works, with All Matters Reserved (appearance, landscaping, layout and scale) except for Access.

Method of Determination: Public Hearing.
Hearing Date: 11.06.2024. 2 Days.
Planning Application: 22/03868/OUT.
Appeal Reference: 24/0006/REF.
Start Date: 11.03.2024.

4.3 23/02338/OUT – Land of Lince Lane, Kirtlington, Oxon, OX5 3HE.

Erection of 15 detached and semi-detached single and two-storey dwellings (including affordable housing) together with access - re-submission of 22/03049/OUT.

Method of Determination: Public Hearing.

Hearing Date: 18.06.2024.

Planning Reference: 23/02338/OUT

Appeal Reference: 24/00008/REF.

Start Date: 18.06.2024.

4.4 23/02437/F – 1 Stevenson Close, Bicester, Oxon, OX26 2YJ.

Construction of pitched roof entrance porch to front elevation. Removal of rear uPVC conservatory and construction of single storey extension.

Method of Determination: Written Representation (HAS)

Planning Reference Number: 23/02437/F

Appeal Reference: 24/00009/REF

Start Date: 18.03.2024.

4.5 22/02455/OUT – Land West of Church Ley Field, Adj to Blackthorn Road, Ambrosden, OX25 2DH.

Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works.

Method of Determination: Public Hearing.

Hearing Date: 26.06.2024

Planning Reference: 22/02455/OUT

Appeal Reference: 24/00010/REF

Start Date: 19.03.2024.

4.6 23/02470/F – Offside the Green, Barford St Michael, Oxfordshire, OX15 0RN.

Erection of a 2-bedroom bungalow on vacant plot

Method of Determination: Written Representation.

Planning Reference: 23/02470/F

Appeal Reference: 24/00011/REF

Start Date: 08.04.2024.

4.7 23/00020/F – Part OS Parcels 0700 and 2800, NE of Godlington Hall, Street Through Godlington, Godlington, Bicester, Oxon, OX27 9AE.

Change of Use of agricultural building to car storage falling within Use Class B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)

Method of Determination: Written Representation.

Planning Reference: 23/00020/F

Appeal Reference: 24/00012/REF

Start Date: 12.04.2024.

- 4.8 22/03245/F – Apollo Office Park, Ironstone Lane, Wroxton, Oxon, OX15 6AY.

Provision of 10 employment units (Office, Research and Development and Light Industry), associated car parking, landscaping/biodiversity enhancements/works and provision of foul water treatment plant - re-submission of 22/00928/F.

Method of Determination: Written Representation.

Planning Reference: 22/02345/F

Appeal Reference: 24/00013/REF

Start Date: 16.04.2024.

- 4.9 22/03297/F – Willow Cottage, Gravel Pits Lane, Yarnton, Oxfordshire, OX5 1PX.

Retrospective application for the erection of an outbuilding and change of use of land to domestic residential.

Method of Determination: Written Representations.

Planning Reference: 22/03297/F.

Appeal Reference: 24/00014/REF

Start Date: 23.04.2024.

- 4.10 23/03078/CLUP – Manor Cottage, Middleton Park, Middleton Stoney, Oxfordshire, OX25 4AQ.

Certificate of Lawfulness of Proposed Development:

Repositioning of existing "tarmac" driveway with a gravel driveway.

Method of Determination: Written Representation.

Planning Reference: 23/03078/CLUP

Appeal Reference: 24/00015/REF

Start Date: 23.04.2024.

- 4.11 23/03137/F – 17 The Glebe, Hook Norton, Oxfordshire, OX15 5LD.

Conversion and extension of existing utility, toilet and workshop space to provide a one bed, self-contained dwelling with off-street parking, bin/cycle storage and rear garden.

Method of Determination: Written Representation.

Planning Reference: 23/03137/F

Appel Reference: 24/00016/REF

Start Date: 01.05.2024.

New Enforcement Appeals

- 4.12 20/00295/ENF - 16 Almond Avenue, Kidlington, OX5 1EN.

Garage/Garden building converted to residential premises.

Officers Recommendation: Enforcement Notice.

Method of Determination. Written Representation.
Enforcement Reference: 20/00295/ENF
Appeal Reference:
Start Date: 13.03.2024.

Appeals in Progress

- 4.13 21/04289/OUT - OS Parcel 1570 Adjoining and West of Chilgrove Drive And Adjoining And North of Camp Road, Heyford Park.

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5 Day)
Hearing Date: 05/12/2023.
Application Reference: 21/04289/OUT
Appeal Reference: 23/00089/REF
Start Date: 14.08.2023.

- 4.14 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

- 4.15 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

- 4.16 23/00150/CLUE – Unit 22 Beaumont Close, Banbury, Oxon, OX16 1SH.

Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00080/REF

4.17 22/02866/OUT – Land East of Ploughley Road, Ambrosden.

OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

4.18 23/00173/OUT – Land South of Green Lane, Chesterton, OX26 1DF.

Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Start Date: 02.11.2023.
Appeal Reference Number: 23/00103/REF

4.19 21/00333/ENF – Fairway Cottage, Main Road, Swalcliffe, Oxon, OX15 5HB.

Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Start Date: 10.11.2023.
Appeal Reference: 23/000104/ENF

4.20 19/02554/DISC – The Unicorn, 20 Market Place, OX16 5JL.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Reference: 19/02554/DISC
Appeal Reference: 23/000111/REF

Start Date: 07.12.2023.

- 4.21 19/02553/DISC – The Unicorn, 20 Market Place, Banbury, OX16 5LJ.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations
Application Number: 19/02553/DISC
Appeal Reference: 23/00114/REF
Start Date: 07.12.2023.

- 4.22 23/01667/F – West End Farmhouse, 56 West End, Launton, Bicester, OX26 5DG

Replacement windows and doors.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Number: 23/01667/F
Appeal Reference: 24/0001/REF
Start Date: 11.01.2024.

- 4.23 23/00853/OUT – Land East of Warwick Road, Banbury,

Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry
Application Reference: 23/00853/OUT
Appeal Reference: 24/00004/REF
Start Date 15.02.2024.

Forthcoming Public Inquiries and Hearings between 21 March and 6 June 2024.

- 4.24 23/00853/OUT – Land East of Warwick Road, Banbury.

Outline application for up to 170 dwellings (Use Class C3) with associated open and vehicular access off Warwick Road, Banbury; All matters reserved except for access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry (6 Days)
Inquiry Dates: 4th, 5th, 6th, 7th, 11th, 12th June 2024
Application Reference: 23/00853/OUT
Appeal Reference: 24/0004/REF
Start Date: 15.02.2004.

Appeals Results

- 4.25 23/00176/F – 1 School Paddock, Bucknell, Oxon, OX27 7LR. Appeal **allowed** against the Council's refusal of planning permission for variation of condition 2 application for the erection of a new single garage at 1 School Paddock, Bucknell, Oxon OX27 7LR.

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area, and the effect of the proposed development upon the living conditions of the occupiers of a neighbouring property, with particular regard to outlook.

The Inspector held the garage would be in a similar general location within the plot as the dismissed appeal, but due to its reduced scale and simpler form and design would be materially different and not dominate the site frontage. They also noted, it would be comparable to the height of other garages in School Paddock and whilst the proposal would be of an increased scale, mass and volume than a recently approved scheme the proposal would not be an incongruous addition to the street scene.

With regards to the living amenity at Ivanhoe it was stated that despite the development being visible from the neighbours back garden, the garage would not align with rear projection and therefore not be within a direct line of sight. Based on the above and subject to conditions, the Inspector concluded that the appeal should be allowed.

- 4.26 22/02551/F – 15 Farmfield Road, Banbury. Oxon, OX16 9AP. Appeal **dismissed** against the Council's refusal of planning permission for the erection of a pair of semi-detached dwellings in the garden of No. 15 Farmfield Road, Banbury.

The application had been refused for 3 reasons, relating to visual amenity, residential amenity and visibility. Following the submission of additional information during the appeal the local highway authority withdrew its objection and so the two main issues to consider were the proposal's effect on the character and appearance of the area and on the living conditions of the occupants of No. 17 Farmfield Road.

The Inspector noted that the proposed dwellings would be similar in their footprints to the terraced dwellings on Beechfield Crescent but would differ in their design and style, pressed against the rear boundary with No. 17 and including a 'blind' projecting element that would not address the street, as well as disparate front window positions and sizes. The Inspector concluded that the design would be "clearly at odds" with the character of the area and would give "a cramped, contrived impression".

The Inspector found the proposal would not cause harmful overshadowing, but considered the siting of the dwellings, presenting an unbroken and overbearing wall "along almost half the length of the [neighbour's] rear garden", resulting in serious impairment to the neighbour's outlook, to the detriment of their living conditions.

The Inspector considered the proposal's benefits but concluded they would be modest and would be outweighed by the harm caused.

4.27 21/03522/OUT - Os Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton, OX5 1LT. Appeal **allowed** against the non-determination of application 21/03522/OUT, which sought permission for up to 540 dwellings, up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play (LEAPs), one neighbourhood equipped area for play (NEAP), up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works on OS Parcel 3672 adjoining and west of 161 Rutten Lane, Yarnton.

The land is allocated by policy PR9 of the Cherwell Local Plan 2011-2031 (Part 1) – Partial Review – Oxford’s Unmet Housing Need.

The Inspector noted the allocation of the site, that it was allocated for 540 homes, that no housing has yet been provided on any of the sites identified in the Local Plan Partial Review 2020 and that at the present time the amount of deliverable housing land in the district (relating to the PR sites) is just 0.1 years supply.

Cherwell District Council withdrew all the putative reasons for refusal prior to the opening of the inquiry and did not contest any matter at the inquiry. On the second day of the inquiry, Oxfordshire County Council withdrew its objection to the scheme in respect of the school playing fields having come to the conclusion that adequate safeguards could be incorporated in the planning obligation under S106.

Yarnton Parish Council, a Rule 6 Party expressed concerns about flood risk. This was not a putative reason for refusal but evidence was presented on this topic by the Parish Council.

With respect to flood risk, the Inspector concluded that leaving aside relatively commonplace runoff events, the surface water drainage proposals would provide protection for the proposed development against all but the most extreme events and would provide more effective attenuation of the flows from the site into the village. It would be inappropriate to expect this development on its own, or in conjunction with other developments to provide a comprehensive solution to surface water management in Yarnton itself. The Grampian condition suggested by the Parish Council, under which development could not occur until a flood risk strategy for the village had been carried out would not be fairly and reasonably related to the development.

The Inspector found there would be no detrimental impacts upon the highway network, ecology, ancient woodland and veteran trees, geology, hydrology and contamination, air quality, acoustic conditions, lighting, built heritage, archaeology and the historic landscape, landscape and visual impact and health impacts subject to the imposition of conditions and the agreed planning obligation.

The Inspector found that all matters included within the final planning obligation, following the provision of sufficient evidence, were necessary to meet the needs of the development and that they therefore met the requirements of the CIL Regulations. This includes securing no less than 43% affordable housing due to reasons of viability but viability review mechanisms are in place to potentially allow for an uplift should the economics of development change. The Inspector also found that the secured

arrangement to ensure access from the proposed school playing fields to the school to be acceptable.

The Inspector concluded by finding that the scheme would provide much needed homes to meet the identified housing needs of the City of Oxford. The fact that no housing has yet been provided at the sites identified in the Partial Review Plan and that the amount of deliverable housing land in the District is just 0.1 years (for the PR sites) adds strong weight in favour of the scheme. Subject to the conditions and the S106, the scheme would satisfy the requirements of Policy PR9 apart from the slightly lower affordable housing provision which is justified. The proposal would be in accordance with the development plan as a whole. The appeal was therefore allowed.

- 4.28 22/03719/OUT - Land at Lince Lane, Kirtlington, Oxfordshire, OX5 3JY. Appeal **dismissed** against the Council's refusal of planning permission for the erection of 9 live/work units.

The Inspector considered the main issues to be (1) whether the land was previously developed; accordance with the strategy in the development plan; (2) the effect on the character and appearance of the area; (3) the impact on the setting of the Oxford Canal Conservation Area and a listed bridge; and (4) the residential mix and whether the proposal resulted in an efficient use of the land.

Whilst accepting that the land may have been previously quarried, the Inspector observed that "it has been reasonably restored and it does not look out of place in the surrounding rural landscape." The Inspector therefore agreed with officers that it should not be treated as previously developed land.

In respect of the principle of development, the Inspector concluded that the site was in an unsustainable location and failed to comply with development plan policy as well as the NPPF.

Although the Inspector acknowledged that the outline application only dealt with the principle of development, he nonetheless concluded that any development "would not be likely to integrate well into the rural landscape" and would represent a harmful visual intrusion into the countryside. Given the distance to the Conservation Area and the listed bridge, the Inspector reasoned that any harm would be limited. When the Inspector visited the site, the bridge was well screened from the appeal site by vegetation.

The Inspector concluded that the mix of development would be a matter that should be addressed at the reserved matters stage and was therefore not a determinative issue for this appeal.

The Inspector, when setting out the planning balance, recognised the benefits of the limited additional housing and the proposed off-site ecological commitments. However, the Inspector dismissed the appeal arguing that these benefits "do not clearly outweigh the harm that I have identified or the conflict with the development plan."

- 4.29 23/00716/F – Fairways, Church Lane, Mollington, Oxon, OX17 1AZ. Appeal **allowed** against the Council's refusal of planning permission for first floor side and rear

extension, roof dormers, replacement windows, entrance canopy, flue to side elevation.

The Inspector considered the main issue to be the proposal's effect on the character and appearance of the Mollington Conservation Area.

The Inspector noted that the appeal site is one of a group of bungalows locally, although unusual for the area in featuring a box dormer. The Inspector noted the group of bungalows contributes positively to the Conservation Area.

The Inspector found that the proposed rear dormer would be set down from the ridge and set in from both sides of the roof and up from the eaves. The Inspector noted that there is "already a reasonably large box dormer at the rear" and held that the proposed dormer would not overwhelm the roof slope or appear top heavy. The Inspector concluded the enlargement of the dormer would not set a harmful precedent for the Conservation Area and would not diminish the contribution that the group of bungalows makes to the significance of the Conservation Area.

- 4.30 23/01339/Q56 – Barn at Crockwell House Farm, Manor Road, Great Bourton, Oxfordshire OX17 1QT. Appeal **allowed** against the Council's refusal of prior approval for the change of use of a barn to a dwelling and building operations reasonably necessary to convert the building.

The Inspector considered the main issue to be whether the proposed building operations would exceed that which is reasonably necessary for the building to function as a dwellinghouse. The Inspector confirmed she had regard to the judgement handed down in *Hibbitt v SSCLG* [2016] EWHC 2853 which, briefly summarised, explains that where the nature of works proposed would be so fundamental as to effectively result in a rebuilding of the relevant building based on planning judgement, this is not permissible. However, she noted that, unlike in the *Hibbitt* judgement, none of the elevations of the appeal building was completely open and noted the retention of the roof structures as well as the existing steel frame. The Inspector noted that the extent of works to make the building habitable would be significant but noted that no robust evidence had been presented to counter the Appellant's structural engineer assessment as to the building's suitability for conversion.

The Inspector concluded that, in this instance, the internal insulation works proposed amounted to conversion rather than rebuilding and that the proposed works would be reasonably necessary for the building to function as a house.

The Inspector noted the concerns of the Parish Council, but also that the matters for consideration in this appeal are restricted to those set out in the relevant paragraphs of the GPDO.

- 4.31 22/03456/F and 23/01518/F – Land on south side of Clifton Road, Deddington. Appeal A **dismissed** and Appeal B **allowed** against the Council's refusal of planning permission for the erection of one dwelling with detached garage.

The Inspector noted that the scheme in Appeal B incorporated some design changes intended to address the Council's concerns regarding the scheme in Appeal A.

The Inspector considered the main issues to be the proposal's effect on the character and appearance of the area and whether the site would be suitably located with regard to the Council's settlement hierarchy.

The Inspector noted the consistency in height and roof shape of the mostly linear form of dwellings along Clifton Road at the eastern edge of Deddington. The Inspector found that the Appeal A proposal would be materially higher than the nearest dwellings in the adjacent Burrington Estates development and considered that because of its greater height and the substantial two-storey rearward projection it would be incongruously large, distinct from the neighbouring development and would particularly prominent – and dominant – when seen from the east.

The Inspector noted that, unlike in Appeal A, the plans submitted with Appeal B showed that proposed dwelling to be set down into the site by 1.2m, and that the Appeal B proposal would be comparable in height to the adjacent dwelling. In addition, the Inspector noted, it would not have a two-storey rear projection so, when seen from the east, would have a lesser bulk and depth than the Appeal A scheme. The Inspector considered that, although slightly deeper than the adjacent dwelling (No. 14) the difference would be minor and that there are other houses along Clifton Road with similar roof profiles.

The Inspector concluded that the Appeal A proposal would be excessively large and harmful to the character and appearance of the area, but that the Appeal B proposal would be acceptable in this regard.

The Inspector concluded that the site was within the built-up part of Deddington and therefore suitably located regarding the Council's housing strategy.

The Inspector **refused** the Appellant's applications for award of costs, finding that the Council's assessment to have been well reasoned and detailed. In respect of Appeal B, despite disagreeing with our conclusion, the Inspector found the Council's stance to be "fully justified" and "not unreasonable".

- 4.32 23/00379/TEL56 – Banbury Road, Deddington. Appeal **dismissed** against the Council's refusal of prior approval for a 5G telecoms installation comprising a H3G 15m street pole and additional equipment cabinets.

The Inspector considered the main issues to be (1) the proposal's effect on the character and appearance of the area, including the significance of a designated heritage asset; highway safety and the living conditions of the occupants of nearby properties with particular regard to outlook; and (2) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

The Inspector noted the appeal site was a prominent verge in the street scene that together with the line of mature trees marks the transition between the open, rural landscape and the Deddington Conservation Area, and that the open, undeveloped space on the edge of the village positively contributes to the Conservation Area.

The Inspector found that existing street furniture in the vicinity of the appeal site is modestly proportioned and not visually prominent, and that by contrast the 15m

monopole would be conspicuously tall, highly obtrusive and utilitarian, at odds with the verdant, semi-rural character and appearance of the locality. Further, that, despite being described as slimline, the monopole would be bulky and unduly dominant, and that its proximity to residential properties would contribute to its visual dominance.

The Inspector found that personnel would have to cross the main road to access the appeal site during both the construction period and ongoing maintenance and that, in the absence of a suitable crossing point, this would be hazardous to highway safety. The Inspector also noted the lack of detail as to where maintenance and servicing vehicles would park without obstructing other highway users, adding harmfully to highway congestion.

The Inspector considered that the proposal would not be oppressive or harmful to local residents nor “unduly dominant in views” from Flux Drive properties.

The Inspector agreed with the Council that alternative locations had not been robustly explored, noting there was limited detail from the Appellant to sufficiently justify why issues cited with other locations could not be overcome. The Inspector also noted the appeal site would appear to be a considerable distance from the target search area for the mast’s location. The Inspector concluded that the identified harm would therefore not be outweighed by the need for the installation to be sited as proposed.

- 4.33 23/02770/F – 5 St Peter’s Close, South Newington. Appeal **dismissed** against the Council’s refusal of planning permission for a single storey rear extension and loft conversion.

The Inspector noted that at the time of their site visit the development was substantially complete.

The Inspector considered the main issues to be the proposal’s effect on the character and appearance of the building and surrounding area, and on the living conditions of occupiers of No 6 St Peter’s Close, with particular regard to light, outlook and privacy.

The Inspector noted that the proposal was to lower the height of the extension, squaring it off so that it would no longer be visible from the road to the front, but giving the roof an incongruous appearance. The extension would remain across the full width of the property and would dominate the dwelling rather than appear subservient. The Inspector concluded the development would appear out of scale and character with both the host dwelling and the surrounding area.

The Inspector also agreed with the Council on the proposal’s effect on the amenities of No. 6 St Peter’s Close, that it would create a dominant and overbearing presence and would cause overshadowing in the morning, and that the slight reduction in height would not address these concerns.

- 4.34 23/01952/F – 1 Elizabeth Rise, Banbury. Appeal **allowed** against the Council’s refusal of planning permission for two-storey rear extension.

The Inspector noted that the front extension, side extension, single storey rear extension and removal of chimney already benefited from planning permission and had seen on site that work had commenced.

The Inspector therefore considered the main issue to be the effect of the proposed rear extension on the character and appearance of the area and on flood risk.

The Inspector concluded that the extension would not be disproportionately large in relation to the dwelling either individually or cumulatively with the approved extensions, nor out of scale with neighbouring dwellings. The Inspector noted that large windows and balconies are not uncommon in residential areas and that the extension's design respected that of the host dwelling and would not result in overdevelopment of the site.

In respect of flood risk and surface water runoff, the Inspector noted that no additional hardstanding was proposed as part of the appeal scheme and therefore would not result in additional flood risk, remarking that if the applicant intends to carry out such work it may need a separate planning application or it may be permitted development.

The Inspector also found that the appeal proposal would not significantly affect the outlook from neighbouring properties or result in any harmful overlooking.

- 4.35 22/03626/F – Land north of Burycroft Road, Hook Norton. Appeal **dismissed** against the Council's refusal of planning permission for one dwelling, associated garage, access and new landscaping.

The Inspector considered the main issues to be (1) whether the proposed development would provide a suitable location for housing, having regard to the Council's spatial strategy and accessibility to services and facilities, and (2) whether any harm would be outweighed by other material considerations, having regard to the Council's housing land supply position and the benefits of the proposed development.

In a clear and very helpfully worded decision, the Inspector concluded in respect of the issues:

Suitability of location – that saved Policy H18 and Policy Villages 1 were both relevant and were consistent with the NPPF, that Policy Villages 2 was not relevant to the appeal proposal, and that PV1 and PV2 are intended to work together.

Relationship with built up limits – that the appeal site, albeit smaller in scale, has a similar character to the patchwork of fields further along Croft's Lane; that the site's open, undeveloped character can be clearly appreciated from the footpath crossing through the site; that the existing housing on Burycroft Road is relatively low lying and near to the frontage, following a similar building line; that the appeal site lies beyond the built up limits of Hook Norton, sitting firmly within its landscape setting. The Inspector held the site's connection to the adjacent development to be weak and that it would remain so given the proposal's design. The Inspector found the proposal's encroachment beyond the built-up limits to be "harmful in principle, notwithstanding the quality of the design approach".

Access to services and facilities – that, although Hook Norton is a sustainable rural settlement and the appeal site is within walking distance of local services and bus stops, it is in a peripheral location where the road network lacks pavements or street

lighting, that this would deter occupiers from walking or cycling, particularly after dark; that there are some steep gradients between the appeal site and the village centre which would deter those with impaired mobility, carrying heavy shopping or accompanying small children; that the lack of street lighting itself was not a turning factor. Overall, the Inspector held that the site's "somewhat compromised accessibility weighs against the advantages of its relationship with a Category A village".

The Inspector concluded that the site was not a suitable location for housing.

The Inspector considered the Council's housing land supply, noted the conflicting positions between the parties, but held that, whether the supply figure was 4.3 years as submitted by the Appellant or less than 4 years as held by the Heyford Park Inspector, she was required to consider whether the adverse impacts of approval would significantly and demonstrably outweigh the benefits. Having considered the suggested benefits in some detail, the Inspector concluded that (1) the Council's housing strategy is consistent with the NPPF's approach to rural housing and therefore gave significant weight to the conflict with the development plan, and (2) that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The Inspector also **refused** the Appellant's costs application. The Inspector found no clear evidence of abortive work in relation to the Statement of Common Ground or the Council's legal advice or the Council's late response to the Inspector's request for a written breakdown of housing delivery at RAF Heyford. The Inspector held that, although there was some evidence of unreasonable behaviour through missed deadlines, this had not led to unnecessary or wasted expense for the Appellant.

- 4.36 23/01316/F - Land to the east of Woodway Road, Sibford Ferris. Appeal **allowed** against the Council's refusal of planning permission for the erection of 5 no two-storey age-restricted dwellings with access, landscaping, and associated infrastructure.

The Inspector considered the main issues to be (1) whether the appeal site would provide a suitable location for housing having regard to the Council's spatial strategy for the district; and (2) the effect of the proposed development on the character and appearance of the area, including the setting of Sibford Ferris Conservation Area (CA) and the Cotswold National Landscape (CNL).

On the first issue, the Inspector found that with the appeal site being bounded on three sides by residential development it formed part of the main built-up area of the village, albeit at its edge.

As did the Hook Norton Inspector, this Inspector considered Policy Villages 1 and saved Policy H18.

The Inspector found the site to be sufficiently well located to amenities - convenience store and post office in Sibford Ferris as well as educational facilities, medical services, and retail across the 'cluster' with Sibford Gower and Burdrop.

The Inspector concluded the site to be a suitable one for housing having regard to the Council's spatial strategy.

On the second issue, the Inspector found that the proposal would alter the undeveloped nature and open aspect of the appeal site but would be physically and visually related to the existing housing, would not extend beyond the building lines of the new development to the south, read as part of the nucleated village, and would thus not be unduly prominent or visually intrusive.

The Inspector found the proposed design “would not be wholly uncharacteristic of the wider area” nor unduly cramped nor that it would “unacceptably detract” from the character and appearance of the existing built form.

The Inspector concluded that the appeal site would not adversely affect the wider landscape setting or the character and scenic beauty of the CNL.

The Inspector **refused** the Appellant’s costs application, concluding that the Council had not acted unreasonably. The Inspector found that the Council’s position was clearly reasoned on housing strategy and whether the site was in or out of the existing built form, that it is clear from the officer’s report that consideration was given to the type of housing proposed, and that the Council’s evidence clearly articulated its case in relation to the proposal’s effect on the character and appearance of the area.

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

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

Decision Information

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

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
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