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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 1 August 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 Becky Clarke MBE
Councillor Grace Conway-Murray
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Rob Parkinson
Councillor Les Sibley

Councillor Amanda Watkins (Vice-Chairman)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Substitutes

Councillor Nick Cotter
Councillor Harry Knight
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor Dorothy Walker
Councillor Douglas Webb

Councillor Andrew Crichton
Councillor Andrew McHugh
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 - 42)

To confirm as a correct record the Minutes of the meeting of the Committee held on 11 July 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. **Land Opposite Hanwell Fields Recreation, Adjacent To Dukes Meadow Drive, Banbury** (Pages 45 - 80) **23/03366/OUT**

9. **South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH** (Pages 81 - 128) **24/00245/OUT**

10. **Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS** (Pages 129 - 140) **23/03290/F**

11. **45 Woodhall Drive, Banbury, OX16 9TY** (Pages 141 - 147) **24/01326/F**

Review and Monitoring Reports

12. **Appeals Progress Report** (Pages 148 - 161)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Webcasting and Broadcasting Notice

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.

The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should

it be undertaken in a disruptive or otherwise inappropriate manner.

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 24 July 2024

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 11 July 2024 at 4.00 pm

Present:

Councillor Barry Wood (Chairman)
Councillor Amanda Watkins (Vice-Chairman)
Councillor Rebecca Biegel
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Grace Conway-Murray
Councillor Ian Harwood
Councillor David Hingley
Councillor Lesley McLean
Councillor Rob Parkinson
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill

Apologies for absence:

Councillor Chris Brant
Councillor Dr Isabel Creed
Councillor Fiona Mawson

Also Present:

Councillor Gemma Coton, Speaking as Ward Member for agenda item 8

Also Present Virtually:

Councillor Dorothy Walker, Speaking as Ward Member for agenda item 16
Councillor Andrew McHugh, Speaking as Ward Member for agenda item 17

Officers:

Paul Seckington, Head of Development Management
Karen Jordan, Deputy Principal Solicitor
Rebekah Morgan, Principal Planning Officer
Tomaz Akhter, Planning Officer
Sophie Browne, Principal Planning Officer

Nat Stock, Team Leader - North Area General Developments
Saffron Loasby, Principal Planning Officer
Natasha Clark, Governance and Elections Manager
Martyn Surfleet, Democratic and Elections Officer

Officers Attending Virtually:

Thomas Webster, Principal Planning Officer

18 **Declarations of Interest**

10. Waverley House, Queens Avenue, Bicester, OX26 2PY.

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

Councillor Les Sibley, Declaration, advised that he would speak a Local Ward Member on the item and then leave the meeting for the duration of the item after speaking as Ward Member on the item.

11. Bicester Heritage, Buckingham Road, Bicester.

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

14. 12-14 Sheep Street, Bicester, OX26 6TB.

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

16. 73 High Street, Kidlington, OX5 2DN

Councillor Lesley McLean, Other Registerable Interest, as a chair of Kidlington Parish Council which had been consulted on the application.

17. Land East of Banbury Road Ditch And North Of Earls Lane Deddington OX15 0TY.

Councillor David Rogers, Declaration, as former Chair of Deddington Parish Council and Deddington Neighbourhood Plan.

18. Cornhill Cafe 1 Castle Street Banbury OX16 5NT.

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

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

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

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

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

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

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

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

19. Cattle Market Car Park, Victoria Road, Bicester, OX26 6QB.

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

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

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

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

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

20. 143 The Fairway, Banbury, OX16 0QZ.

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

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

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

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

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

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

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

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

21. Cherwell District Council Lock 29 Castle Quay, Banbury OX16 5UN.

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

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

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

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

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

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

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

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

22. Castle Quay 2 Spiceball Park Road Banbury Oxfordshire OX16 2PA.

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

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

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

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

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

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

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

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

19 **Requests to Address the Meeting**

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

20 **Minutes**

The Minutes of the meeting held on 6 June 2024 were agreed as a correct record and signed by the Chairman.

21 **Chairman's Announcements**

There were no Chairman's announcements.

22 **Urgent Business**

There were no items of urgent business.

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

The Committee considered two pre-committee site visits proposed by officers:

1. In respect of application 23/02098/OUT, Land East of A44 (Local Plan Allocation known as PR8), an outline application, with all matters reserved, for a multi-phased (severable), comprehensive residential-led mixed use development comprising: Up to 215,000 square metres gross external area of residential floorspace (or c.1,800 homes which depending on the housing mix could result in a higher or lower number of housing units) within Use Class C3/C4 and large houses of multiple occupation (Sui Generis); Supporting social infrastructure including secondary school/primary school(s) (Use Class F1); health, indoor sport and recreation, emergency and nursery facilities (Class E(d)-(f)). Supporting retail, leisure and community uses, including retail (Class E(a)), cafes and restaurants (Class E(b)), commercial and professional services (Class E(c)), a hotel (Use Class C1), local community uses (Class F2), and other local centre uses within a Sui Generis use including public houses, bars and drinking establishments (including with expanded food provision), hot food takeaways, venues for live music performance, theatre, and cinema. Up to 155,000 net additional square metres (gross external area) of flexible employment uses including research and development, office and workspace and associated uses (Use E(g)), industrial (Use Class B2) and storage (Use Class B8) in connection with the expansion of Begbroke Science Park; Highway works, including new vehicular, cyclist and

pedestrian roads and paths, improvements to the existing Sandy Lane and Begbroke Hill road, a bridge over the Oxford Canal, safeguarded land for a rail halt, and car and cycle parking with associated electric vehicle charging infrastructure; Landscape and public realm, including areas for sustainable urban drainage systems, allotments, biodiversity areas, outdoor play and sports facilities (Use Class F2(c)); Utility, energy, water, and waste water facilities and infrastructure; together with enabling, site clearance, demolition and associated works, including temporary meanwhile uses. The Proposed Development affected the setting of a listed building and includes potential alterations to public rights of way. The application was accompanied by an Environmental Statement.

2. In respect of application 23/03307/OUT, former Piggery and Land North of Woodstock Road Yarnton for application, an outline planning application for the residential development of up to 300 dwellings with associated infrastructure and open space (outline) and new access off the A44 (detailed).

Resolved

- (1) That pre-committee site visits for applications 23/02098/OUT and 23/03307/OUT be carried out.

24

Land North of Manor Farm, Noke

The Committee considered application 22/01682/F for the 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 at Land North of Manor Farm, Noke for Oxford New Energy.

Councillor Gemma Coton addressed the Committee as Local Ward Member.

Michael Heaney, Local Resident, Michael Tyce, on behalf of CPRE, David De Mestre, on behalf of Noke Parish Meeting and Oddington Parish Meeting addressed the meeting in objection to the application.

Jonathan Thompson, on behalf of the applicant, addressed the meeting in support of the application.

It was proposed by Councillor Rogers and seconded by Councillor Harwood that application 22/01682/F be refused, against officer recommendation, as it was contrary to policies ESD10, ESD11, ESD12, ESD13, ESD14, ESD 15, saved policy C28 and the NPPF (exact wording for reasons for refusal to be delegated to officers).

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

Resolved

That, contrary to the officer's recommendation, application 22/01682/F be refused for the following reason:

1. The proposed solar farm constitutes inappropriate development inside the Oxford Green Belt causing significant harm to the Green Belt's openness. Further, by virtue of the topography of the surrounding area and its exposed isolated location, the proposal, which would be visible from several public vantage points, would have a significant adverse landscape impact. The very special circumstances case put forward does not outweigh the harm identified. The proposal is therefore contrary to Policies ESD5, ESD10, ESD13, ESD14 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

25

Land North and Adjacent to Mill Lane, Stratton Audley

The Committee considered application 22/03873/F for the 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 at Land North and Adjacent to Mill Lane, Stratton Audley for JBM Solar Projects 8.

Christobel Smith, local resident and on behalf of Stratton Audley Parish Council and David Jenks, on behalf of Godington Parish Meeting addresses the Committee in objection to the application.

Robin Johnson, on behalf of the applicant, RWE Renewables, addressed the Committee in support of the application.

It was proposed by Councillor Conway-Murray and seconded by Councillor Wood that application 22/01682/F be refused, against officer's recommendation, as it was contrary to policies ESD10, ESD13, ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework (exact wording for reasons for refusal to be delegated to officers).

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

Resolved

That, contrary to the officer's recommendation, application 22/03873/F be refused for the following reason:

1. By virtue of the topography of the surrounding area and its exposed isolated location, the proposed solar farm, which would be visible from

several public vantage points, would have a significant adverse landscape impact. The benefits of the scheme do not outweigh the harm identified. The proposal is therefore contrary to Policies ESD5, ESD10, ESD13, and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

26 **Waverley House, Queens Avenue, Bicester, OX26 2PY**

The Committee considered application 23/02355/F for the demolition of an existing building and construction of 32 No apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure - re-submission of 21/02573/F - at Waverley House, Queens Avenue, Bicester, OX26 2PY for GG Oxford Investments Ltd.

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

Pastor James Adeyemi from The Redeemed Christian Church of God addressed the Committee in objection to the application.

Joe Bennett, on behalf of the agent for the applicant, RCA Regeneration Limited, 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 officers' recommendation, it was proposed by Councillor Broad and seconded by Councillor Watkins that application 23/02355/F be refused, on the grounds the proposed development does not make good use of an existing building that could be used for other purposes required by the residents and town of Bicester; that there is no provision for viable affordable of social housing and is contrary to policies ESD15, BSC1 and BSC3 of the 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.

Resolved

That against the officer's recommendation, application 23/02355/F be refused. The exact wording of the reason for refusal be delegated to the Assistant Director for Planning and Development.

27 **Bicester Heritage, Buckingham Road, Bicester**

The Committee considered application 23/01085/F, a retrospective application for Change of Use of land to allow for aviation, vehicle exercising and other uses/events at Bicester Heritage, Buckingham Road, Bicester for Bicester Motion.

Jonty Ashworth, on behalf of the applicant, Bicester Motion, 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 23/01085/F 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

Compliance with Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and following approved plans:
 - Planning Statement prepared by Edgars dated April 2023
 - Transport Statement prepared by Mode Transport Planning dated April 2023
 - Environmental Noise Impact Assessment (ref: 28453-AASP-ZZ-XX-DNY-1001-S1-P03) prepared by Hydrock dated 13 April 2023
 - Ecological Briefing Note prepared by Ecology Solutions
 - Drawing number 5002854-RDG-Z05-ST-PL-A-0010 Rev F - [Site 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.

2. Within 1 month of the date of this decision, a noise management plan shall be submitted to the Local Planning Authority. The noise management plan shall include a review mechanism which requires the applicant to update the Council's Environmental Health Team as the need arises and should include (but not be limited to) such matters as numbers of days allowed for noisier vehicle use, hours of use, absolute noise limits set, actions taken when these are exceeded and communication with the local community. The approved noise management plan shall be implemented in full from the date of the discharge of this condition and be accorded with for the lifetime of the development.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Within 3 months of the date of this decision, details of the SPL Track Drive By System or similar shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be implemented and be fully operational within 1 month of the date of the discharge of the condition. The system shall be maintained and operated in accordance with the approved details. Prior to any amendment to the system, full details of the revised/alternative system shall be submitted and approved in writing prior to its installation. The alternative system shall be installed in accordance with the approved details and be operational prior to any further use of the track.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No event exceeding 5,000 attendees in total during the event shall take place until the applicant has secured the written agreement of the Cherwell Safety Advisory Group or any future successor advisory group.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. No event exceeding 5,000 attendees in total during the event shall take place until an 'Event Day Traffic Management Plan' has been agreed in writing with the Local Highway Authority. The event shall be carried out in strict accordance with the approved Event Day Traffic Management Plan.

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

6. The number of events with the number of attendees between 5000-7000 attendees in total during the event shall not exceed 10 events in any calendar year and such events shall not exceed 3 days in total. Any amendment to these restrictions shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. The number of events with the number of attendees exceeding 7,001 attendees in total during the event shall not exceed 3 events in any calendar year. Such events shall not exceed 3 days in total. Any amendment to these restrictions shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The use of the site shall be carried out in compliance with the safeguards and management of ecological areas in strict accordance with the Ecological Briefing Note submitted with the application.

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.

9. A register of all events shall be kept that includes details of the nature of the event (e.g. exercising of vehicles, members day, music festival etc.), dates of the event (including set up/close down days), timings for each day, number of attendees for each day (and overall total). Each entry on the register shall be retained for no less than 2 years from the date the event ended. This register shall be made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: To ensure the levels of activity and size of events can be adequately monitored and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. No more than two events exceeding 5000 attendees in total during the event shall occur in any rolling 30 day period (from the first day of any event to the last day of the subsequent event) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. The applicant should note that the site area excludes all of the existing buildings on the site and therefore the change of use granted by this decision does not apply to any individual buildings on the site.

28 OS Parcel 0927 East Of And Adjoining Chacombe Road Wardington

The Committee considered application 24/00807/F, for new detached offices and agricultural buildings for a new agricultural seed facility, including access road, parking, landscaping, and associated facilities at OS Parcel 0927 East of and Adjoining Chacombe Road, Wardington for DSV United Kingdom Ltd.

Dr Matt Kerton, on behalf of the applicant, DSV United Kingdom Ltd, addressed the Committee in support of the application.

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

Resolved

That, in line with the officer's recommendation, application 24/00807/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), 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):
 - Contributions to Highways
 - Offsite Biodiversity Net Gain

Conditions

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

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

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

Site location Plan 1:1250 and 1:2500 494-01 Rev C

Proposed Site Layout Plan 1:200 494-100 Rev H

Proposed Ground Floor Offices 1:50 494-110 Rev E

Proposed Offices First Floor Plan 1:50 494-111 Rev E

Proposed Offices Roof Plan 1:50 494-112 Rev B

Proposed Buildings 1 and 2 Elevations 1:100 494-200 Rev B

Proposed Buildings 2 and 3 Floor Plans 1:100 494-120 Rev D

Proposed Buildings 2 and 3 Elevations 1:100 494-201 Rev B

Proposed Building 4 Floor Plan 1:100 494-140 Rev D

Proposed Building 4 Elevations 1:100 494-202 Rev B

Site Elevations 1:100 494-20 Rev A

Greenhouse Elevations 4152-01 Rev 2

Greenhouse Floor Plans 4152-02 Rev 1

Proposed Material Schedule 494-205 Rev A

Tree Protection Plan 23.1754.001 Rev A Received 22/03/2024

Infiltration Basin Calculations

Porous Paving Calculations Received 14/05/2024

Proposed Material Schedule 494-205 Rev A received 11/06/2024

3. No development shall commence above slab level unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - 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,
 - details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
 - details of the proposed boundary treatment

The development shall not be carried out other than in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To protect the visual amenity and ecology of the area. To accord with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

4. 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.

5. No development shall commence unless and 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;
- g. Biodiversity impact assessment
- h. 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.

6. No development shall commence, including any demolition, any works of site clearance and or the introduction of any construction machinery onto the site, unless and until protective fencing and warning notices have been erected on the site in accordance with the approved [construction method statement, ecological report, CEMP]. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

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.

7. No development shall commence unless and until full specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

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

8. Prior to 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.

9. Prior to the first occupation of the development, details of a proposed external lighting scheme shall be submitted to the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within development promotes a secure environment and does not cause a nuisance to local residents or wildlife.

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.

10. No development shall commence above slab level until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule 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 to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first use or occupation of the development hereby permitted the cycle parking as shown on the approved plans shall be provided in accordance with the approved plans, except that they shall be covered. The said cycle parking facilities shall be permanently retained and maintained thereafter for the parking of cycles in connection with the development.

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

12. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently 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 and 10% urban creep (Note: the Cv

values should be set to 0.95 for roofs and 0.90 for paved areas and MADD should be 0.0);

- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (to include three tests at each location and using the full depth of the trial pit);
- 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;
- Details of how water quality will be managed during construction and post development in perpetuity; and
- Consent for any connections into third party drainage systems

Reason - To ensure that there is no flooding due to the site drainage and that the water environment is protected.

13. TRANSPORT CONDITIONS AS REQUIRED BY THE LHA

14. SECURE HMMP CONDITION

15. Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved building shall not be extended or altered without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. The buildings hereby permitted shall be used only for purposes falling within research and development (Class E(g)(ii)) as specified in Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) with ancillary agricultural and for no other purpose(s) whatsoever.

Reason: To enable the Local Planning Authority to retain planning control over the development of the site, in the interests of sustainable development and in order to maintain the character of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policies SLE1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. No development shall commence unless and until an Arboricultural method statement in line with BS5837:2012 has been submitted for

review, outlining protective measures, and working practices to allow retention of existing trees/hedges.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 114(a) of the National Planning Policy Framework.

19. Building 1, hereby permitted, shall be used only for purposes falling within Research and Development Class E(g) (ii) as specified in Schedule 2 of the Town and Country Planning Use Classes order 1987 (as amended) with ancillary office and no other purpose(s) whatsoever.

Reason: To enable the Local Planning Authority to retain planning control over the development of the site, in the interests of sustainable development and in order to maintain the character of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policies SLE1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

20. Buildings 2, 3, 4 and the glasshouses, hereby permitted, shall be used only for the purposes of agriculture associated with the Research and Development use, hereby permitted for building 1 and no other use whatsoever and shall remain as one planning unit.

Reason: To enable the Local Planning Authority to retain planning control over the development of the site, in the interests of sustainable development and in order to maintain the character of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policies SLE1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

29 **20 Almond Road, Bicester, OX26 2HT**

The Committee considered application 24/00401/F for a two-storey front bay extension, two storey rear extension, hip-to-gable roof extensions, roof conversion and associated alterations - (re-submission of 23/02412/F) at 20 Almond Road, Bicester, OX26 2HT for Mr John Prpa.

Sandra Nicholson, local resident, addressed the Committee in objection to the application.

John Prpa, applicant, addressed the Committee in support of the application.

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

Resolved

That, in line with the officer's recommendation, application 24/00401/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

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:
 - Application form
 - Design Statement
 - Site Location Plan
 - Block Plan
 - Drawing number PRPA/S9/05 Rev A – [Proposed floor plans and elevations]

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

3. Notwithstanding the details submitted, no development shall commence above slab level until and unless a plan detailing the proposed car parking provision for two spaces to be accommodated within the site

(including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwelling. The car parking spaces shall be retained for the parking [turning/loading/unloading] of vehicles at all times thereafter.

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

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

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

5. No development shall commence above slab level until samples of the bricks to be used in the construction of the walls of the extensions have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved 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 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 first floor windows in the east and west (side) elevations of the extension shall be obscure glazed, using manufactured obscure glass that is impenetrable to sight, (not an applied adhesive film) before the extension is first occupied and shall be permanently retained as such thereafter. The window shall also be nonopening, unless those parts which can be opened are more than 1.7m above the floor level of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and

Government guidance contained within the National Planning Policy Framework.

7. Prior to first use of the air source heat pump, a copy of the installation certificate (which demonstrates that the installed model satisfies standards specified in Microgeneration Certificate Scheme MCS 020(b) in terms of the noise limit stipulated in the Explanatory Memorandum to Permitted Development Order 2011 No. 2056) shall be submitted to and approved in writing by the Local Planning Authority.

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.

Biodiversity Net Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cherwell District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

The permission which has been granted is for development which is exempt being:

Development below the de minimis threshold, meaning development which:

- i) does not impact an on-site priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of on-site habitat that has biodiversity value greater than zero and less than 5 metres in length of on-site linear habitat (as defined in the statutory metric).

Notes

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the on-site habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that on-site habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PLANNING NOTES

1. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be granted.

2. The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site. Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place. Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

30 **73 High Street, Kidlington, OX5 2DN**

The Committee considered application 23/03368/F for a first-floor extension with associated internal and external work (follow-up to 23/01073/F) at 73 High Street, Kidlington, OX5 2DN for Mr and Mrs R Parshad.

Councillor Dorothy Walker addressed the Committee as Local Ward Member.

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

It was proposed by Councillor McLean and seconded by Councillor Chapman that application 23/03368/F be refused due the heritage impact of the development and it was contrary to policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and the Kidlington Masterplan.

Resolved

That, contrary to the officer's recommendation, application 23/03368 be refused for the following reason:

1. The extension, by virtue of its size, scale and form, has an adverse impact on the character, appearance and significance of the application property, which is considered to be a non-designated heritage asset. The proposal therefore runs contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996, The Kidlington Masterplan 2016 and Government guidance contained within the National Planning Policy Framework.

31 **Land East of Banbury Road Ditch And North Of Earls Lane Deddington OX15 0TY**

The Committee considered application 23/02096/OUT, an outline application for the development of up to 90 dwellings (including affordable dwellings), a new children's nursery, Earls Lane car park, SuDS attenuation, open space and associated landscaping and highway works at Land East of Banbury Road Ditch And North Of Earls Lane, Deddington, OX15 0TY for Welbeck Strategic Land V Limited.

Councillor Andrew McHugh addressed the Committee as Local Ward Member.

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

Bhavash Vashi, agent to the applicant, BVA Planning and Helen Oldfield, Chair of Deddington Parish Council, 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 23/02096/OUT 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), 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 what is set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary with an amendment regarding nursery building which is to be agreed by officers).

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 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.

4. No development shall commence unless and until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, Land contamination risk management (LCRM) and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
5. If contamination is found by undertaking the work carried out under condition 4, prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in

accordance with the scheme approved under condition 4. 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.

7. 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 be carried out before the relevant phase of development is resumed or continued.
8. No development shall commence unless and until a specialist acoustic consultant's report has been provided and approved in writing by the local planning authority that demonstrates that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings). For outdoor areas (domestic gardens and recreation areas used in common) the World Health Organisations guideline noise value of 50 dB LAeq (16 hr) or less shall be achieved during the time period 07:00 to 23:00 hrs. 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. 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.
9. No development shall commence unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved CEMP.
10. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - 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.

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.

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.
12. 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.

13. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

14. Prior to the first occupation of the development, a Travel Plan as set out in the Oxfordshire County Council Travel Plans guidance shall be submitted to and approved by the Local Planning Authority. The

development shall not be occupied other than in full accordance with the approved Travel Plan.

Reason: To encourage the use of sustainable modes as a means of transport.

15. No dwelling shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may 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.

16. No dwelling 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.

17. GCN Condition according to licence
18. 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.

19. Further details of the cycle/footpath access onto the highway.

32 **Kelberg Ltd, Northampton Road, Weston On The Green, Bicester, OX25 3TH**

The Committee considered application 24/00893/F for the proposed erection of 8-bay workshop and associated works at Kelberg Ltd, Northampton Road, Weston On The Green, Bicester, OX25 3TH for Kelberg Trailers And Trucks Ltd.

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

Resolved

That, in line with the officer's recommendation, application 24/00893/F be delegated to the Assistant Director for Planning and Development to grant permission subject to:

- No objections from the Arboricultural Officer and
- 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: unnumbered location/site plan (submitted 2.4.2024) and drawing number 2024-728-20.

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. Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any

variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason – To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems and in accordance with Government guidance contained within the National Planning Policy Framework.

4. Before any above ground works commence a scheme for the provision and implementation of 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 use of the building 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.

5. A method statement for enhancing the site for biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level, which shall include details of the planting and management of the 5m grassed buffer against the southern site boundary. It could include measures such as additional landscaping within the wider site or appropriate inclusion of bat/bird/invertebrate boxes on the building hereby approved. 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 the National Planning Policy Framework.

6. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 5 dB(A) below the pre-existing background noise level (dBLA90) when measured at the nearest noise sensitive premises/site boundary. Measurements and rating of noise for the purpose of this conditions shall be in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates).

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.

7. Prior to the first use of the development hereby approved details of the external lighting, including security lighting and/or floodlighting, and 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.

Reason - In the interests of visual amenity and to protect the amenities of nearby residents and to ensure that the development does not cause harm to any protected species or their habitats in accordance with Policies ESD10 and 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.

33 **12-14 Sheep Street, Bicester, OX26 6TB**

The Committee considered application 24/00214/F for the conversion of part of the first and the second floor to residential together with a set-back rear extension at second floor and a lightwell formed at first floor providing 10 flats, with retention of the ground floor and part of the first floor as a commercial unit at 12-14 Sheep Street, Bicester, OX26 6TB for Haithwell Ltd.

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

Resolved

That, in line with the officer's recommendation, application 24/00214/F be delegated to the Assistant Director for Planning and Development to grant permission, subject to:

- The resolution of the drainage objection
- The conditions as set out below (and any amendments to those conditions as deemed necessary), and
- The completion of planning obligation under section 106 of the town and country planning act 1990, as substituted by the Planning and Compensation Act 1991:
 - a) Payment of a financial contribution towards the expansion and efficiency of Household Recycling Centres (HWRC) of £940 (index linked)
 - b) Payment of a financial contribution towards Community Hall Facilities of £11,020.08 (index linked)
 - c) Payment of a financial contribution towards Outdoor Sports Provision of £20,170.30 (index linked)
 - d) Payment of a financial contribution towards Indoor Sports Provision of £8,047.68 (index linked)

CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:
 - Planning, Heritage, Design and Access Statement dated January 2024
 - Preliminary Roost Assessment prepared by Daniel Ahern Ecology dated January 2024
 - External Building Fabric Assessment (noise assessment) prepared by Clement Acoustics, reference 18824-EBF-01 dated 21 December 2023
 - Drawing number 22.1353/011 – [Site Location Plan]
 - Drawing number 22.1353/015 – [Proposed Block Plan]
 - Drawing number 22.1353/003 Rev C – [Proposed Ground Floor Plan]
 - Drawing number 22.1353/004 Rev B – [Proposed First Floor Plan]
 - Drawing number 22.1353/005 Rev A – [Proposed Second Floor Plan]
 - Drawing number 22.1353/008 Rev A – [Proposed Rear Elevation]
 - Drawing number 22.1353/013 Rev A – [Proposed rear elevation from side road (off Victoria Road)]
 - Drawing number 22.1353/010 – [Proposed Front Elevation]
 - Drawing number 22.1353/007 Rev A – [Proposed Section A-A]
 - Drawing number 22.1353/014 – [Proposed Front Elevation (B-B, C-C)]

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 materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.

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.

4. Prior to the commencement of works above slab level in respect of the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
 - b) details of the hard landscaping including hard surface areas,
 - c) details of the enclosures within the communal rooftop terrace area,
 - d) details of any fixed furniture within the communal rooftop terrace area.

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

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

5. The development shall not be occupied unless and until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out strictly in accordance with the approved schedule and shall be retained as such thereafter.

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 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.
6. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (member of the IEEEM 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.

7. A method statement for enhancing the biodiversity (including bat boxes, swift brick/boxes and other enhancements within the rooftop terrace) 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 from any loss or damage and to seek biodiversity enhancements in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

8. 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 have first been 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 Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. The development hereby approved shall not be occupied until details of how Secured by Design measures have been incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be implemented in accordance with the approved detail and be retained and maintained in perpetuity. Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the residential dwellings all mitigation measures as set out in the noise report (Clement Acoustics ref 18824-EBF-01, dated 21 December 2023) shall be implemented. Thereafter this mitigation shall be maintained in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

34

Cornhill Cafe 1 Castle Street Banbury OX16 5NT

The Committee considered application 24/01153/F for the Conversion of unused garage into a new office for two members of staff, this work includes a new front window and access from the existing building at Cornhill Cafe 1 Castle Street Banbury OX16 5NT for Royal Voluntary Service.

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

Resolved

That, in line with officers' recommendation, application 24/01153/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), subject to:

CONDITIONS/REASONS

Time Limit

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

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

Compliance with Plans

- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan (Titled: 5825 MAP), Block Plan (Titled: 5828 01), Proposed Floor Plans and Elevations (Titled: 5828 21)

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.

35 **Cattle Market Car Park, Victoria Road, Bicester, OX26 6QB**

The Committee considered application 24/01172/CDC to retain use of land as a car park at Cattle Market Car Park, Victoria Road, Bicester, OX26 6QB for Cherwell District Council.

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

Resolved

That, in line with officers' recommendation, application 24/01172/CDC be 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), subject to:

CONDITIONS

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

- Application form
- Site Location Plan
- Block Plan
- Drawing number OPAC-SSE-CB-XX-DR-E-001 Rev 06 – [EV Hub Oxford Park and Charge]

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.

(2) That the site shall be used only for the purpose of a public car park and for no other purpose whatsoever.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

36 **143 The Fairway, Banbury, OX16 0QZ**

The Committee considered application 24/01117/F for the removal of imitation chimneys and the installation of solar PV across the roof at 143 The Fairway Banbury OX16 0QZ 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 24/01117/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), Subject to:

CONDITIONS

Time Limit

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

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

Compliance with Plans

- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: Drawing 003A (Site and Location Plan) and TE0466-DTL-XX-RF-DT-E-9001 Rev P01.

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

37

Cherwell District Council Lock 29 Castle Quay, Banbury OX16 5UN

The Committee considered application 24/01224/CDC for a new courtyard roof and roof mounted air handling units at Cherwell District Council, Lock 29, Castle Quay, Banbury OX16 5UN for Cherwell District Council.

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 24/01224/CDC be delegated to the Assistant Director for Planning and Development subject to the conditions 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 form and the following plans and documents: Drawing No. 7165-GBS-XX-XX-DR-A-104-P01, 7165-GBS-XX-XX-DR-A-105-P01 and 7165-GBS-XX-XX-DR-A-107-P01.

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

Environmental Health

3. All plant, machinery, and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 5 dBA below the pre-existing background noise level (dBLA90) when measured at the site boundary (boundary of the roof). Measurements and rating of noise for the purpose of this condition shall be in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates).

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

38

Castle Quay 2 Spiceball Park Road Banbury Oxfordshire OX16 2PA

The Committee considered application 24/01150/DISC for the discharge of Condition 22 (details of operational plant and mitigation) of 16/02366/OUT at Castle Quay 2 Spiceball Park Road Banbury Oxfordshire OX16 2PA for Loungers PLC.

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

Resolved

That, in line with the officer recommendation, the discharge of condition 22 (operational plant and mitigation) of application 16/02366/OUT be granted with the details approved as set out below

- DEFRA RISK ASSESSMENT FOR ODOUR;
- DRAWING - 01
- DRAWING – 02
- DRAWING – 03
- ACOUSTICA LOUNGE SILENCERS (ELECTRIC COOKLINE)
- JE-EN-2023 PANEL VS4
- LONGAR TYPE 3 LOW PRESSURE BAFFLE FILTER PRODUCT DATA
- OC INNOVATIONS O2 OZONE
- SITE SAFE DISCARB UNIT EN 2014-1
- SYSTEMAIR KVK SILENT 160
- SYSTEMAIR KVK SILENT 200
- SYSTEMAIR MUB 062 560 D4 MULTIBOX
- SYSTEMAIR MUB 062 630 D4

The meeting ended at 10.20 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee – 1 August 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	Land Opposite Hanwell Fields Recreation, Adjacent To Dukes Meadow Drive, Banbury	23/03366/OUT	Banbury Hardwick Cropredy, Sibfords and Wroxton	Approval*	Lewis Knox
9	South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH	24/00245/OUT	Bicester North And Caversfield	Refusal	Andrew Thompson
10	Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS	23/03290/F	Deddington	Refusal	Katherine Daniels
11	45 Woodhall Drive, Banbury, OX16 9TY	24/01326/F	Banbury Calthorpe and Easington	Approval*	Astrid Burden

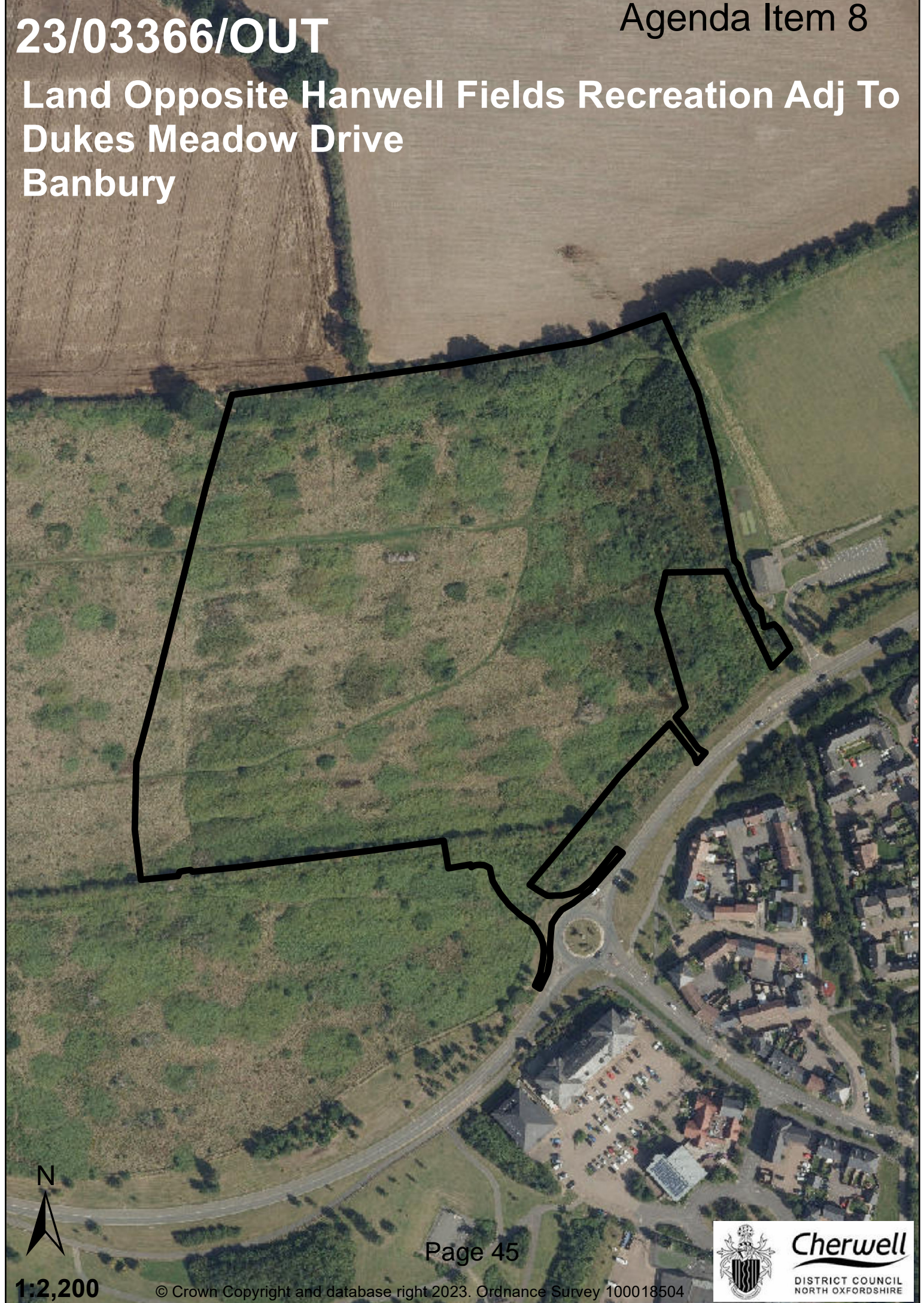
*Subject to conditions

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

23/03366/OUT

Agenda Item 8

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

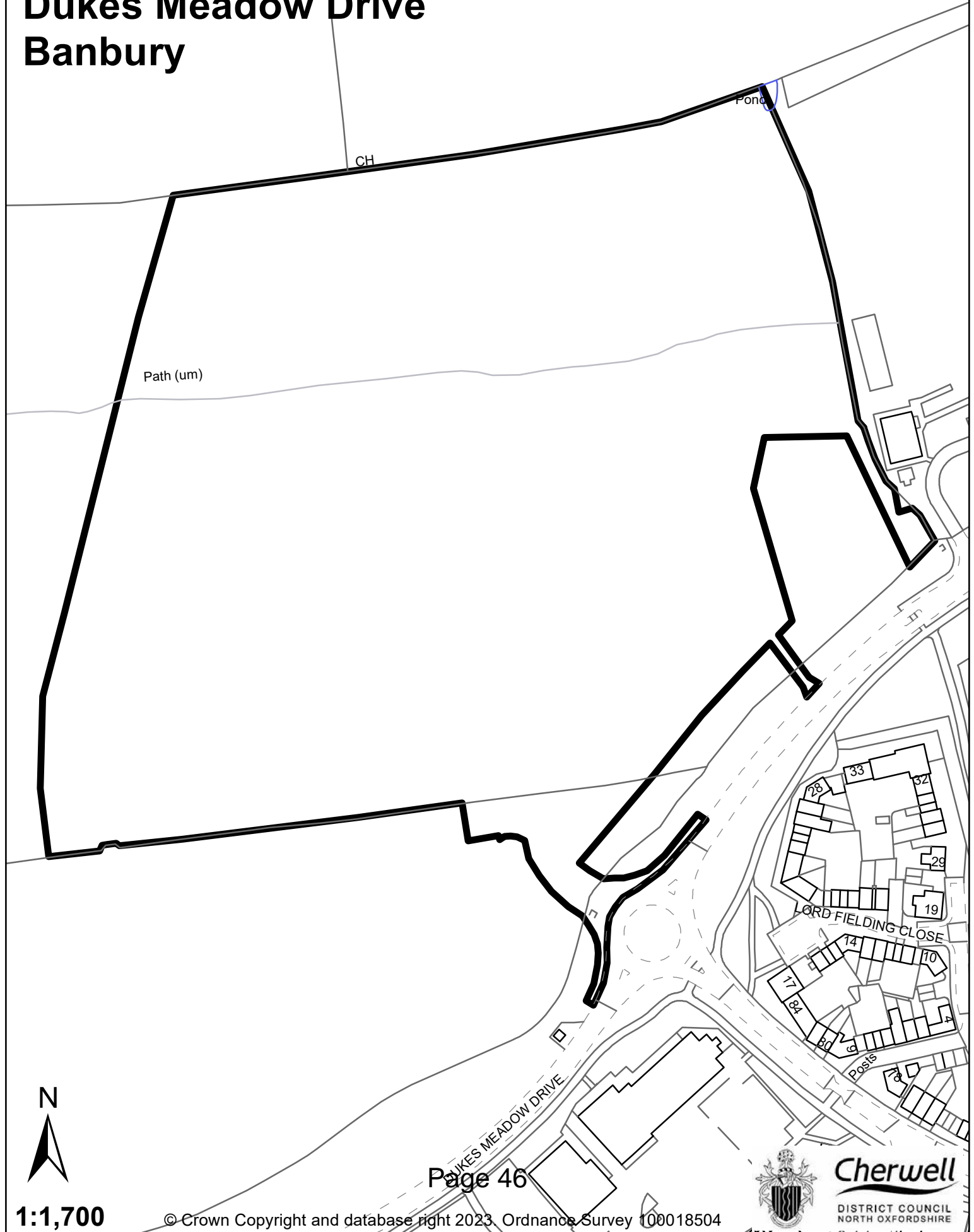


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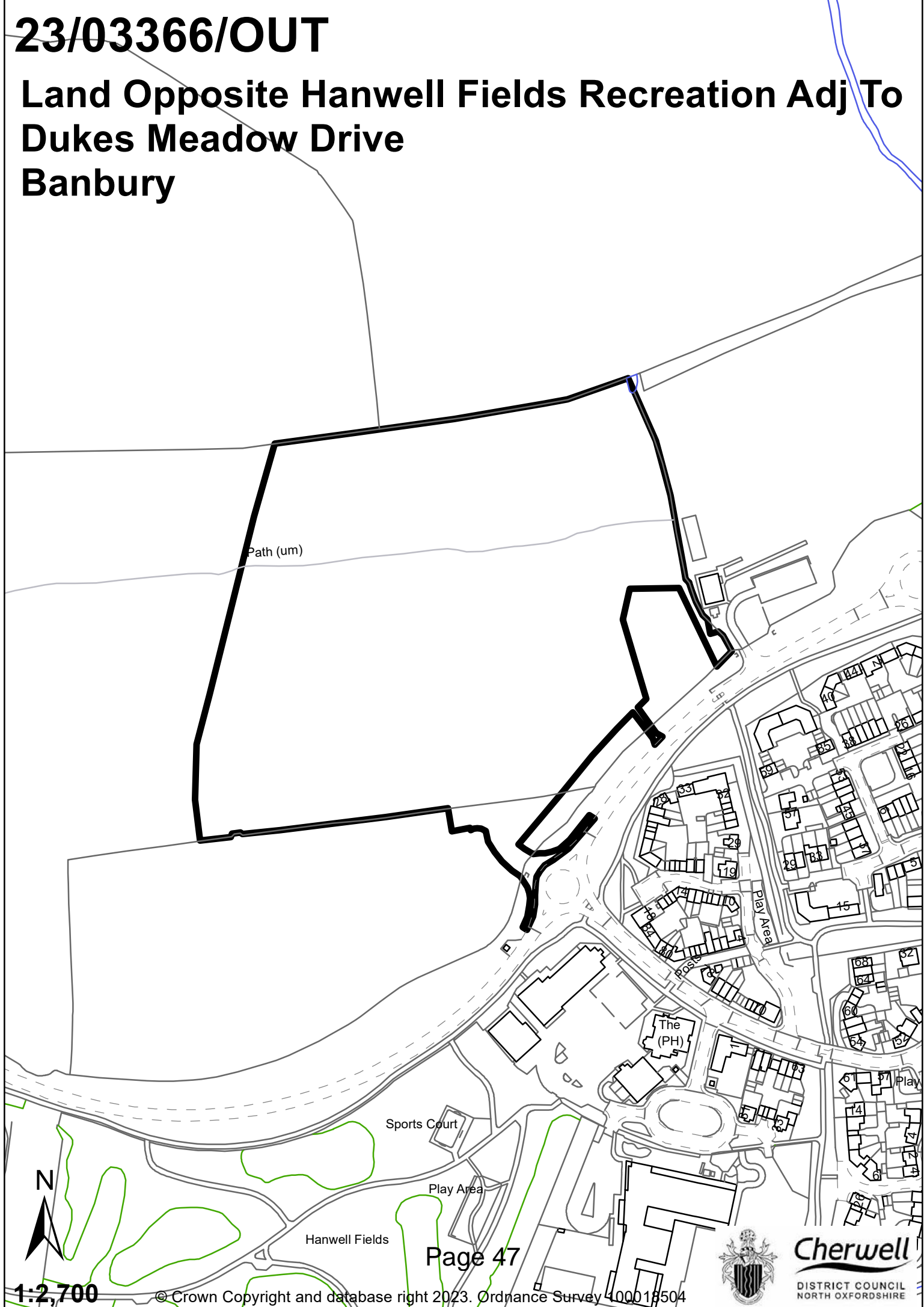
23/03366/OUT

Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



23/03366/OUT

Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury



Case Officer: Lewis Knox

Applicant: Manor Oak Homes

Proposal: Outline planning application for up to 117 dwellings and associated open space with all matters reserved other than access

Ward: Banbury Hardwick
Cropredy, Sibfords and Wroxton

Councillors: Banbury Hardwick Ward – Councillors Besmira Brasha, Andrew Crichton, Dr Kerrie Thornhill
Cropredy, Sibfords and Wroxton Ward - Councillors Chris Brant, Phil Chapman, Douglas Webb

Reason for Referral: Major development of 10+ dwellings/Significant departure from adopted development plan

Expiry Date: 29 February 2024

Committee Date: 1 August 2024

SUMMARY RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO CONDITIONS AND THE PRIOR COMPLETION OF A S106 PLANNING OBLIGATION

MAIN REPORT:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located north of Dukes Meadow Drive and extends to approximately 8.6 hectares of agricultural land. It comprises the eastern extent of a larger parcel of undeveloped land immediately to the north of Dukes Meadow Drive. It has been resolved previously to grant the same applicant outline planning permission for the erection of 78 dwellings immediately to the south of the site (Ref: 21/03426/OUT). This application seeks consent for a further 117 dwellings (previously 176 dwellings) and is described within the application submission as 'Phase 2'.
- 1.2. The southern, eastern and northern boundaries are defined by mature hedgerows but is open to the elevated plateau land to the west. The site slopes quite steeply upwards from Dukes Meadow Drive (rising from east to west and south to north) and is open and exposed in views from the south and east. The Hanwell Fields Recreation Ground and pavilion lies immediately to the east of the site and the Hanwell Fileds Community Centre, School, Dental Surgery, pub and shops all lie immediately to the south, on the opposite side of Dukes Meadow Drive, at its junction with Lapsley Drive.

2. CONSTRAINTS

- 2.1. The application site comprises Grades 2 and 3 agricultural land and the Neithrop Fields Cutting SSSI is located within 1km of the site. Site investigations have identified that the site could potentially contain Priority Grassland Habitat and also Oxfordshire Protected and Notable Species. On the plateau land to the west of the site is a network of Public Rights of Way (PRoW) linking Hanwell village to the north with the northern

edge of Banbury. In addition to the nearby PRow, there is clear evidence of informal pathways across parts of the application site.

- 2.2. The site is in flood zone 1 although site investigations have identified that surface water pooling can occur at the bottom of the slope in the southeast corner of the site abutting the eastern edge boundary with the Recreation Ground.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the erection of a further 117 dwellings, described in the application as Phase 2 of the previously approved development of 78 dwellings north of Dukes Meadow Drive. All matters are reserved except for access.
- 3.2. Vehicular access to the site is proposed via a new northern spur to the existing Dukes Meadow roundabout junction with Lapsley Drive, which was previously agreed as the new access to serve the Phase 1 development. The design and layout of the access would be unchanged from that previously approved under the Phase 1 development (Ref: 21/03426/OUT).

4. RELEVANT PLANNING HISTORY

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

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

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

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

22/03064/OUT - Outline planning application for up to 176 dwellings and associated open space with all matters reserved other than access – Application Withdrawn.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site entrance, 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 December 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:

- Harmful increase to traffic levels in and around Hanwell
- Erosion of gap to Hanwell village

- Loss of greenness and openness of countryside
- Visually prominent site, particularly from the east
- Impact on Heritage and Hanwell Conservation Area
- Flood risk
- Contrary to CLP 2015
- Contrary to HELAA assessment
- Beyond built up limits of Banbury
- Impact on climate change
- Lack of additional local facilities proposed

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

- Not allocated for housing and therefore contrary to Development Plan;
- Site recently assessed by the CDC 2018 HELAA (Site 036) as not suitable for development;
- Contrary to Policy ESD13 as would cause undue visual intrusion into open countryside and cause harm to important natural landscape features and topography;
- Would have seriously harmful impacts on the local area which Local Plan policies aim to prevent, namely significant urban extension not in the adopted CLP – BSC2, ESD1, piecemeal development on open countryside (saved policy C8) and loss of important landscape feature (ESD13);
- Would set a precedent for further urban development north of Dukes Meadow Drive, adversely affecting setting of surrounding villages, notably Hanwell. This is further demonstrated by previous approval 21/03426/OUT. Damaging precedent for greater coalescence of Banbury and Hanwell (saved policy C15);
- Future housing should be identified in formal updates of housing land supply through CLP for example, the balance between greenfield and previously used land as well as sustainability issues, so they can be considered in a comprehensive fashion;
- Site is not sustainable in all other respects as claimed by the submission as loss of an important and prominent landscape feature (C13, ESD13); loss of important open vistas (saved policy C33 & ESD13); loss of informal open space for residents of Hanwell Fields (BSC11); adverse impacts on environment and biodiversity (ESD10), does not enhance the area (ESD10); adverse impact on local road networks, poor public transport (TR7, SLE4,

ESD1, ESD15) and lack of further community facilities to serve the development (saved policy R14 and BSC12);

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

7.3. BANBURY TOWN COUNCIL: **Objects** to this development as being premature pending the outcome of the emerging Cherwell Local Plan.

7.4. Whilst noting the applicant's contention that the District Council is in a position where it cannot demonstrate a 5 year housing land supply, Banbury Town Council nevertheless object that by reason of its scale and siting beyond the built up limits of the settlement, and within the countryside, the proposal would result in development of a greenfield site that contributes to the rural character of the approach into Banbury and is important in preserving the character of the this edge of Banbury and would be unduly prominent in the landscape. This concern is considered to outweigh any tilted balance that would exist if the land supply is deemed to be insufficient after the outcome of the Local Plan examination and inspectors report. The proposal is therefore considered to be unacceptable in principle and contrary to Policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C33 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

OTHER CONSULTEES

7.5. OCC HIGHWAYS: **No objection** subject to standard conditions in respect of width of the access, a Construction Traffic Management Plan and Residential Travel Plan & Residents Information Pack and S106 contributions towards strategic highway works, public transport services, travel plan monitoring and public rights of way.

7.6. OCC LOCAL LEAD FLOOD AUTHORITY: **No objection** subject to conditions.

7.7. OCC EDUCATION: **No objection** subject to S106 contributions.

7.8. OCC ARCHAEOLOGY: **No objection** subject to conditions.

7.9. OCC WASTE MANAGEMENT: **No objection** subject to S106 contributions.

7.10. CDC LANDSCAPE SERVICES: No comment received.

- 7.11. INDEPENDANT LVIA ASSESSMENT BY LANPRO: Subject to appropriately worded landscape conditions, it is considered that the development as proposed would, in time, suitably mitigate any potential landscape harm and thus would accord with both national and local policies in this respect.
- 7.12. CDC ECOLOGY: **Objection** in line with BBOWT response. Comments in respect of ecological mitigation measures and suggested conditions in the event of any possible approval.
- 7.13. BBOWT: **Object** Potential impact on Hanwell Brook Wetland including hydrological impact, and recreational impact. Potential impact on existing grassland with Adder's-tongue fern. Application does not provide adequate evidence of a net gain in biodiversity, the importance of a net gain in biodiversity being in perpetuity. Buffer zones and management of hedgerows needed in order to achieve any biodiversity net gain. Application does not provide evidence that it will help to achieve the aims of the Conservation Target Area.
- 7.14. NATURAL ENGLAND: No comments received.
- 7.15. CDC PLANNING POLICY: No comments received.
- 7.16. CDC STRATEGIC HOUSING: **No objection** in principle subject to affordable housing mix being agreed.
- 7.17. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions.
- 7.18. CDC RECREATION AND LEISURE: **No objection** Seek S106 contributions towards community hall facility enhancement, outdoor and indoor sport, public art, community development worker and community development fund towards existing facilities within the locality.
- 7.19. BOBICB: Seek S106 health service enhancement contributions.
- 7.20. THAMES VALLEY POLICE: Seek S106 policing contributions.
- 7.21. CDC BUILDING CONTROL: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 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 2031 Part 1):

- Policy SLE4: Improved Transport and Connections
- Policy PSD1 – Presumption in favour of Sustainable Development
- Policy BSC1: District Wide Housing Distribution
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing mix

- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC11: Local Standards of Provision – Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policies ESD1-5: Mitigating and Adapting to Climate Change
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996):

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

8.3. Other Material Planning Considerations:

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

9. APPRAISAL

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

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

Principle of Development

Policy Context

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

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and saved policies of the Cherwell Local Plan 1996 (CLP 1996).
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.1. 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).
- 9.2. 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. 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.
- 9.4. 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'.

- 9.5. 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.'*
- 9.6. 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'*.
- 9.7. 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

- 9.8. 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 that former requirement.
- 9.9. 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

- 9.10. 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.”

9.11. The Council has an emerging Local Plan Review 2040 that has reached Regulation 18 stage and therefore the Council maintains that it only needs 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.

9.12. 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

9.13. 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.

9.14. 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 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.

9.15. 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.

- 9.16. 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.
- 9.17. 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).
- 9.18. 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 (i.e. it does not specify how much development should occur at each settlement).*
- 9.19. 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

- 9.20. At a recent appeal an Inspector concluded that the Council had less than a 4-year supply of housing when combining the District's 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).
- 9.21. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to other applications for housing in the district.
- 9.22. However, the LPA has submitted a S288 legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and the High Court has accepted that challenge and will be considering arguments in October as to whether or not the Inspector's decision was sound and sufficiently considered all material considerations.

- 9.23. 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

- 9.24. The Council's housing land supply position of 5.8-years therefore means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states that the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are a starting point for decision taking and afforded full weight. However, the delivery of homes across the district remains an important material consideration.
- 9.25. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 117 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Banbury and the Hanwell Fields development and is therefore in open countryside. It is however noted that the parcel of land adjoining the site to the southwest has already been granted outline consent for 78 dwellings with a reserved matters coming forward in due course. Given this it is considered that the site would be connected to the built form of Banbury and would not appear as a standalone development within the open countryside.
- 9.26. As the application site is located beyond the existing built-up limits of Banbury, the proposal must also be assessed against saved Policies C8 and H18 of the CLP 1996. Policy C8 seeks to avoid sporadic development in the open countryside and applies to all new development proposals beyond the built-up limits of settlements. Policy H18 states that planning permission will only be granted for new residential development beyond the existing built-up limits of a settlement where the development is essential for agriculture or other existing undertakings, or where development would not conflict with other saved policies in the CLP 1996. This proposal is for a development of up to 117 dwellings, none of which would be for essential agricultural need or any identified undertaking in open countryside beyond the existing built-up limits of Banbury. The development proposed is therefore not in accordance with Policies C8 and H18 of the CLP 1996.
- 9.27. Whilst the development would not be in accordance with the development plan, it is considered that the proposed development would be located in a sustainable location on the edge of Banbury close to a number of facilities including schools, shops, community centres and has good transport links into the town centre and beyond through cycle routes and bus services.
- 9.28. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of, the proposed development would create jobs both directly and indirectly. Socially, the development would provide needed market and affordable housing on the edge of a sustainable main settlement and immediately alongside a wide range of local community facilities served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of habitats available for wildlife and the setting of the site. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. However, these aspects are explored in greater detail through the coming paragraphs.

Conclusion

- 9.29. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing, meeting overall Policy BSC1 housing requirements to 2031.
- 9.30. The latest housing supply figure for Cherwell District is calculated at 5.8 years. Whilst the NPPF states that the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. Whilst there may be some impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, officers accept the applicant's assessment within the submitted LVIA that the proposed mitigation would be acceptable and sufficiently reduce any harm. It is considered that the harmful impact would be mitigated and would be outweighed by the benefits of the additional housing which would boost the housing land supply within the district at its most sustainable settlement, including the provision of affordable housing, the sustainability of the location and the long term socio-economic benefits which additional housing and population would bring.
- 9.31. Whilst the proposal is considered contrary to the Development Plan it is considered that this would be outweighed by the benefits of the scheme.

Landscape Impact

Policy Context

- 9.32. Policy ESD13 of the adopted 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 the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity.
- 9.33. Paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton. The site comprises open and prominent steeply rising ground (rising from east to west) and from Dukes Meadow Drive with the northern boundary of the site being located on the brow of the hill. The site consists of open, agricultural land which is classified Grades 2 and 3 with field hedges and trees that contribute to its rural character. The site is visible from the adjacent public right of way network.

Assessment

- 9.34. The site is included within the Council's Housing and Economic Land Availability Assessment (HELAA) dated February 2018 (site HELAA036) – it concluded as follows: *Greenfield site outside the built-up limits. The site is considered to be unsuitable for development in this location would be prominent in the landscape, particularly when viewed from the east, on one of the highest points in the vicinity. It would lead to the loss of greenfield land and informal recreation resource for local people which is in close proximity to the existing Hanwell Fields development.*

- 9.35. The application site forms part of a parcel of land assessed by the Landscape Sensitivity Capacity Assessment prepared to inform the emerging Cherwell Local Plan Review. Although a much wider parcel of land was assessed the Study concluded that the assessment unit has moderate-high sensitivity for residential and commercial development. The sensitivity to logistics development is high. This sensitivity arises from the physical character including the undulating valley slopes and openness of the assessment unit to views from the north and north-east. Observations from the top of the site showed that Grimsbury Reservoir was clearly visible as was the M40, Southam Road and Little Bourton. There was no intervisibility with Hanwell village to the north.
- 9.36. Moreover, in describing the landscape setting of Banbury the September 2013 Banbury Green Buffer Report (paragraph 3.1.1) states; *'The town itself is strongly contained by landform, with the River Cherwell and its floodplain located on the eastern side of the town and the Sor Brook and its tributaries to the west. The rounded ridge-line located to the west and south west of the town, between the Sor Brook and Cherwell, marks the edge of development to the town, whilst to the east and north, a series of undulating hills and valleys beyond the River Cherwell create a sense of enclosure in the wider landscape.'*
- 9.37. It is noted that the site will be visible from several vantage points around the town, particularly from the east. It is further noted that there are panoramic views of parts of the development site from some of the higher ground to the west which would restrict building heights on the western part of the site.
- 9.38. The application submission and the submitted Landscape Impact Assessment has been assessed by an independent Landscape consultant on behalf of the Council.
- 9.39. The consultant noted that neither the site nor the surrounding context is designated in landscape, ecological or historical terms. The consultant concluded that in landscape terms the retention and enhancement of existing boundary vegetation; together with new planting as illustrated on the Landscape Strategy Plan (drawing 5982/LSP/ASP4) provides a suitable quantum and approach to mitigation of the development. The placement of development away from the northern and northwestern edge of the site as shown on the Landscape Strategy Plan contained within the LVIA helps to reduce landscape effects on site and associated harm creating a compact development form. Along the eastern boundary the retention of existing vegetation and proposed SuDS attenuation creates embedded mitigation by restricting development here. Ideally, the regeneration of the poplar trees should be retained and would allow a natural and defined boundary to the east of the site where visibility for transport receptors travelling east to west along Dukes Meadow Drive is possible with the site visible below the centre of the principal view. Such vegetation would form a large vertical form over time and would reinforce the character of Hanwell Brook and help define it as a feature in this landscape. The southern boundary has a strong residential character, and the cumulative effects of the approved Hanwell Fields Development Site (Phase I) reinforces this character.
- 9.40. In general terms, due to the landform and vegetation on the site's boundaries and the wider landscape context, visibility of the site is limited to the immediate area with main effects visible within 350m of the site boundary predominantly to the east. The natural ridge to the northern boundary and boundary hedgerow and trees; together with falling levels within the site limit visibility to the north of the site. To the east whilst the site is visible along Dukes Drive, it forms the lower portion of the view composition and therefore could be mitigated by appropriate landscape treatments. Views from the south would be limited by existing and proposed vegetation and by Phase I (ref: 21/03426/OUT) and would affect transport receptors on Dukes Meadow Drive and residential properties fronting onto this highway. Views to the west are limited by

existing vegetation, landform and public access is limited to defined PRow where visibility is likely to be limited or wholly restricted.

Conclusion

- 9.41. Subject to appropriately worded landscape conditions which ensure the protection to and retention of existing trees is secured; together with the quantum and depth of planting defined both on the site's boundaries and within the site are secured in line with the Landscape Strategy Plan then it is considered that the site complies with National Planning Policy Framework (NPPF) 180 (b). It is also considered that subject to the above, due to the site's location in relation to local landform and on lower ground where landform is more closely associated with areas of new development, that harm to the character of the landscape and to visual receptors is localised to the site and immediate environs to the south, east and west. The proposed retention and enhancement of existing vegetation and proposed new mitigation planting shown on the Landscape Strategy Plan is considered appropriate in both quantum and location and can be controlled via a suitably worded condition which should also include requirements for restoration and management of existing and proposed features.
- 9.42. In this context it is considered that the proposals comply with Policy ESD 13 of the CLP 2015. As such in Landscape and Visual terms it is considered that the level of harm assessed within the LVIA is correctly assessed and mitigation to address identified harm is acceptable and compliant with both national and local plan policy.

Heritage Impact

Legislative and policy context

- 9.43. The site if developed as proposed could potentially affect the wider setting of Hanwell Conservation Area and the setting of Hanwell Castle, a Grade II* listed building, although there is no observed direct intervisibility.
- 9.44. 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.*
- 9.45. 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.
- 9.46. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.47. The site is also located in an area of archaeological interest with later prehistoric through to Roman archaeological deposits recorded in the vicinity. Two prehistoric ring ditches were recorded 600m west of the site along the prehistoric ditches and several undated post holes and pits, which are likely to be of a similar date. A recent archaeological excavation to the west of Southam Road recorded prehistoric worked

flint and Beaker Pottery (Wessex Archaeology forthcoming). A post medieval ring ditch, probably from a windmill, was also recorded on the site. This may have been built on a surviving prehistoric barrow mound. Iron Age and Roman settlement evidence has also been recorded 1km to the west of the site. Historic England have recorded the line of a Roman Road (RR 161a) from Harwell to Oxford 270m west of the application site. It is therefore likely that further archaeological deposits could survive on the application site and a programme of archaeological evaluation would therefore need to be undertaken in the event of planning permission being granted.

9.48. As a consequence of the above, the applicant has submitted a heritage impact assessment, which also provides verified views of the proposed development (winter views) from the Conservation Area/Hanwell Castle grounds. The Heritage Statement as submitted appears to corroborate the assessment made by the application submission that the proposed development would not be perceived in views from Hanwell Conservation Area or the setting of the listed buildings and conservation area.

9.49. The level of heritage harm likely to be experienced would be less than substantial and probably would be towards the lower end of a less than substantial impact.

Site layout and design principles

Policy Context

9.50. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve.

9.51. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

9.52. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.

9.53. The indicative landscaping, with retention of the existing trees and proposals for a green buffer along the northern and eastern edges allowing for a transition to the rural landscape would be acceptable in principle. The effect of the development on the landscape is considered later in this appraisal.

9.54. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition(s) attached to any such permission.

Conclusion

- 9.55. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 117 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

Highways and vehicular access

Policy Context

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

Assessment

- 9.60. The proposed development would be accessed via a fourth arm (western arm) of the existing Dukes Meadow Drive/Lapsley Drive roundabout. Supporting this application is a Transport Assessment (TA) that suggests a realignment that would render access from Phase 1 to be the minor arm of a simple priority junction. This is acceptable in principle subject to an updated junction capacity assessment.
- 9.61. An emergency access point that also doubles as an uprated cycle track or reinforced grass area is proposed off Dukes Meadow Drive further north of the access roundabout. A Construction Traffic Management Plan and temporary access for construction traffic would need to be agreed.
- 9.62. The nearest bus stops to the site are located on Highlands to the south of the site, approximately 790m from the site’s proposed western pedestrian/cycle access and are served by the B9 bus. The distance from the site could act as a deterrent to public transport use for those with mobility issues or small children but is considered an accessible distance in Manual for Streets guidance. As with Phase 1, a transport contribution of £1,502 per dwelling would be required to support the continued

operation of the bus service. A Residential Travel Plan would be required to be submitted and approved as part of any approval.

- 9.63. Planning for cycling/walking, space for cycling within highways, transitions between carriageways, cycle lanes and cycle tracks, junctions and crossings, cycle parking and other equipment design within the development should follow LTN 1/20 guidance. Contributions towards upgrading the current footpath on the southern side of the carriageway to a segregated cycle and footpath in line with LTN 1/20 should be provided from Lapsley Drive roundabout to Winter Gardens Way roundabout. Contributions would also be sought towards enhanced connectivity between the development site and Banbury town and the emerging Banbury Local Cycling and Walking Infrastructure Plan.
- 9.64. Whilst this is an outline application, it is expected that subsequent applications would show a comprehensive network throughout the site with footways provided on each side of the carriageway to make it suitably permeable with the surrounding infrastructure.
- 9.65. In terms of traffic impact, the submitted Transport Assessment has been assessed by OCC as local highway authority who consider that the person trip rates and resultant trips by mode presented in the TA are reasonable for a development of this size and in this location. The peak hour vehicular trips obtained from the trip generation exercise have been assigned onto the network using the distribution patterns obtained in 2011 Census data, which is deemed acceptable.
- 9.66. In attempting to appraise the traffic impact of this development onto the local highway network, the TA has undertaken modelling exercises at the access Dukes Meadow Drive/Lapsley Drive, A423 Southam Road/Dukes Meadow Drive and Dukes Meadow Drive/B4100 Warwick Road/Walker Road. Assessment was undertaken for both the baseline scenario to forecast how these junctions would operate without and with the development traffic. The modelling undertaken on the A423 Southam Road/ Dukes Meadow Drive roundabout in the PM peak showed the RFC value for the Southam Road south to operate slightly over its designed threshold.

Conclusion

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

Housing Mix and Affordable Housing

- 9.69. The proposed development provides for up to 117 new dwellings on the site. No details of housing mix are provided at this stage. It is important to have consideration of the mix of housing when considering urban design as well as responding to identified local housing needs. Policy BSC4 of the adopted Cherwell Local Plan 2025 seeks to encourage a mix of housing on all new developments that meets the need of the district as identified by the results of the SHMA 2014. This advises that there is a greater need for 3-bedroom properties in Cherwell and the suggested mix is shown

on Table 67 of the Local Plan. Consideration of and compliance with Policy BSC4 is relevant in this respect.

- 9.70. Policy BSC3 requires the provision of 30% affordable housing which equates to 35 dwellings. The required tenure split is 70% rented and 30% Low Cost Home Ownership (LCHLO). National policy requires that 10% of the overall scheme is provided as Low Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. A policy compliant affordable housing mix would therefore equate to 11 LCHO dwellings of which 9 would be First Homes and 4 shared ownership, with 25 dwellings for social rent. The proposed tenure mix set out in the application Planning Statement complies with this.

Assessment

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

Conclusion

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

Ecology Impact

Legislative context

- 9.76. 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.

- 9.77. 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.
- 9.78. 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 would 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.
- 9.79. 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.
- 9.80. 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

- 9.81. 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.
- 9.82. Paragraph 175 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.

- 9.83. 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.
- 9.84. 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.
- 9.85. 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.
- 9.86. 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.
- 9.87. 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

- 9.88. 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')
- 9.89. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is within 1km of Neithrop Fields Cutting SSSI and

Fishponds Wood, Hanwell Local Wildlife Site (LWS) and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

- 9.90. 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 would meet the 3 derogation tests listed above.
- 9.91. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.
- 9.92. The application is supported by an ecological appraisal following site surveys between August 2020 and July 2022, based on a standard extended Phase 1 methodology. In addition, a general appraisal of fauna species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, reptiles and badger.
- 9.93. The site forms the eastern part of a semi-improved grassland field, with other habitats including boundary hedgerows and scattered scrub. Features of ecological importance include the hedgerows and associated trees, which would be retained under the proposals and would be protected during construction, with only small sections removed to facilitate access. It is proposed to compensate by new hedgerow planting, which would link with the existing/retained hedgerows. Further new planting is also proposed within the development itself. In terms of protected species, potential opportunities or confirmed use of the site by badger, bats and common nesting birds have been recorded.
- 9.94. The submitted appraisal concludes that the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals are unlikely to result in any significant harm to biodiversity.
- 9.95. The application however has been separately assessed by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) who have raised an objection to the proposals on several grounds. Just to the east of the development site lies an area known as the Hanwell Brook Wetland, which supports a range of wildflowers such as bugle, meadowsweet and greater bird's trefoil and a range of birds, dragonflies, damselflies, frogs and toads. The proximity of the proposed development site to the wetland combined with the topography of the site which slopes steeply to the east (toward the wetland) means there is potential for a negative hydrological impact on the wetland.
- 9.96. There is also a potential impact by the development on Adder's-tongue fern which is a good indicator of ancient meadows. Although this fern is locally abundant this is because there is a high concentration of important meadows in Oxfordshire; nationally it is much less common. The submitted ecological appraisal advises that its loss could be mitigated through translocation with details to be agreed at reserved matters stage. However, BBOWT are unsure about how successful the proposed translocation of the

fern is likely to be as the success of any translocation is dependent upon many different factors such as management of the new site, hydrology and fungal associations. BBOWT therefore suggest that if approved the site should be redesigned in order to avoid development on areas of grassland with Adder's-tongue fern which should remain in situ with a buffer around to protect it.

- 9.97. In terms of net gain in biodiversity, BBOWT wish to see further information to justify the metric scoring, and off-site enhancement from poor to good, especially having regard to the presence of Adders'-tongue fern and to ensure that the gain is achievable within the timescales. The additional information and detail should include the submission of a Habitat Creation and Management Plan for all the main wildlife habitats and SuDS features, which should be provided at this stage rather than conditioned for later consideration to ensure that a net gain in biodiversity can be appropriately achieved in connection with the proposed development and that it will be retained and maintained in perpetuity.
- 9.98. The site is also located very close to the North Cherwell Conservation Target Area and the submission does not include information to illustrate how the development will secure biodiversity enhancement to help achieve the aims of the Conservation Target Area in line with Policy ESD11.

Conclusion

- 9.99. Having regard to the objections raised by BBOWT above, and the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable proposed mitigation strategy to demonstrate that the proposal would not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development, and the provision of biodiversity net gain, the proposal is considered to be contrary to Policies ESD10 and ESD11 of the CLP 2015 and advice contained in the PPG and NPPF.

Flood Risk and Drainage

- 9.100. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*'.
- 9.101. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.102. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

Assessment

- 9.103. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.
- 9.104. The application submission has been assessed by OCC as Local Lead Flood Authority who has raised no objection to the proposal subject to conditions being included on any permission.
- 9.105. These conditions relate to implementation in accordance with the submitted documents, a detailed surface water drainage scheme, a detailed Surface Water Management Scheme for each phase or sub-phase of development and a record of the installed SuDS and site wide drainage scheme being included and approved in any reserved matters application. Officers concur with the advice given by the LLFA and as such consider that the principle of the development is acceptable subject to further detailing being approved at reserved matters stage.

Conclusion

- 9.106. This is an outline application with all matters other than access reserved, the issue of drainage is a material consideration. Officers consider that the information submitted with this application to be sufficient in principle with further detailing to be provided in subsequent applications. As such it is considered that the development would accord with Policies ESD6 and ESD7 of the CLP 2015 and advice contained within the National Planning Policy Framework.

Sustainability

- 9.107. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 address this.
- 9.108. Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaption measures to ensue that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.109. Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: *reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions*. Any new development will be expected to consider these and address the energy needs of the development.
- 9.110. Policy ESD3 considers Sustainable Construction and states that '*all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy*'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.

9.111. Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.

9.112. Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

Assessment

9.113. The application is accompanied by an energy and sustainability report. This report confirms that the development proposed would adopt the following:

- Use of passive solar design for heating and cooling;
- Use of SuDS drainage;
- Sustainable and active modes of transport;
- Electric vehicle charging;
- Water efficient fittings to reduce water consumption to 110 litres per person per day;
- Tree lined streets to assist in temperature reduction;
- Use of recycled and energy efficient materials and locally sourced materials;
- Maximise natural daylight and ventilation;
- An all electric heating strategy.

Conclusion

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

Planning Obligations

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

Assessment

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

9.117. CDC Obligations:

- 30% affordable housing to NDSS and CDC requirements and standards;
- £201,215.74 contribution towards the provision or enhanced facilities at Hanwell Fields;

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

9.118. OCC Obligations:

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

9.119. Other obligations – Health Care Provision - £104,148.

10. PLANNING BALANCE AND CONCLUSION

10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.

10.2. Despite the Council currently being able to demonstrate a 5-year housing land supply, it is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The development would not cause harm to the local highway network or flood risk. It is considered that the proposal would have some limited impact on wider landscape views, but this harm would be sufficiently mitigated through appropriately worded conditions and so not outweigh the benefits of the proposal, housing developments of this kind should be located close to the most sustainable locations within the district, Banbury is the most sustainable town and as such can accommodate a development of this size thus boosting the districts overall housing supply.

10.3. The indicative plans demonstrate the site can accommodate the level of development suggested within the application and through careful design, the proposal would integrate well with the existing residential development. The development proposes 30% affordable housing and an acceptable mix.

11. RECOMMENDATION

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

- i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Provision of 30% affordable housing on site;**
 - b) Payment of a financial contribution towards off site outdoor sports and recreation provision in the locality of £354,997 and indoor sports of £146,950 (index linked);**
 - c) Payment of a financial contribution towards enhanced Hanwell Fields community facilities of £201,215 (index linked);**
 - d) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £111 per dwelling (index linked);**
 - e) Payment of a financial contribution towards Public Art of £39,424 (index linked);**
 - f) Payment of a financial contribution towards local Resident Groups of £7.920 (index linked);**
 - g) Payment of a financial contribution towards educational infrastructure serving Secondary education £1,395,954, a Secondary school land contribution of £139,986, Special education £98,715 (index linked);**
 - h) Payment of a financial contribution towards household waste and recycling £16,537 (index linked);**
 - i) Payment of a financial contribution towards strategic highway works of £157,949 (index linked);**
 - j) Payment of a financial contribution towards public transport enhancements of £284,768 (index linked);**
 - k) Payment of a financial contribution towards Public Rights of Way of £22,564 (index linked);**
 - l) Payment of the District Council's monitoring costs of £5,000 and the County Council's travel plan monitoring costs of £1,558;**
 - m) Provision of a Residential Travel Plan; and**
 - n) Payment of a financial contribution towards County Council monitoring costs (TBC).**
 - o) Payment of a financial contribution towards health care provision of £104,148**

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION, AS EXTENDED BY AGREEMENT EXPIRES ON 2 AUGUST 2024. IF THE SECTION 106 AGREEMENT/ UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY ANY FURTHER AGREED EXTENSION DATE, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS

GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

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

CONDITIONS OF APPROVAL

Time Limit

1. 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 18 calendar months beginning with the date of this permission.

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

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

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

Compliance with Plans

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

- Forms and Certificates – ARP - PP-12617136
- Covering Letter – ARP - 03222/L0006

- Planning Statement / SCI – ARP - 03222/S0002
- Design and Access Statement (May 2024) - Thrive
- Site Location Plan (for approval) - Thrive - SLP 03 Rev G
- Parameter Plan (for approval) - Thrive - SHLUDPP 01 Rev B
- Access Drawing (for approval) - MAC - 802-TA10 Rev B
- Site Sections (illustrative only) - Thrive,
- Site Layout (illustrative only) - Thrive - SL 01 Rev D
- FRA & Drainage Strategy – MAC - 802-FRA 01 D
- Landscape Strategy Plan – LSP/ASP4 Rev G
- Transport Assessment – MAC - 802-TA 01 C
- Travel Plan - MAC - TP 01 D
- Heritage Statement - Asset Heritage - 10178
- Archaeology Geo-Physical - TVAS - HRB22 200
- Trial Trenching Report - TVAS - HRB22 200
- Landscape and Visual Impact Assessment (05 May 2025) – Aspect - 5982 P2 LVIA 002 DV PEA /
- Ecology – Aspect - EAP2 vf4
- BNG Matrix 3.0 (appended to PEA) - Aspect
- Arboricultural Impact Assessment – Aspect - AIA.002 Rev C
- Sustainability & Energy Statement - Manor Oak Homes - BAN 065 MOH SES Rev A

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

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 carried out 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 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.

7. If remedial works have been identified in condition 6, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

- Discharge rates based on 1:1 year greenfield run off rate
- Discharge Volumes
- SUDS
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers.
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)
- A detailed maintenance regime for all proposed drainage features and SuDS features.
- A detailed surface water catchment plan.

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

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

Reason: To ensure the development provides a good standard of amenity for

future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

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

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

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. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment for future residents in accordance with Government Guidance contained in the NPPF.

12. As part of any reserved matters for layout, an updated Arboricultural Impact Assessment, Tree Protection Plan and 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 to accord with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

13. a) No tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the approval of

the final reserved matters.

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.

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

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

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

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

16. 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 approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers.

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 opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

18. Prior to occupation of any part of the development hereby approved, a revised Residential Travel Plan Statement meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried on in accordance with the approved details.

Reason: To encourage occupiers to use sustainable modes of transport in line with the NPPF.

19. Prior to first occupation a Travel Information Pack shall be submitted to Local Planning Authority for approval. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers to use sustainable modes of transport in line with the NPPF.

20. No properties shall be occupied until approval has been given in writing by the Local Planning Authority that either:

- Evidence to demonstrate that all water network upgrades required to accommodate the additional flows/demand from the development have been completed; or
- A housing and infrastructure phasing plan has been agreed with Thames Water and the Local Planning Authority in writing to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing 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.

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

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

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

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

23. 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.

24. 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 Part 1.

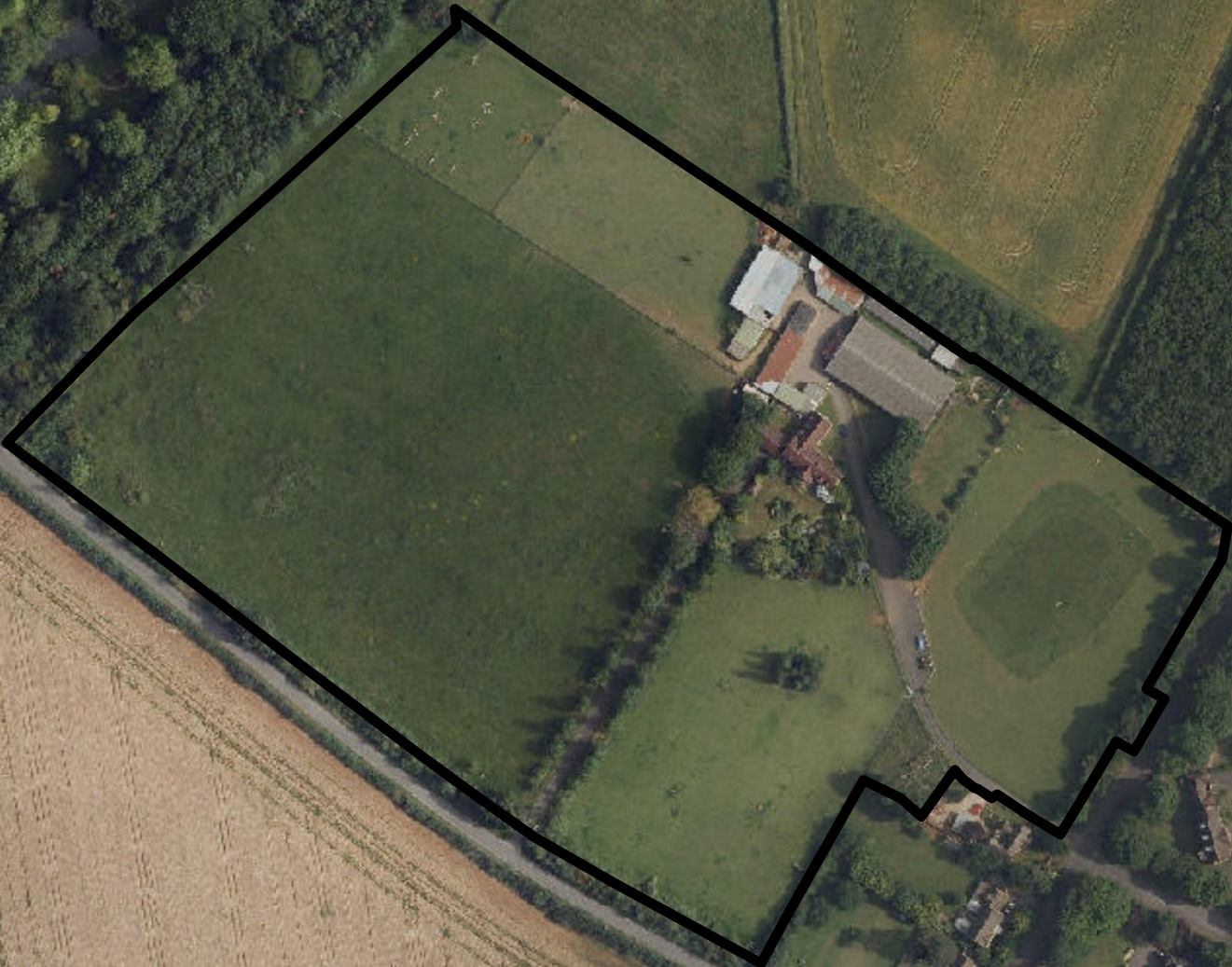
25. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (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.

26. 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.

24/00245/OUT
South Lodge
Fringford Road
Caversfield
Bicester
OX27 8TH



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24/00245/OUT
South Lodge
Fringford Road
Caversfield
Bicester
OX27 8TH

Pond

South Lodge
Riding Stables

Farm

The

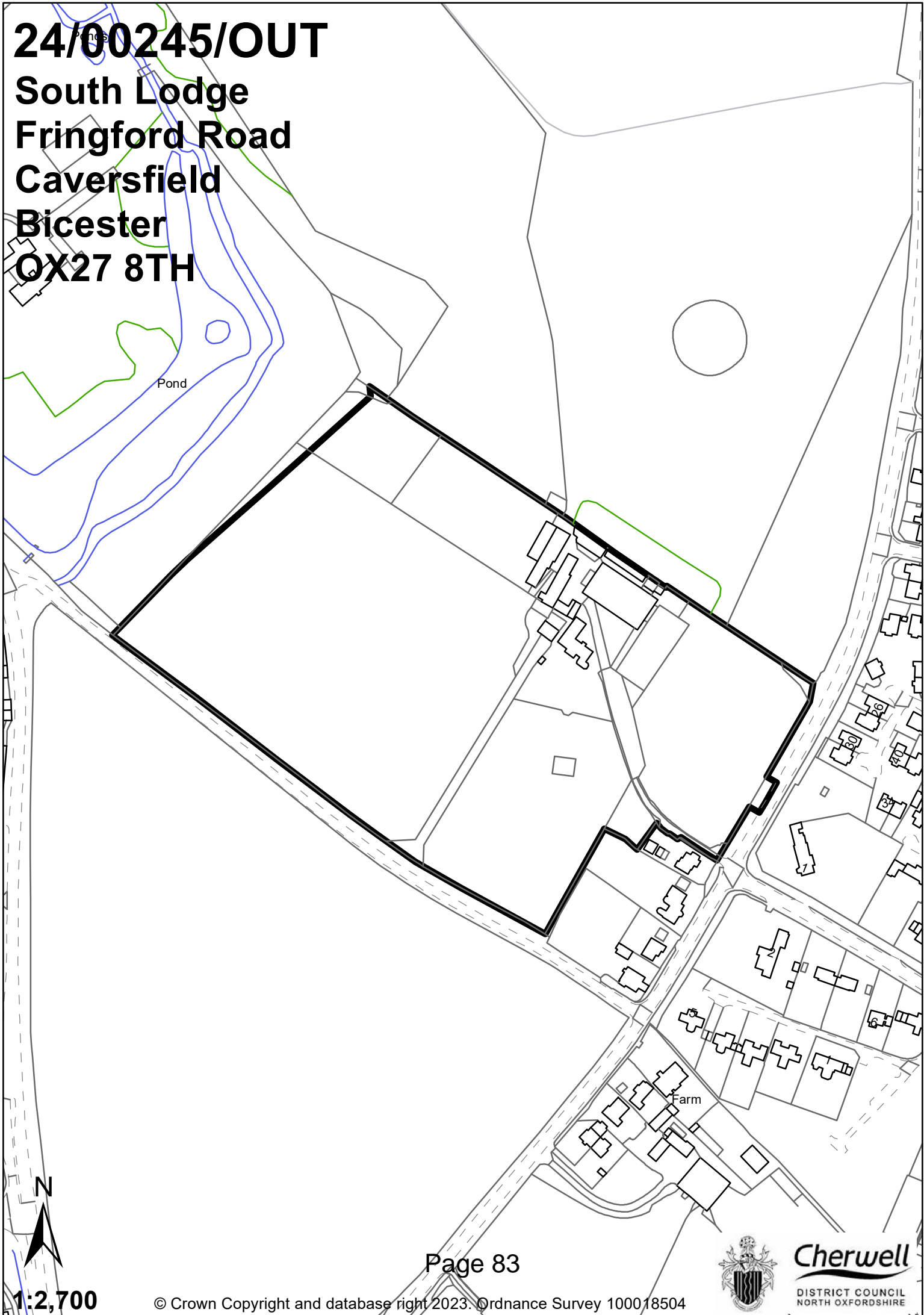


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24/00245/OUT

**South Lodge
Fringford Road
Caversfield
Bicester
OX27 8TH**



Case Officer: Andrew Thompson

Applicant: Richborough Estates

Proposal: Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access

Ward: Bicester North And Caversfield

Councillors: Councillor Simon Lytton, Councillor Nicholas Mawer, Councillor John Willett

Reason for Referral: Major development

Expiry Date: 05 August 2024

Committee Date: 01 August 2024

SUMMARY RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the western edge of Caversfield. The Site forms a roughly rectangle parcel of land at about 7ha. The topography is described by the applicant as being relatively flat.
- 1.2. The Site is composed mainly of grassland. A farmhouse and equine buildings occupy part of the Site. The Site has existing gated access from both Fringford Road and Aunt Ems Lane.
- 1.3. The Site is bounded by mature woodland to the west and north-east. Mature hedgerows line the eastern and southern boundaries, which abut Fringford Road and Aunt Ems Lane respectively, with the exception of the south-eastern corner which runs behind the back gardens of the four houses on Fringford Road.
- 1.4. The adjoining properties being generally of two storey in height with single storey outbuildings (e.g. adjoining garages and extensions). The Old Vicarage (on the corner with Aunt Ems Lane) has also small dormer windows in the roof and windows in the gable creating a dwelling of 2.5 storeys in height.
- 1.5. The principal boundaries are hedgerows with internal field boundaries being post and rail.

2. CONSTRAINTS

- 2.1. The application site is within areas identified as potentially Best and Most Versatile Agricultural Land (Grade 2) although the site also includes areas of low quality land (Grade 4 and 5).
- 2.2. The site is also within Weston-on-the-Green MoD Safeguarding Zone.

- 2.3. The site is adjacent to RAF Bicester Conservation Area. Also adjacent to the site is Grade II* Listed St Laurence Church.
- 2.4. The Brown Hairstreak Butterfly is also recorded in the area which is a notable and protected species. Stratton Audley Quarries SSSI is approximately 1.3-1.5km away from the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. As set out in the development description the application is an outline application for the erection of up to 99 dwellings. The proposals would involve the demolition of the existing stables, barns and existing house (and annex) on the site. The proposals are supported by parameter plans which show land use, density, storey heights, access and movement, open space and associated works however all matters are reserved except for the principal access from Fringford Road.

3.2. The applicant highlights that the application is supported by the following application drawings including:

- Site Location Plan (Edge) ref. 501_L01
- Topographical Survey (MEC) ref. 27877_06_170_01
- Framework Plan (Edge) ref. 501_P01 Rev A
- Land Use Parameter Plan (Edge) ref. 501_P02 Rev A
- Access Plan (Edge) ref. 501_P03 Rev A
- Storey Heights Strategy Plan (Edge) ref.501_P04 Rev A
- Density Parameter Plan (Edge) ref. 501_P05 Rev A
- Landscape & Open Space Parameter Plan (Edge) ref.501_P06 Rev A
- Illustrative Masterplan_ with notes (Edge) ref.501_P07 Rev A
- Illustrative Masterplan (Edge) ref. 501_P08 Rev A

3.3. The following reports, surveys and assessments have also been submitted:

- Planning Statement (including Affordable Housing Statement and Statement of Community Involvement) (prepared by Planning Prospects Ltd)
- Transport Assessment (prepared by Hub Transport Planning Ltd)
- Travel Plan (prepared by Hub Transport Planning Ltd)
- Design and Access Statement (DAS) (prepared by Edge Urban Design)
- Ecological Appraisal (prepared by The Environmental Design Partnership Ltd (EDP))
- Biodiversity Net Gain Matrix (prepared by The Environmental Design Partnership Ltd (EDP))
- Agricultural Land Classification (prepared by Soil Environmental Services Limited)
- Heritage Statement (prepared by Pegasus Group)
- Flood Risk and Drainage Assessment (prepared by MEC Development Technical Consultants)
- Acoustic Assessment (prepared by MEC Development Technical Consultants)
- Air Quality Assessment (prepared by MEC Development Technical Consultants)
- Geo-environmental Desk Study (prepared by MEC Development Technical Consultants)
- Utilities Assessment (prepared by MEC Development Technical Consultants)
- Energy Statement (prepared by MEC Development Technical Consultants)
- Heritage Note (prepared by Pegasus Group) dated 16 July 2024
- Review of Landscape and Visual Issues (prepared by Blade) dated 16 July 2024

- 3.4. Following the receipt of initial comments from the Council's Landscape and Heritage Advisor the applicant submitted updated responses to the Council in respect of the impacts and updated parameter plans to reflect the advice of the Council's Advisor in reducing the harm and improving the scheme.
- 3.5. In terms of land use the proposals would be in four principal blocks which would be generally the north and south of the principal vehicle access route which is to the north of the existing drive access from Fringford Road. In place of the existing farmhouse and structures would be a centralised open space including formal play. The existing access from Aunt Ems Lane, which is a tree lined access would be retained as a formal pedestrian route.
- 3.6. Storey heights would be a maximum of two storeys with an area of 1.5-2storey dwellings fronting Aunt Ems Lane. The landscaping parameter plan shows open space and wildflower meadows to the eastern boundary which would be fenced to support and ensure that the ecological value is enhanced. The density would be between 30-40dph.
- 3.7. Indicative sustainable drainage is shown across the site. Vehicle access is shown from Fringford Road. Existing accesses (from Aunt Ems Lane and Fringford Road) to the farmstead would be replaced as pedestrian/cycle tracks with links to existing public rights of way.
- 3.8. All existing buildings would be demolished.

4. RELEVANT PLANNING HISTORY

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

13/00044/SO: Screening Opinion - Proposed development for approximately 200 residential units. Environmental Statement not Required.

13/01056/OUT - OUTLINE - Up to 200 residential units, access, amenity space and associated works including new village shop/hall. Refused.

APP/C3105/A/13/2208385 – Appeal Dismissed following a Public Inquiry on 27 May 2014

- 4.2. The main issues of the appeal were:

- (a) the character and appearance of the area with particular regard to the built up limits of Bicester and Caversfield, the proposed green buffer gap between the planned expansion of Bicester and Caversfield, and housing land supply (HLS);
- (b) the surrounding landscape;
- (c) the setting of the RAF Bicester conservation area;
- (d) the setting of adjacent listed buildings/heritage assets; and
- (e) the quality of design.

- 4.3. In the overall conclusion (Paragraphs 40-43) the Inspector concluded:

40. Assessing whether or not the proposals would amount to sustainable development requires consideration of the three dimensions to this [relating to the NPPF Definition of Sustainable Development]. With regard to the economic role, there was no dispute that the construction of new housing would create jobs and support growth.

41. *Housing, and affordable housing in particular, would contribute to the social role in the Framework and this should be given extra impetus in the light of the Council's lack of a 5 year HLS. However, the probable lack of any new facilities or local services, the loss of an existing sports use and, in particular, the poor design as a result of a large development with a single point of access, would clearly outweigh these benefits and count heavily against the scheme.*

42. *Finally, the harm to the landscape and the setting of the listed buildings, with extra weighting to the latter from the statutory need to have special regard, would count against the proposals. Looked at jointly and simultaneously, I conclude that the scheme would not amount to sustainable development. Taken in the round and when assessed against the policies in the Framework as a whole, and even before considering the exemption for policy on designated heritage assets, I find that the adverse impacts of granting planning permission for the scheme would significantly and demonstrably outweigh the benefits.*

43. *For the reasons given above, and having regard to all other matters raised, including the question of land ownership along the eastern side of Fringford Road and to flooding, I conclude that the appeal should be dismissed.*

- 4.4. Regard is also had to extensions and alterations to the neighbouring properties and to the allocation of North West Bicester, its permissions and related development.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Pre-application discussions (under reference 22/02734/PREAPP) have taken place with regard to this proposal although it discussed a slightly larger scheme being the erection of up to 110 new, high quality family homes in a mix of tenures, 30% of which would be affordable. Written Advice was dated 16 June 2023.
- 5.2. The conclusion of the advice which summarised the relevant comments from consultees and policy advised the following:

The site is on the edge of Caversfield, a Category C village, within the built form of which only infilling and conversions will be permissible. The site is located outside the built limits of the village. The proposal therefore conflicts with Policy Villages 1 and saved Policy H18 and is contrary to the Council's housing strategy.

Cherwell District Council at the time of the advice was able to demonstrate a 5.4 year housing land supply. This means that the relevant development plan policies are up to date. Whilst the NPPF states the requirement to have a 5 year supply is not a cap on development, and the delivery of homes across the District remains an important material consideration in the planning balance, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

The applicant sets out that in reaching an informed decision on planning applications there is a need for the LPA 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. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

Substantial weight is attached to the proposal's conflict with the Council's housing strategy. Significant weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land, including the coalescence of settlements. Significant weight is given to the harm to heritage assets including the Grade II listed Church. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD1 and ESD1 of the CLP 2015 and the key objectives of the NPPF.*

Notwithstanding the conflict with Policies, in terms of benefits, significant weight is attached to the provision of additional market houses, and very significant weight is attached to the provision of additional affordable houses through this development. Significant weight is also attached to the proposal's economic benefits through local construction jobs although this benefit would be limited in time to the development's construction.

It is noted that the applicant entered into separate pre-application discussions with the County Council to scope the Transport impacts outside the Council's pre-application advice.

Overall, it is considered that, notwithstanding the Council's current housing land supply position, the harm identified in relation to the proposal's adverse visual effects, the development of greenfield land and the site's relatively poor sustainability credentials, the harm to heritage assets, 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 letters sent to neighbouring properties and by advertisement in the local newspaper. The final date for comments was **22 March 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:

In objection 58 comments have been received:

- Caversfield is a Category C village, the proposals are not compatible with this policy.
- Not part of the new Local Plan
- Not needed with the expansion of the Eco Town
- Loss of green space
- Inadequate infrastructure
- Too many dwellings for the site.
- Impact on drainage and flooding
- South of Bicester is a better location
- Previous refusal
- Impact on heritage
- Impact on the identity of Caversfield
- Traffic impact and lack of public transport
- Local roads are narrow and unsuitable.
- Impact on wildlife

- In support of the development 1 comment has been received stating that the proposals are a great idea but where is the shop?

- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register
- 6.4. Councillor Ford as County Council Ward Member for Bicester North and Caversfield states:

Concerns regarding the suitability of Aunt Em's Lane which is almost a single track with no path. With the Banbury Road junction being turned into a signalised junction this road will already be experiencing more traffic as it will be used to avoid the junction and the turning into Fringford Road is already dangerous. If there is another junction added to Fringford Road with more traffic movement this will increase the traffic concerns.

The Caversfield Park mentioned as a local amenity is in fact not council/public land and is owned by the United States Military and access could be removed at any point. I have concerns regarding the distances to amenities, these appear to have been calculated from the junction with Fringford Road and not the houses towards the back of the proposed development which would considerably increase the distance.

The closest Doctors/dentist are a considerable distance and currently oversubscribed.

I understand that at least 1 of the bus routes mentioned is subsidised at present and therefore it cannot be guaranteed that it continues in the future.

I cannot see a proposed safe crossing point from the site to the pathed side of the Fringford Road. Fringford Road only contains a path on one side towards Bicester after the junction with Aunt Ems Lane

7. RESPONSE TO CONSULTATION

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

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. CAVERSFIELD PARISH COUNCIL: **Objects** to the proposal on the following grounds.

Principle of Development

- As a 'Category C' village with the only type of development agreed as infilling and conversions (Policy Villages 1: Village Categorisation).

- The emerging Local Plan (in CP35) categorises Caversfield as a settlement in 'Open Countryside' and states that "development will not be appropriate unless specifically supported by other local or national planning policies". The proposal is outside the built environment of the village envelope and it would set a precedent for the village to create a 'ribbon development' all the way up the west side of Fringford Road towards Fringford which would not be in keeping with the village.

- The Eco Town and the NW Bicester development must be kept totally separate from Caversfield to reduce the possibility of coalescence.

- It is understood that CDC does have a five year Housing Land Supply and the current Local Plan is in force.

Climate Emergency

- This loss would be in terms of the ability of the land to absorb a great deal of water, the wildlife habitats of flora, vertebrates and invertebrates (including many insects, newts, deer, bats, buzzards) together with the carbon required to build the houses.

- The majority of the village has limited street lighting and concerns were raised about the light pollution which a development of this scale would have.

Flooding

- The field for the proposed development has been recorded as flooding and the Gate House has flooded in the past. The field to the south of Aunt Em's Lane floods regularly, particularly close to the junction of Fringford Road, and Aunt Em's Lane has been prone to flooding.

- The proposed attenuation pond has been situated in the wrong place.

Sports Facilities / Green Space / Outdoor provision

- the loss of a potential facility which could give much needed sport, exercise and wellbeing to a wide community would be detrimental to the area.

- the green space provision in the proposal is minimal and would not be sufficient for the development.

- Caversfield's provision for green space is extremely limited as the only green areas are privately owned (by the MoD and other developers). The MoD has the right to limit use to just the Service Personnel and therefore this should not be considered as part of the accessible village facilities.

Parish Church and surrounding area

- The setting of the open countryside around St Laurence Church is of great historical importance, as is the historical linking of the Church with Home Farm, the conservation area on Skimmingdish Lane and the connection with the military, both past and present.

Affordable Homes

- Regarding affordable homes, the Council recognises that affordable homes are of paramount importance to the area; while the current legal limit is 35%, if the application were to be permitted, the Council would request that this limit is raised to 50% in order to support the local residents.

Water

- The water pressure for Caversfield is already limited and the general infrastructure for water services, both fresh and sewerage is currently at its limit.

Highways and transport

- The Council's concerns about the effect of traffic on the area has not changed since the previous application. Neither Fringford Road nor Aunt Em's Lane is suitable for additional traffic.

- The development will have an impact on the wider network of village roads.
- the Transport Assessment to take into account the roundabout changes and therefore the assessment is flawed. It was noted that the surveys were taken during the school summer holidays at the beginning of September and do not give an accurate picture of the traffic use of the area.
- The Transport Assessment appears rather over-ambitious in its estimation of walking times and distances to areas outside the village.
- It is inevitable that the majority of the journeys will be made by private car as the pavements are not suitable. While the Transport Assessment refers to two buses and the X5 is a recognised route from Oxford to Bedford and beyond, the 500 route on the B4100 is subsidised and is not guaranteed to continue beyond the OCC funding agreement.

Health and Social Care

- No recognition has been given to the provision of medical services. The GP surgeries are struggling and there are very few NHS dentists in the area.

Amelioration

- The village has very few facilities, but if the Council were minded to approve the application, the Parish Council would require financial assistance with the purchase of land to provide allotments and open space amenities. The Parish Council would also require assistance with traffic calming which would inevitably be required.

7.3. FRINGFORD PARISH COUNCIL: **Objects** for the following reasons;

1. The proposed site is outside the built-up envelope of Caversfield village and is currently an agricultural field in the greenbelt. Such a proposal for 99 dwellings, a single access on to Fringford Road would effectively serve to join Caversfield village to Bicester. The Cherwell Local Plan identifies a green buffer between Caversfield and Bicester which should be retained.
2. Caversfield is a small category C village and is not a sustainable location for such a development. This means that the proposal is contrary to Cherwell's Local Plan where development is only allowed in sustainable locations. The Bicester Elmsbrook Eco-town development is within close proximity to the proposed site and the Cherwell Local Plan housing policy clearly identifies Elmsbrook as the focus for housing development in that area of Bicester. Therefore, speculative applications such as this on greenfield sites can justifiably be refused to prevent sporadic development in the open countryside. Aunt Ems Lane is very much a country lane in nature and appearance.
3. The adjacent sections of land contain listed buildings such as Caversfield Church and what was previously RAF Bicester The Garden Quarter. The proposed development site would be clearly visible from both areas with listed buildings, creating an urbanising effect and negative impact.
4. There will be a negative impact on the wildlife and biodiversity of this land.
5. Nothing has changed since the previous appeal decision reference App/C3105/A/13/2208385 Land off Fringford Road Caversfield (May 2014). The Parish Council urges the planning team to consider the reasons for this appeal

dismissal as still being relevant. We respectfully ask for this planning application to be refused.

OTHER CONSULTEES

7.4. OCC HIGHWAYS: **Objection** for the following reasons:

- Information provided is insufficient to properly assess the traffic and congestion impact of the development.
- It is considered that the site would add to an already predicted severe traffic congestion impact at the junction of Bucknell Road and the A4095.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives as set out in their full response.

7.5. CDC ECOLOGY: **No objection** subject to conditions. The BNG metric shows that there will be quite a lot of 'good' condition habitat created, including traditional orchard, lowland meadows, and mixed scrub. This is achievable, but ambitious, particularly the 'good' condition lowland meadow habitat. Lowland meadow requires low nutrient levels and, as stated in the BNG report, this area may need to be subject to further investigation of existing soil nutrient levels and remediation measures. The 10% net gain relies on these habitat conditions being achieved, so a good management plan is essential. The LEMP should show how the habitats will be created and managed to achieve the target conditions. The LEMP should also include on-going monitoring and remedial measures to ensure the best outcomes should there be any issues (high nutrient levels in the area of proposed lowland meadow, for example). Overall, the strategy is acceptable.

7.6. ENVIRONMENTAL PROTECTION:

Noise: The noise impact assessment submitted by MEC on behalf of the applicant is acceptable and I am satisfied that this demonstrates the risk from noise is insignificant providing the recommendations in the report are followed.

Contaminated Land: The Geo Environmental report submitted by MEC on behalf of the applicant is acceptable and requires Phase 2 reporting through condition.

Air Quality: Considering the air quality assessment submitted by MEC on behalf of the applicant and providing all recommendations in the report are followed, then the impact of the site on air quality, in both the construction phase and after completion, will not have a significant impact on the area.

Odour: No comments

Light: No comments

7.7. OCC ARCHAEOLOGY: Recommends that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.

7.8. BUILDING CONTROL: The proposed work is subject to the Building Regulations and will require approval

- 7.9. THAMES VALLEY POLICE: Whilst I do not wish to outright object to this application, I highlight to the applicant that outline plans provided would be objectionable if submitted as the finalised design for reserved matters applications. I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted. I also ask that suitable amendments to outline plans are made.
- 7.10. RECREATION AND LEISURE: Seek contributions towards indoor and outdoor sport and community support in accordance with the Council's Developer Contributions SPD.
- 7.11. CDC DRAINAGE: No comments or objections in principle on flood risk grounds. The site is not indicated to be at material risk of flooding from any source. Noted that it is proposed to discharge surface water to a Thames Water public surface water sewer subject to an agreed maximum rate of discharge of 2 l/s. The sewer discharges to a culverted watercourse which is known to be in poor condition and which has caused the junction of Aunt Ems Lane and Fringford Road to flood at times. The condition of the culvert will need to be checked and improved if necessary before the development commences. The site should be laid out in accordance with the "Oxfordshire County Council Local Standards and Guidance for Surface Water Drainage on Major Developments in Oxfordshire". It is noted there is general conformity with this on the indicative layout provided in the Flood Risk Assessment. All areas of the SuDS feature must be readily accessible via a 3m minimum width perimeter access track.
- 7.12. LEAD LOCAL FLOOD AUTHORITY: **No Objection** subject to conditions
- 7.13. OCC EDUCATION: Contributions sought towards Primary, Secondary (including land costs) and SEN School provision.
- 7.14. OCC WASTE AND RECYCLING: Seek contributions towards the expansion and efficiency of Household Waste Recycling Centres
- 7.15. CPRE: **strongly objects** to this housing development proposal. The proposed development is not an allocated development in the local plan and was subject to a previous application which was ultimately refused at planning appeal. CPRE believes that the reasons for refusal are as relevant now as they were then. The development does not appear to be meeting an existing need within the village nor is it required to meet any housing supply shortfall in Cherwell as the Council has announced that it now has sufficient deliverable housing sites. As per Local Plan Policy Village 1, Caversfield is a category C village which limits new dwellings to infilling and conversions and not of the magnitude of development proposed by the Applicant. The development site is not well located to facilities and services and most journeys are likely to be taken by motor car as distances fall outside of a reasonable walking distance. Development on this site which is located in the open countryside is contrary to the aims of both the current and emerging plans which is to centre development around the main urban centres. CPRE requests that this application is refused.
- 7.16. BICESTER BIKE USERS GROUP - In summary, at present there is not enough consideration given to active travel. The current active travel infrastructure plans are not in compliance with LTN 1/20 and OCC's own guidance. The developers need to be asked to amend the plans to allow for segregated, protected cycleways at the entrance of and within the estate, and also to provide a plan for cycles along Aunt Ems Lane and at the crossing at Banbury Rd to allow access to NW Bicester.
- 7.17. COUNCIL'S LANDSCAPE ADVISOR: The change of landscape character from countryside – fields associated with the Caversfield estate and contributing to the rural setting of the adjacent RAF Bicester Aerodrome and associated heritage housing site

(now a conservation area) – to built-form with associated domestic paraphernalia and new access road and associated urbanised green spaces rather than pastures, copses and woodland belts – can only be considered to be a detrimental landscape character change. The change from open countryside to suburban residential area can only be considered to be a harmful change in landscape terms.

- 7.18. COUNCIL'S HERITAGE ADVISOR: The project fails to satisfy requirements in Local Plan Policy ESD15 in terms of: a) proposals will create a detrimental change of land use (open countryside to suburban built form with associated domestic paraphernalia and associated suburban green spaces) - therefore there will be continued cumulative harm to the settings and the new houses would cause significant harm to the joint and individual heritage settings; and, b) the proposal will result in a loss of rural setting in a key outward viewpoint from RAF Bicester Conservation Area, and therefore, this harm to the setting will in turn harm the character and appearance of the conservation area.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- 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
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- 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
- C15: Prevention of coalescence of settlements
- C23: Retention of features contributing to character or appearance of a conservation area
- 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)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Residential Design Guidance SPD
- Developer Contributions SPD
- RAF Bicester Conservation Area Appraisal
- Regulation 10A Development Plan Appraisal
- Regulation 18 Local Plan Consultation and Associated Evidence.

9. APPRAISAL

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

- Principle of development
- Landscape Impacts
- Heritage impact
- Design, and impact on the character of the area
- Residential amenity
- Ecology impact
- Flooding and Drainage
- Highway Safety and Traffic Impact
- Environmental Impact Assessment Regulations
- Planning Obligations and Conditions

Principle of Development

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

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, 'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, 'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031. However, the Regulation 10A review of the Local Plan concluded that Policy BSC1 requires updating due to new evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022.
- 9.7. Paragraph E.10 of the Plan states, 'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'.
- 9.8. Paragraph E.19 of the Local Plan states, "If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability".
- 9.9. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.10. 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). Caversfield is a Category C village.
- 9.11. Therefore whilst the proximity of Caversfield to Bicester and the Eco-Town urban extension should be noted in providing services and potential facilities the impact to the settlement of Caversfield itself also should be balanced and the impact of the gap and its potential loss and the settlement identity (saved policies C15 and C33 of the 1996 Plan) are matters which require balance.

National Planning Policy Framework

- 9.12. 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).

- 9.13. 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.
- 9.14. 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.
- 9.15. 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'.
- 9.16. 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.'
- 9.17. 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'.
- 9.18. 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

- 9.19. 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.

9.20. 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 (published as part of a Housing Land Supply Position Statement (Update) in January 2024) 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

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

9.22. "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.

Recent appeal decision at Heyford

9.24. 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).

- 9.25. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.
- 9.26. In the recent decision at Chesterton (reference: APP/C3105/W/23/3331122), in respect of Housing Supply, the Inspector did not reach a conclusion as he found that the proposal was consistent with the development plan policies for the area. This conclusion is common to other recently decided appeals, including that relate to a site at Ambrosden (reference: APP/C3105/W/23/3327213).
- 9.27. However, the LPA has launched legal proceedings for a challenge to the conclusions reached by the Inspector in the Heyford Park case (and the basis for the decision making) and this has been granted by the Courts with a Hearing expected in November 2024. Dorchester Land (the applicant to Heyford Park) has also been successful in having grounds heard. Officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 9.28. Members will be aware there are a number of disputed sites across the District which has formed part of common ground in appeal hearings and inquiries over the previous months. This relates to the delivery of strategic Banbury, Bicester and Heyford Park sites.
- 9.29. 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

- 9.30. The comments from the Ward Members, Parish Councils and local residents have been carefully considered in relation to the delivery of the Eco-Town and the level of housing in the area. The comments of the previous Inspector have also been considered (highlighted above).
- 9.31. 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 and the requirement to significantly boost the supply as set out in the NPPF across the district remains an important material consideration in the planning balance.
- 9.32. In this respect, the conclusions of the Inspector related to the Chesterton appeal (as referred to above) is relevant, particularly given comparisons in terms of accessibility can be made to this site (albeit the village categorisation is different). He noted that villages have an important role in maintaining a deliverable supply of new houses. Particularly given the plan is now in the second half of its period and that a number of the strategic sites are unlikely to deliver during the plan period. The 750 figure was not a ceiling and should not be interpreted as such and there was no harm to the locational strategy arising from the proposals (particularly given the links to Bicester and Oxford). The lack of facilities should be noted but this is common for villages this size not to have these facilities, especially when they are located close to large centres of population such as Bicester.

- 9.33. Policy Villages 1 of the CLP 2015 does not include Caversfield as an identified settlement and therefore it falls under Category C 'All other villages' where 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 however more broad definitions can be found in appeal decisions. However considering the scope and scale of the development, the proposal would not constitute infilling.
- 9.34. The definition of Previously Developed Land is explored in Lee Valley vs Broxbourne Borough Council (Citation Number: [2015] EWHC 185 (Admin)). This highlights that it is incorrect to assume that all land is previously developed land if an element of the site is previously developed.
- 9.35. The site includes previously developed land associated with the existing house and annex and associated garaging.
- 9.36. It is noted that the NPPF definition of Previously Development Land excludes land that is or was last occupied by agricultural or forestry buildings.
- 9.37. On site there are also former stables, barns and indoor school and whilst some of these are significant buildings and whilst these would in themselves be agricultural in nature taking account of the buildings and the definition of previously developed land and similar appeal decisions, in the view of officers, the buildings and farmstead area constitutes previously developed land.
- 9.38. However the majority of 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 Caversfield village and the former Barracks and MoD site, and therefore within the countryside. Whilst the site would not be entirely isolated due to its relationship to the Eco Town, Bicester and Caversfield, the proposal for development on a greenfield would have an urbanising impact.

Local Plan Review 2040 and Oxford's Unmet Housing Need

- 9.39. In accordance with the original allocation of the PR sites (as set out in the sustainability appraisal of the Partial Review) was to provide new residential development that included:
1. Proximity to Oxford, the existing availability of public transport and the opportunity to maximise the use of sustainable and affordable transport in accessing Oxford's key employment areas and services and facilities.
 2. Opportunity to achieve an overall, proportionate reduction in reliance on the private motor vehicle in accessing Oxford's key employment areas and services and facilities and to achieve further investment in sustainable transport infrastructure.
 3. Deliverability of sustainable transport improvements in comparison to other Areas of Search.
 4. Relationship of existing communities to Oxford.
 5. Existing economic relationship between the Areas of Search and Oxford
 6. Opportunity to provide affordable homes to meet Oxford's identified need close to the source of that need.
- 9.40. Given these constraints, Oxford residents from the Oxford City Housing Register would not be placed on this development and it would not contribute to meeting

Oxford's Unmet Housing Need taking account of the distance and poor relationship to Oxford and the likely prohibitive cost (time and financial) of such commute when relying on alternative modes of transportation and restrict access to employment.

- 9.41. The site does not form part of the Local Plan 2040 Regulation 18 consultation but has been discussed in evidence associated with the Local Plan (Reg 18 ref: LPR32). It has not been progressed due to an issue is maintaining a landscape gap to/protecting the setting of historic Caversfield (set out in the Sustainability Appraisal to the Local Plan 2040).
- 9.42. Due to the new Local Plan being at an early stage the plan carries no weight (at best limited weight) but the Local Plan will over time will gather increasing weight as the Local Plan moves through further stages over the next 12-18 months.
- 9.43. On the basis of the above, Officers have identified a conflict with planning policy in principle. The impacts of the development and other material considerations will now be discussed.

Landscape Matters

Policy Context

- 9.44. As highlighted above saved Policies C15 and C33 from the Development Plan are material considerations, these policies despite their age are considered up to date as they are in general conformity with the National Planning Policy Framework. These policies are also relevant to the principles of good design and settlement characteristics that are highlighted in Policies ESD13 and ESD15 of the CLP 2015 and saved policy C28 of the CLP 1996. The comments and objections from local residents, the Parish Councils and CPRE in this regard are noted.
- 9.45. Saved Policy C15 highlights that the Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them whereas Policy C33 advises that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.

Assessment

- 9.46. The proposed site retains its historic man-made landscape character: "A wooded estate landscape characterised by arable farming and small villages with a strong vernacular character". To the west, Caversfield House remains shrouded in woodland with surrounding belts of woodland and arable fields. The current rectangular shaped fields within the site are now in equine use but are read by the onlooker as open pasture fields within the wider pattern of agricultural fields in the 'Wooded Estatelands' landscape. The new mid-C20 built-form of the northern edge of Bicester is dominated by the mid-C20 former RAF housing estate in typical 'Office of Works/Ministry of Works' style – which is of national importance with many listed buildings; and, the associated former RAF Bicester aerodrome (because of the historic pre-WWII layout) to the East, which is of national importance in its own right.
- 9.47. The open field in traditional agriculture form, contributes both to the wider 'Wooded Estatelands' landscape character, and more importantly to the landscape settings of both Caversfield House estate and the rural setting of the nationally important former RAF Bicester aerodrome and associated housing, now a designated conservation area.

- 9.48. The applicant's LVA submission agrees that the landscape character of the site will be completely changed by the proposed development:
- “11.2. It is a consequence of the nature of the development proposed that effects on the site would change it completely when compared to the surrounding character area of ‘smaller grass fields around villages’ with gently undulating landform and ‘belts of young mixed and coniferous plantations next to roadside hedges and they often function as field boundaries.’”
- 9.49. The Council's Landscape Advisor notes that the LVA concludes that “the scheme would have only a minor effect on the openness of the land between Caversfield and Bicester” (para 12.26). The site is in their words “well contained”. When undertaking an on the ground assessment though, the Council's advisor suggests that whilst this is true to some extent, there are relatively large sections along Aunt Em's Lane and Fringford Road – including the new access road, which will allow visibility of the new housing estate. The applicant's conclusion that “...the effect of the scheme on the visual openness would be negligible” appears to be an exaggeration. The new development clearly will lead to some physical and perceived coalescence in the built form with Caversfield and the former MOD site.
- 9.50. The LVA suggests that “...in landscape terms, the proposed scheme would respect and provide landscape enhancement to the village's setting,” (para 12.28). However, this fails to address the loss of open countryside which contributes to the rural settings of Caversfield House to the east and RAF Bicester and associated domestic site - to the east.
- 9.51. The final conclusion of the LVA is:
- “12.30. Consequently, this appraisal finds that the proposed scheme would not lead to unacceptable levels of effect on landscape resources, visual amenity, and any influence the scheme may have, would be benign, and largely imperceptible.”
- 9.52. The Council's Landscape Advisor notes that in 2014, the Planning Inspector found the loss of this landscape to be unacceptable. Whilst the current scheme is significantly less than the development proposed previously, the current lesser proposed built-form and suburbanisation of associated green spaces – will still create a harmful loss of open countryside in this location.
- 9.53. The adverse landscape and visual effects of this proposed scheme need to be included in the planning balance undertaken in relation to this scheme.
- 9.54. The updated submission reflects the response of the Council's Landscape Advisor and his recommendations to improve the scheme including additional landscaping to Aunt Ems Lane and a change in the orientation to the access road. Whilst the comments and response of the applicant have been given full and careful consideration.
- 9.55. It is noted that none of the amendments made mitigates the scheme sufficiently: the loss of open countryside character; and, the loss of an area that contributes to the separation of Caversfield and Bicester and the rural settings of Caversfield House and RAF Bicester and associated historic domestic site (housing area).
- 9.56. Further there is limited development on this side of Fringford Lane, other than the existing detached dwellings and as such this would change the settlement pattern of the area significantly.
- 9.57. As such, the proposals would conflict with the above-mentioned policies.

Heritage Impact

Legislative and policy context

- 9.58. The site affects the setting of a Conservation Area and the Grade 2* listed building of St Laurence Church with the Grade 2 Home Farmhouse on the opposite side of the B4100 which are to the west of the application site. There are a number of Grade 2 listed buildings associated with the former MoD site to the east of the site off Skimmingdish Lane.
- 9.59. 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.*
- 9.60. 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.
- 9.61. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.62. *Built Heritage*
- 9.63. The submitted Heritage Statement suggests that the development site lies outside the setting of the Church of St Lawrence and Home Farmhouse. Both the Council's Heritage Advisors and the 2014 Appeal Inspector, find that the site does lie within the setting of the Church. The loss of the rural setting which contributes to the heritage significance of the Church can only be assessed as a harmful change, and therefore, there will be a 'less than substantial harm' to the heritage significance of the Grade II* listed Church. This will be at the lower end of the less than substantial range.
- 9.64. In respect of Caversfield House, the submitted Heritage Statement suggests that the development site lies outside the setting of the non-designated heritage asset that is Caversfield House, associated historic estate buildings and parkland. The setting of this relatively extensive non-designated site does include the immediately adjacent site. There will a change of land-use from open countryside to suburban built form and associated suburban green spaces which will be a loss of rural setting and part of the Caversfield farmed estate - resulting in a detrimental harm to this heritage asset.
- 9.65. The conservation area appraisal specifically states that: "...The siting of any development outside the conservation area but visible from it should respect the open visual relationships with the adjacent countryside, the setting of the conservation area." (Para. 10.1 (8), p.28). The current site which in land-use terms is classified as open countryside field with associated estate access road, contributes to the surrounding rural character of the conservation area. A change from fields to suburban housing estate will adversely affect the setting of the conservation area. The development will not conserve nor enhance the character and appearance of the conservation area.

- 9.66. Whilst it is noted that the current scheme for 99 houses is less than the 2013/2014 scheme, the proposals will still create a detrimental change of land use (open countryside to suburban built form with associated domestic paraphernalia and associated suburban green spaces). Therefore, there will be continued “cumulative harm” to the settings and the new houses would again cause significant harm to the joint setting as well as the settings of the Grade II* Church and Grade II Home Farmhouse, and the conservation area.
- 9.67. The proposed scheme would again also conflict with the test in the statute requiring that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 9.68. As highlighted above it is considered that the proposal fails to satisfy requirements in Local Plan Policy ESD15 in terms of: a) proposals will create a detrimental change of land use (open countryside to suburban built form with associated domestic paraphernalia and associated suburban green spaces) - therefore there will be continued cumulative harm to the settings and the new houses would cause significant harm to the joint and individual heritage settings; and, b) the proposal will result in a loss of rural setting in a key outward viewpoint from RAF Bicester Conservation Area, and therefore, this harm to the setting will in turn harm the character and appearance of the conservation area.
- 9.69. The recommended landscape works have now been included and the response of the applicant to the initial comments of the Heritage Advisor have been given full and careful consideration.
- 9.70. It is noted that none of the recommendations made mitigates sufficiently the detrimental changes to the rural settings that conflicts with the test in the statute requiring that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 9.71. The NPPF requires (paragraph 208) that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This balance will be undertaken in overall planning balance later in this report.

Archaeology

- 9.72. The comments of the County Archaeologist have been carefully considered.
- 9.73. The site is located adjacent to Caversfield deserted medieval village (PRN 1016). The 10th century Church of St Lawrence is located 190m north-west of the site (PRN 5106). A faint cropmark of a possible ring ditch has been recorded 160m to the north of the site (PRN 17461). This feature is likely to be either the remains of a Bronze Age Barrow or the remains of parkland planting features as other, circular, clumps of trees are recorded in the area.
- 9.74. Iron Age and Roman settlement has been recorded at Slade End Farm 500m southeast of the site (PRN 16025) and a series of linear features and possible pits have been recorded through geophysical survey 380m northeast of the site (PRN 17498) and a complex of Later Prehistoric rectilinear enclosures have also been recorded by geophysical survey approximately 1km to the southwest (PRN 15958).

- 9.75. The site has been the subject of a geophysical survey as part of a previous application, which recorded a number of features which may be of archaeological origin. The report however also concludes that several areas of the site were disrupted by geological or magnetic interference which may have masked further features and therefore it is possible that further features may survive on the site. Not all archaeological features will be identified through geophysical survey and it is also possible that archaeological features may survive on the site which were not recorded by the survey.
- 9.76. Conditions are recommended to secure further investigation.

Ecology Impact

- 9.77. 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.
- 9.78. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.79. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.80. Paragraph 175 states that when determining planning applications, local planning authorities (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.
- 9.81. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.82. Policy ESD10 of the 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.

- 9.83. 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.
- 9.84. In addition, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024. This application was submitted in January 2024 so the proposal is not required to comply with the mandatory requirements but biodiversity net gain is required by Policy ESD10 and a 10% net gain is sought.
- 9.85. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that 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.
- 9.86. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.87. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of well managed fields used for private grazing of horses, in respect of the dwelling there are closely mown lawn with fencing and established hedgerow to the boundaries. There are several trees close by and in the boundary of the site which would not be affected by proposals other than where accesses would be provided. There are buildings to be removed due to the proposed development.

Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

- 9.88. 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, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA 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.

- 9.89. 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.
- 9.90. The application is supported by detailed Ecological Surveys and Biodiversity Net Gain Assessment which concluded that in light of the embedded mitigation and subject to the full implementation of the additional measures included, that the proposed development is capable of compliance with relevant planning policy and legislation and can deliver net benefits for wildlife and biodiversity. The submitted Biodiversity Net Gain assessment sets out the proposals would achieve 10.49% habitat units and 69.20% in terms of hedgerow units.
- 9.91. 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.

Flooding and Drainage

- 9.92. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that 'flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood-risk assessment'.
- 9.93. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.94. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.

Assessment

- 9.95. The application is supported by a Flood Risk and Drainage Strategy. The comments of the LLFA and CDC Drainage Officers are noted.
- 9.96. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.

- 9.97. Surface water flooding is a description for excessive overland flows that have yet to enter a natural or manmade receptor (e.g. aquifer, watercourse or sewer). Surface water flooding also occurs when the amount of runoff exceeds the capacity of the collecting system and spills onto overland flow routes. Surface water flooding is usually the result of very intense, short lived rainfall events, but can also occur during milder, longer lived rainfall events, when collecting systems are at capacity or the ground is saturated. It often results in the inundation of low points in the terrain. In accordance with the EA's Long Term Flood Risk Information, the development site is mostly at very low (< 0.1% AEP) risk of surface water flooding. There are also some isolated areas of low risk. Within the western field there is an area of low to medium risk at the south-west corner and an area of low to high risk towards the south-east corner which upon review of the topographical survey is caused by a localised low spot.
- 9.98. Development is not proposed within these areas where the risk of surface water flooding and the proposals include significant areas of sustainable drainage potential. The eventual detail of sustainable drainage, including their ecological enhancement would be required through the reserved matters details.

Conclusion

- 9.99. The comments and concerns of local residents have been carefully considered and the comments of CDC Land Drainage and the LLFA have been carefully considered. Considering the application site is located in Flood Zone 1 and the applicant's Flood Risk Assessment and Drainage Strategy, the proposals are considered to be acceptable and in accordance with Development Plan policy and national planning policy guidance subject to conditions and appropriate Reserved Matters submissions.

Highway Safety and Traffic Impact

- 9.100. Policy SLE4 seeks to support proposals in the movement strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. It identifies that new development in the district will be required to provide financial and/ or in kind contributions to mitigate the transport impacts of the development. The Policy also identifies that new development should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling. The policy reflects the NPPF in that it advises that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. At the outline planning application stage it will be necessary to set out the indicative layout of lower hierarchy streets as part of a future design code (where appropriate). The secondary road network will provide other routes through the site. Below this level, further work in preparing planning applications is required to show how the routes will connect and illustrate the permeability of the site.
- 9.101. There is scope for planning applications to reconsider key elements and provide further detail to explain how the movement principles will be realised in spatial and public realm terms.
- 9.102. It is considered in guidance that planning applications and proposals should:
- Demonstrate how Manual for Streets 1 and 2 have been incorporated into the design of roads and streets;
 - Demonstrate how Sustrans design manual guidance has been incorporated;
 - Address and ensure connectivity along the major routes;

- Include a Movement Strategy and designs to promote sustainable transport ensuring that all residential areas enjoy easy access to open space and are connected by a range of modes of transport to schools, community facilities and leisure/ employment opportunities.

- 9.103. The NPPF also sets out at Paragraph 104 that transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a. the potential impacts of development on transport networks can be addressed; b. opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c. opportunities to promote walking, cycling and public transport use are identified and pursued; d. the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e. patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 9.104. Further Paragraph 110 In assessing sites that may be allocated for development in plans, or 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.
- 9.105. Paragraph 111 of the NPPF also stipulates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.106. Taking on board the Transport Assessment as submitted and the comments of the County Council are particularly noted.
- 9.107. The key issue from the County Council would likely be the unacceptable transport impact ahead of the implementation of a realignment of the A4095, which is a key element of infrastructure necessary to support the nearby NW Bicester strategically allocated site. A significant proportion of the site's trip generation is predicted to distribute via the A4095 and as such would add to the predicted severe congestion of the junction of Bucknell Road and the A4095, which necessitates the realignment to bypass this junction. The realignment is required to deliver NW Bicester, and pending decisions around its funding and delivery and therefore what capacity might be available and how development might be appropriately phased, further development on the allocated site is likely to be restricted.
- 9.108. To date it has not been demonstrated that any further development at NW Bicester beyond that already permitted, could be accommodated ahead of the A4095 realignment. Further clarification is required from the transport consultant to determine the extent of committed development used within the transport modelling. Paragraph 7.23 states that only the Firethorn appeal site (reference 21/01630/OUT) has been added to the Temprow growth model to derive the base + committed flows within the traffic analysis. Given the extent of the committed development in close proximity to the site, using Temprow to derive future year base flows could underestimate them.

- 9.109. There are significant discrepancies when comparing junction modelling results using the 2031 base data from Tempro and the sensitivity test using the Bicester Transport Model (BTM) when comparing results for the B4100/Aunt Ems Lane and A4421/Skimmingdish Lane junctions. Clarification is being sought to ensure an appropriate model is used to predict future traffic flows at crucial junctions as the current modelling shows scenarios with little-to-no similarities. The BTM shows significant delays for 2031 BTM + Committed + Proposed for both junctions and if this model is considered appropriate, it would be argued that any additional traffic on these junctions would be considered unacceptable.
- 9.110. Discussions have been ongoing between the applicant and the County Council to address their concerns; however, the objection is a matter which needs to be weighed in the planning balance.

Accessibility

- 9.111. The TA does not disclose the exact point the distances have been measured from and therefore it cannot be accurately determined whether these amenities are conveniently accessible by residents on foot. The centre of development is considered an acceptable measurement point in this case. It can be determined however that from the measured location, no food shopping facilities are within the preferred maximum distance within the IHT guidelines.
- 9.112. Paragraph 4.21 states: 'A network of traffic-free routes are present throughout Bicester, connecting the residential areas of the town with local centres, railway stations, Bicester Town Centre, and Bicester Village'. It should be noted that there are currently no continuous active travel routes from the proposed site to Bicester Town Centre. The Banbury Road footway/cycleway route only provides a traffic-free route to Bicester North Station, there is no further provision connecting this to the town centre. Moreover, the transport statement makes no reference to the Bicester Local Cycling Walking Infrastructure Plan (LCWIP). Nevertheless, the proposed crossing and footway/cycleway connection to the A4095 would provide necessary active travel connection towards Bicester town centre. Given the location and the restricted available width, OCC considers that a 3m shared use footway/cycleway is acceptable in this instance.
- 9.113. A suitable cycle connection to existing facilities on the A4095 is necessary to make the development acceptable. It must be demonstrated that this connection is feasible, prior to planning permission being granted.
- 9.114. The TA does not show highway improvement works in relation to the highway boundary. The plans must be resubmitted to show the proposed highway improvements in relation to the highway boundary to show that works can be completed within the public highway. The design must be based on a topographical survey and cross sections should also be provided to demonstrate feasibility.
- 9.115. To improve Public Transport, the proposed 3m footway/ cycleway from site access on Fringford Road to the A4095 is to be extended to the nearest bus stop on Banbury Road, south of the roundabout. In addition, secure cycle parking is to be provided at the bus stop. This will provide a good connection for pedestrians and cyclists between the development and the existing bus routes from the site. Signage may be required in order to direct cyclists not accessing the bus routes onto the cycle routes on the west side of Banbury Road.
- 9.116. The developer has proposed a footway measuring 1.5m -2.0m from the south-west of the site to connect the site to the committed pedestrian crossing at St Laurence Church which was approved as part of ref. 21/01630/OUT. Given the constraints of

Aunt Ems Lane and the B4100, further cross-sectional plans are required to demonstrate that the footway can be implemented.

9.117. The impact of these measures on the landscape and character of Aunt Ems Lane would also need to be assessed. and weighed against the public benefits of the proposal. This balance will be undertaken in overall planning balance later in this report

Public Transport

9.118. The County Council also seeks to ensure that new development is well served by public transport.

9.119. With this in mind, financial contributions are requested from the promoters of development schemes for the maintenance and/or improvement of public transport services where reasonable and appropriate, in order to mitigate the impact of their proposals and to secure sustainable development in line with policy objectives.

9.120. For a peri-urban location, this site is relatively remote from the public transport network with the nearest current stops being located 950m away on the A4421 (as noted in TA paragraph 4.28)

9.121. Service X5, operated by Stagecoach East, operates every 30 minutes on Mondays to Saturdays and every 60 minutes on Sundays, but its future is uncertain because the opening of East West Rail in 2025 is likely to abstract a significant proportion of its passengers.

9.122. Equally, service 500 (referred to in TA paragraph 4.29) between Bicester and Banbury operates every 60 minutes on Mondays to Saturdays (not on Sundays), but is financially supported by the County Council.

9.123. Its continuation cannot be guaranteed beyond the expiry of the current contract in March 2025. In any event, pedestrian links are poor or non-existent to this stop and no improvements are proposed.

9.124. Oxfordshire County Council state that the proposed 3m footway/ cycleway from site access on Fringford Road to the A4095 is to be extended to the nearest bus stop on Banbury Road south of the roundabout. In addition, secure cycle parking to be provided at the said bus stop. This will provide a good connection for pedestrians and cyclists between the development and the public transport realm which is not currently considered a convenient walking distance from the site.

9.125. However, there are two potential enhancements which would be of benefit to the development and would provide a basic level of public transport service:

- In April 2024 a new service will commence between various villages, Caversfield and Bicester, which will be operated with financial support from the County Council. This will provide four/five buses per day (including at commuting times) on Mondays to Saturdays and will operate via Skimmingdish Lane and Fringford Road in the vicinity of the development.
- In the longer term, Bicester Motion are required to either provide a bus service between Caversfield and Bicester town centre, or to financially contribute towards a service. This was in response to the potential for changes to service X5 following the introduction of East West Rail.

- 9.126. To maximise connectivity to the site and ensure that the opportunity for longer-term viability can be maximised, a contribution for public transport services is sought from the development which would be applied to either of these options.
- 9.127. Nonetheless, given the distances and time involved the access to public transport and alternative modes of transport would be, at best, very limited in terms of opportunity for future residents to use alternative transport modes. The time taken to travel (including likely waiting time between modal shifts (e.g. changing from bus to train) and distances mean there would be limited, if any, reduce the likely opportunity for alternative modes to be used for work or shopping. The scheme would rely on the private car.
- 9.128. The NPPF at paragraph 114 sets out four criteria for assessing development proposals. Two criteria are that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and b) that 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.
- 9.129. It is the view of officers, taking into account the advice of County Council Highways, that these criteria have not been satisfied.

Highway Mitigation

- 9.130. The County Council highlight that the applicant will be obliged to enter into a s278 and seeks to secure this matter as part of the s106. In this regard the mitigation proposed includes:
- Proposed footway on Aunt Ems Lane
 - Proposed footway/cycleway and crossing on Fringford Road and Banbury Road
 - Bus stops on Fringford Road / Skimmingdish Lane
- 9.131. In respect of bus stops no details of how many or where these would be located have been provided. It is the view of officers that there should be a single pair in order to be optimal in service, these would be best located on Skimmingdish Lane near the entrance to the converted buildings of the former MOD site so that they capture both the Caversfield and proposed development passenger capability. The installation of these would be considered compatible with the tests of seeking contributions.
- 9.132. In respect of the proposed footpath to Fringford Road and Banbury Road, it is the view of officers that this mitigation would be to connect the site to the National Cycle network on Banbury Road. Officers note that if exiting the site and seeking to walk and catch a bus the logical approach would be towards the A421 along Skimmingdish Lane.
- 9.133. There are no services or facilities along Fringford Road which this footpath would connect to or desire lines to shops or other such facilities within easy walking distance. Whilst a crossing to Fringford Road would be potentially appropriate to maximise capability to Skimmingdish Lane. The value of this mitigation to the benefit of future residents is therefore questionable but highways officers are of the opinion that this mitigation should be sought.
- 9.134. The proposed footway to Aunt Ems Lane is shown exiting the secondary (pedestrian access) to the site and running along the development up to the Church. The impact on the Grade II Listed Church and Home Farm the heritage setting would be harmed by such works and it would also exacerbate the harm to the landscape and heritage of Aunt Ems Lane. It is considered that the extension of the footpath would impact on

established hedgerows and the character of the important gap between Caversfield and the EcoTown.

- 9.135. The new footway to Aunt Ems Lane is also considered necessary by the highway authority and this would impact potentially on the mature hedgerows to the boundary with Aunt Ems Lane and further sub-urbanise the nature of the road and potentially impact on landscape and increase visibility in the short and medium term whilst replacement planting could be matured. The proposals would also impact on the heritage setting of St Laurence Church in particular.
- 9.136. Overall the highway improvements necessary to make the development acceptable are proposed by the applicant. In the view of the highway authority are appropriate to mitigate and connect the site to existing infrastructure, in particular the national cycle network. In the view of officers however these exacerbate and increase the impact of the proposed development. It is the view of officers that whilst there would be some benefit to promoting walking and cycling, in particular the proposed footway to Fringford Road, the impacts and benefits need to be carefully considered.
- 9.137. Further discussion would be undertaken should this application be the subject of a planning appeal which would require the completion of a S106 agreement.

Environmental Impact Assessment Regulations

- 9.138. As part of the application submission, Officers assessed the proposals against the EIA Regulations. The proposal is below the threshold of 150 dwellings a development falling within Schedule 2, Section 10(b)(iii) of the Regulations, where the area of development exceeds 5 hectares which is the applicable threshold for the purpose of classifying the development as Schedule 2 Development. It is noted that the proposals are just below the 150dwelling threshold set out in Part (ii). The site is not within a 'sensitive area' as defined by Schedule 3 of the Regulations. For the development to be considered EIA development, it would be likely to have significant effects on the environment by virtue of factors such as the developments nature, size or location. Irrespective of the considerations on the planning merit it is considered that this proposal is unlikely to have significant environmental effects for the purposes of the EIA Regulations and that the proposal is not EIA Development.

S106 Contributions, Affordable Housing and Conditions

- 9.139. It is suggested that contributions are sought as set out in accordance with Appendix 1 of this report. It includes 35% affordable housing, contributions towards education, highways, community facilities and sport. Contributions are also sought to maintain on-site open space and new planting.
- 9.140. The contributions towards highways are noted in their impact on the landscape character. Contributions to support public transport, rights of way and travel plan monitoring are also sought.
- 9.141. In respect of planning conditions, if considered acceptable, these should be sought to deliver the development in appropriate timescales, housing mix, construction management, landscape detail, ecological enhancement, sustainable construction standards, sustainable drainage detail and access arrangements. Due to the proximity to Graven Hill development, there would be no further requirement for self or custom build as Graven Hill provides significant provision and opportunity for this type of development.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In terms of the planning application, it is important to acknowledge the location of the application site in respect of the urban extension of North West Bicester (Bicester Eco Town) and the overall settlement of Caversfield and the proximity to Bicester itself. The site could not be described as isolated or inherently unsustainable. Officers have had regard to and considered carefully the conclusions of the previous Inspector in 2013 but note that both local and national planning policy have moved forward. Nonetheless, the conclusions of the previous Inspector are still relevant and material to the consideration of this application in particular the harm identified at Paragraph 42 of the Inspector's decision (set out in Section 4.3 of this report).
- 10.2. Caversfield however is a Category C village and significant extensions to the village were not planned as part of the existing Local Plan. The site has been promoted but has not been progressed in the Draft Local Plan, although this should be noted to be at an early stage, it will be progressing to Regulation 19 submission and more advanced submission stages in the next 12months.
- 10.3. Therefore in positive aspects the proposals would contribute towards the Council's Housing Land Supply and the supply of economic and social benefit of the provision of market and affordable housing towards the District needs. This should carry significant positive weight. The site is too far from Oxford to support Oxford's Unmet Housing Needs and this aspect carries no weight.
- 10.4. The site would also create construction jobs and support to Bicester services and local services which would have a moderate positive benefit.
- 10.5. The application proposals would also meet and potentially exceed the requirements for biodiversity this should also carry significant positive weight.
- 10.6. The use of previously developed land carries limited positive weight as this is only a small part of the site.
- 10.7. On the negative side the impact of the proposals on the landscape character and separation of Caversfield and Bicester are very significant impacts which are negative considerations which carries very significant weight.
- 10.8. The impact on the highway network, having regard to the comments of the Highway Authority are also a negative consideration and carries significant weight.
- 10.9. Further the impact of mitigation necessary to make the development acceptable in highway terms is also of significant adverse weight in terms of the adverse impact on character and the potential impact on established hedgerows and trees. This carries significant negative weight. The benefit for walking and cycling is however noted but given the limited facilities in walking distance this is given limited weight.
- 10.10. The proposals would also carry harm to the setting of St Lawrence Church and the RAF Bicester Conservation Area in particular and the impact to the heritage landscape and setting. These are at the lower end of less than substantial but would have a moderate negative consideration.
- 10.11. On balance, having regard to the previous appeal decision and the differences in scale from the 2013 scheme, and weighing the material harm the proposed negative impacts, and considerations of the development, it is considered that these would outweigh the positive elements of the proposals.
- 10.12. The Council has made this judgement in the view that it can demonstrate an appropriate housing land supply in accordance with the NPPF. It is considered that should the Council's supply position not be supported and the tilted balance under

Paragraph 11 of the NPPF be engaged, the conclusion, whilst more balanced, would not be titled in favour of the application submission due to the significance and importance of the field in maintaining the setting of the landscape, the separate identity of Caversfield and planned growth.

RECOMMENDATION

REFUSAL

- i. FOR THE REASONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASON(S) AS DEEMED NECESSARY), AND**
- ii. THAT AUTHORITY BE DELEGATED TO OFFICERS, IN CONSULTATION WITH THE CHAIRMAN OF PLANNING COMMITTEE, TO ADD OR REMOVE REFUSAL REASONS, IN THE EVENT OF AN APPEAL BEING LODGED AGAINST THE REFUSAL, IN LIGHT OF NEW EVIDENCE BECOMING AVAILABLE.**

REASONS FOR REFUSAL

- 1. The proposals by reason of their loss of gap between Caversfield and Bicester would have an adverse impact on the character of the area and Aunt Ems Lane in particular and setting of the wider heritage landscape of RAF Bicester Conservation Area. The field is considered an important feature and visual gap for the area, the identity of Caversfield, historic setting and the proposals would result in unsustainable growth with a limited relationship to the existing built form. As such the proposals would be contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan 2015 and saved policies C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.**
- 2. The proposals would result in a severe impact on the capacity and functioning of the highway in particular the B4100/Aunt Ems Lane and A4421/Skimmingdish Lane junctions and severe traffic congestion impact at the junction of Bucknell Road and the A4095 and having regard to the impact of committed developments and capacity in these junctions for further movements. As such the proposals are contrary to Policy SLE4 and INF1 of the Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework**
- 3. The highway mitigation considered necessary to make development acceptable, in particular proposed footways to Aunt Ems Lane and to Fringford Road/Banbury Road would create an urbanising effect to the development and the surrounding area which would result in a detrimental impact to the peri-urban character and result in loss of trees and landscaping with further impacts to heritage assets. As such the proposals would be contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan 2015 and saved policies C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework**
- 4. Caversfield is a designated Category C village as set out in Policy Villages 1 of the Cherwell Local Plan 2015. Due to the very limited facilities and opportunities for day to day services or the opportunity to access alternative modes of transport, the village is only considered appropriate for limited growth and the proposals are significant in the context of the**

scale and character of the village. The proposals would be distant from the principal area of the village and unsustainable in relation to Local Plan Policies BSC1 and Villages 1 of the Cherwell Local Plan 2015 and saved policies C5, C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

- 5. In the absence of a satisfactory legal agreement or unilateral undertaking to secure education, sport, open space, community facilities and highway contributions, it is not considered that the development would mitigate its impacts and as such would be contrary to the requirements of Policies BSC3, BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework**

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>35% Affordable Housing</p> <p>National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. The tenure split required by BSC 3 is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 35 dwellings (rounded up) with 25 as rented (rounded up to reflect the high level of identified need) and 10 as Low-Cost Home Ownership.</p> <p>The tenure mix, based on the above policy requirements, would be:</p> <ul style="list-style-type: none"> - 25no social rented dwellings - 9no First Homes - 1no shared ownership dwelling 	<p>Suitable trigger points for an RP to be brought on board and then for the delivery of the affordable housing alongside the delivery of market dwellings.</p>	<p>Necessary – Yes – The site is allocated as part of the Local Plan – Policy BSC3 of the CLP2015 is the relevant policy. Other relevant policies includes ESD15 and C28 and C30 in relation to design quality and the integration with market housing.</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>
Health	TBC upon receipt of ICB comments	TBC upon receipt of ICB comments	TBC upon receipt of ICB comments
Public Art, Public Realm and Cultural Wellbeing	<p>£22,176.00</p> <p>This includes 5% management and 7% maintenance.</p>	<p>First occupation or an alternative agreed trigger</p>	<p>Necessary – SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore</p>

			<p>peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p> <p>Directly related – The recommendation is for an artistic intervention alongside the proposed fenced off area for ecology and/or wildlife to encourage awareness of need and to protect the local habitat. Ideally this would also include a participatory design element involving the local school and residents to ensure relevance and sense of ownership to the artwork.</p> <p>Fairly and reasonably related in scale and kind – A developer contribution of £200 per dwelling would be requested plus 5% management and 7% maintenance.</p>
Outdoor Sports Provision	<p>A contribution of £2,017.03 per dwelling will be sought.</p> <p>Example at 99 Dwellings = £199.685.97</p>	<p>The amount to be phased alongside the delivery of the scheme.</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – We are seeking an off-site outdoor sport contribution towards the provision of a 3G football pitch in Bicester</p>

			<p>or enhancement of an off-site outdoor sports facility in the locality. A 3G pitch would allow the future local shortfalls in pitch provision to be addressed.</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>
Indoor Sports Provision	£76,672.03	The amount to be phased alongside the delivery of the scheme.	<p>Necessary – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access. CDC Built Indoor Sports Facilities – needs assessment May 2023 - Highlights insufficient pool water space in Bicester and the need for a new learner pool.</p> <p>Directly related – We are seeking an off-site indoor sport contribution towards the provision of a new learner pool Bicester Leisure Centre.</p>

			Fairly and reasonably related in scale and kind – Calculations based on the Developer Contributions SPD calculation based on a contribution of £335.32 per occupier of each Dwelling with an expected population of 2.4people per dwelling.
Community Hall	£109,108.72	The amount to be phased alongside the delivery of the scheme.	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality in accordance with Policies INF1 and BSC 12 and the Developer Contributions SPD.</p> <p>Directly Related – The facility will be related to the site and delivered to meet the Council’s Community Spaces and Development Study and could support enhancement in the area (e.g. Bicester Eco Town)</p> <p>Fairly and Reasonably related in scale and kind - The sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2.</p>
Open Space Maintenance	Up to:	On transfer of the landscaping/phased contribution payment	Necessary – Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the
	LAP £50,279.76		
	LEAP £202,989.56		
	Or		
	LEAP/LAP Combined £228,387.53		

	<table border="1"> <tr> <td>Public Open Space - £16.09/sq m</td> </tr> <tr> <td>Hedgerows - £33.83/lin m</td> </tr> <tr> <td>New Woodland - £44.54/sq m</td> </tr> <tr> <td>Mature Trees £356.21/tree</td> </tr> <tr> <td> </td> </tr> <tr> <td>Ditch Maintenance £153.05/lin m</td> </tr> <tr> <td>Swale Maintenance £153.05/lin m</td> </tr> <tr> <td>Balancing Pond £84.02/sq m</td> </tr> <tr> <td> </td> </tr> <tr> <td>Or current contract rates advised by CDC Landscape Team</td> </tr> </table>	Public Open Space - £16.09/sq m	Hedgerows - £33.83/lin m	New Woodland - £44.54/sq m	Mature Trees £356.21/tree		Ditch Maintenance £153.05/lin m	Swale Maintenance £153.05/lin m	Balancing Pond £84.02/sq m		Or current contract rates advised by CDC Landscape Team		<p>following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related – Committed sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of open space on site.</p>
Public Open Space - £16.09/sq m													
Hedgerows - £33.83/lin m													
New Woodland - £44.54/sq m													
Mature Trees £356.21/tree													
Ditch Maintenance £153.05/lin m													
Swale Maintenance £153.05/lin m													
Balancing Pond £84.02/sq m													
Or current contract rates advised by CDC Landscape Team													
Public transport services	£112,167	On first occupation or alternative agreed trigger	<p>Necessary – Policies INF1 and SLE4 are the relevant policies which set out the support for public transport services.</p> <p>Directly related – Committed sums to support the viability of Bicester Motion are required to either provide a bus service between Caversfield and Bicester town centre, or to financially contribute towards a service. This was in response to the potential for changes to service X5 following the introduction of East West Rail.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of open space on site.</p>										

Public Rights of Way	TBC	TBC	<p>Necessary – Due to the proximity of the development site to nearby PROWs, OCC seeks a contribution from the developer which will be used to mitigate the impact arising from additional use of the paths by the site's residents, this may include improvements to the path surface, signing, and other necessary mitigation measures.</p> <p>Directly related – Towards enhancement and improvement of rural rights of way across the development.</p> <p>Fairly and reasonably related in scale and kind – tbc</p>
Travel Plan Monitoring	£1,890	On first occupation or alternative agreed trigger	<p>Necessary – To support the delivery of sustainable modes of transport.</p> <p>Directly related – Related to the management and monitoring of the residential travel plan associated with the development.</p> <p>Fairly and reasonably related in scale and kind – The scale of contribution is related to the level of the development.</p>
Primary and nursery education	£808,524	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 36 additional places which would need to be provided for in nearby schools.</p>

			<p>Directly related – The nearest primary school to the proposed development is Gagle Brook Primary School , which opened in September 2018 to provide primary school capacity for the North West Bicester allocated site. Although pupil numbers at the school are still growing, it will be filled from the developments at NW Bicester which have funded it, and currently spare places at the school cannot be assumed to be available to meet the needs of this application site. The scale of housing development at Bicester will require further new primary schools, which can be built large enough to meet the needs of the application site. In order that all developments mitigate their own impact in a fair and reasonable manner, this application site is therefore required to contribute towards the cost of the planned new primary schools at NW Bicester.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £22,459 per pupil</p>
Secondary education	£764,451	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 23 additional places which would need to be provided for in nearby schools</p> <p>Directly related – The scale of housing growth in Bicester requires another new</p>

			<p>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>Fairly and reasonably related in scale and kind – Based on DfE calculation of £33,237 per pupil</p>
Secondary school land contributions	£70,150	On first occupation or alternative agreed trigger	<p>Necessary – 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 – To assist delivery of school places.</p> <p>Fairly and reasonably related in scale and kind – Estimated per pupil cost of land for the new secondary school (using April 23 prices of £3050 per pupil</p>

SEN	£53,845	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for the equivalent of 0.6 additional places which would need to be provided for in nearby schools</p> <p>Directly related – 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>Fairly and reasonably related in scale and kind – Based on DfE calculation of £89,741 per pupil</p>
Waste and Recycling centres	£9,302	On first occupation or an alternative agreed trigger	<p>Necessary: 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</p>

			<p>they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times.</p> <p>Directly Related: Will be towards providing waste services arising from the development</p> <p>Fairly and reasonably related in scale and kind Calculated on a per dwelling basis total land required for current dwellings of 0.18m² per dwelling</p>
Other Highways	A s278 obligation towards proposed footway on Aunt Ems Lane	As part of the development delivery by the developer with future	<p>Necessary: Yes to enhance walking and cycling opportunity to the Eco Town and the facilities.</p> <p>Directly Related: The proposals would be related to the development proposals.</p> <p>Fairly and reasonably related in scale and kind: The proposals are required to make the development acceptable and would be reasonable in scale and kind from a CIL perspective.</p>
	Proposed footway/cycleway and crossing on Fringford Road and Banbury Road		<p>Necessary: The proposed footway is considered of limited benefit to support walking or cycling as it does not connect the site to services which would be accessible by walking or cycling. It does</p>

			<p>however connect the site to the National Cycle Network and this forms the basis of the mitigation. The proposals would exacerbate landscape harm and the impact to the setting of the Conservation Area</p> <p>Directly Related: The proposals would be delivered by the developer.</p> <p>Fairly and reasonably related in scale and kind: The length and scale of the footpath works would exacerbate landscape harm and the impact to the setting of the Conservation Area but is in the view of County Council appropriate in scale and kind to meet the purpose of walking and cycling enhancement.</p>
	<p>Bus stops on Fringford Road / Skimmingdish Lane</p>		<p>Necessary: Yes to support the provision of public transport and support access to alternative modes of transport.</p> <p>Directly Related: Whilst there would be wider benefit. The proposals would be delivered for and by the development proposals.</p> <p>Fairly and reasonably related in scale and kind: The proposals would be to deliver a pair of bus stops to support services in the area. This is considered reasonable in scale and kind.</p>

CDC and OCC Monitoring Fee	CDC: £1,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule
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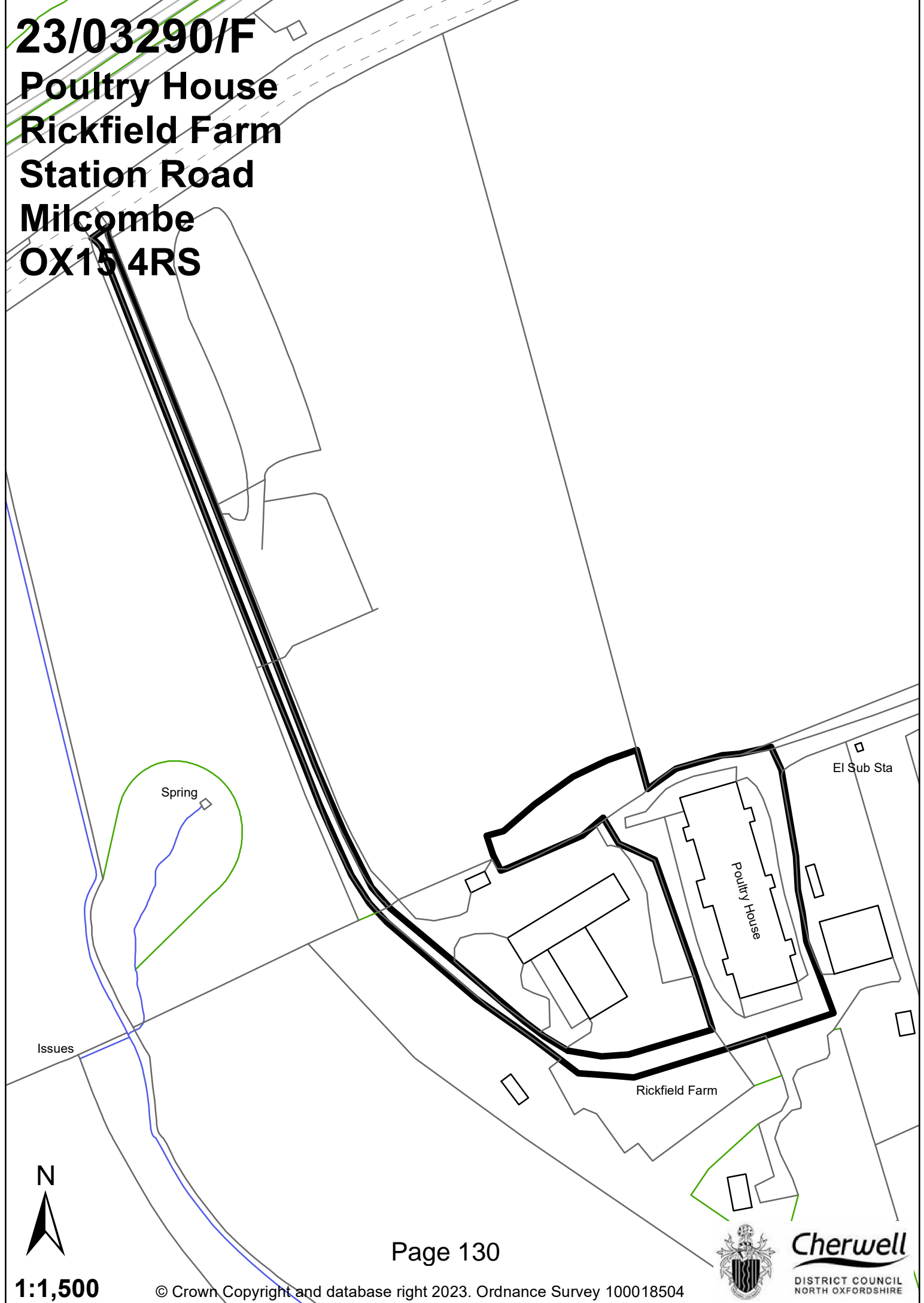
23/03290/F
Poultry House
Rickfield Farm
Station Road
Milcombe
OX15 4RS



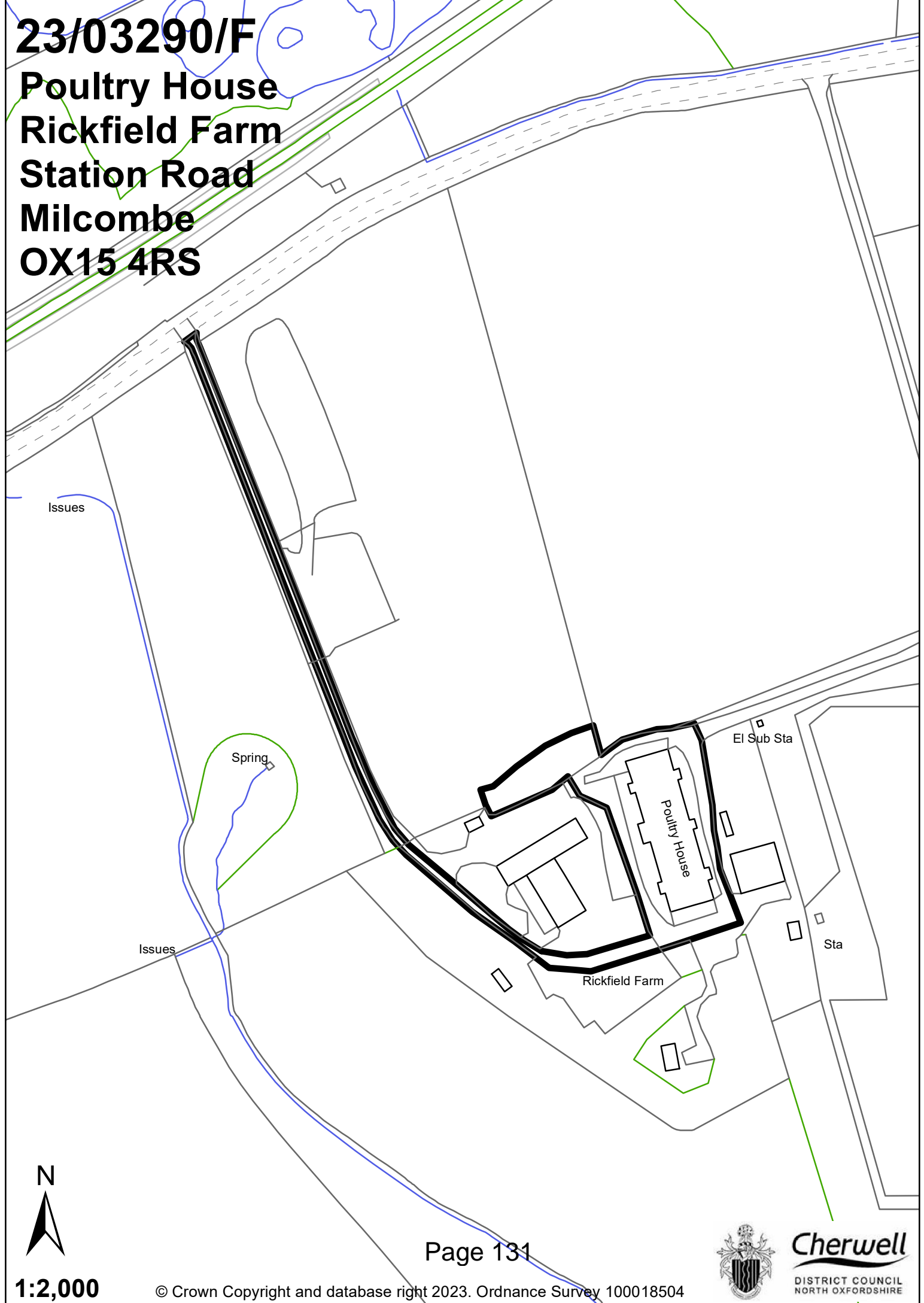
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23/03290/F

**Poultry House
Rickfield Farm
Station Road
Milcombe
OX15 4RS**



23/03290/F
Poultry House
Rickfield Farm
Station Road
Milcombe
OX15 4RS



1:2,000



Case Officer: Katherine Daniels

Applicant: Mr Geoffrey Taylor

Proposal: Change of use of existing poultry shed to container storage (Use Class B8) including associated landscaping

Ward: Deddington

Councillors: Councillors Andrew McHugh, Eddie Reeves, David Rogers

Reason for Referral: Called in by Councillor Andrew McHugh for the following reason:

To consider the benefits of farm diversification away from poultry

Expiry Date: 23 February 2024

Committee Date: 1st August 2024

SUMMARY RECOMMENDATION: REFUSE PERMISSION

BACKGROUND: Members may recall that this application was presented to the planning committee on 15th February 2024 with a recommendation for refusal. Members resolved to approve the application; however, this decision was challenged on the basis that the Council had “not recorded the reasons of the Committee for departing from the advice of the officers either at the meeting or subsequently”. The decision was quashed, and the Council now has to reconsider the application. The application has now been brought back to committee for its redetermination.

The agent has written to the Council following the quashing of the original decision, commenting on the materiality of the February Planning Committee’s discussion, and also the 2024 amendments to the General Permitted Development Order although noting those amendments are not relevant to this application because permitted development rights were removed from planning permission: 21/03635/F.

Officers note that no appeal was lodged against the conditions of the 2021 permission and that, notwithstanding, the aforesaid new agricultural permitted development rights do not provide a ‘fall back position’ because planning permission is required for the change of use of the site. The proposal must be considered on its own planning merits, as outlined in the officer’s report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site forms part of an agricultural unit located at Rickyard Farm, approximately 500 metres south-west of the village of Milcombe. The site is located within the open countryside. The application relates to a poultry shed and Dutch barn. The poultry shed is relatively enclosed, whereas the Dutch barn is a steel framed building which is open on all 4 sides.

1.2. The buildings are east of an existing building which benefits from planning permission for a mixed Class B2 (general industrial) and B8 (storage and distribution) use. To the

north and south of this site are storage containers, which do not benefit from any planning approval. The north site has 39 storage containers (and is subject to a refused Lawful Development Certificate application – 23/02626/CLUE), and the south site has 53 storage containers.

- 1.3. A solar farm exists to the east of the site and is in the same land holding as the application site.

2. CONSTRAINTS

- 2.1. To the west of the site is a public bridleway which goes through a local wildlife site (South Newington Valley). To the west of the site is a Conservation Target Area and the habitat is noted to be potential NERC S41 priority habitat (lowland mixed deciduous woodland). These do not extend into the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks approval for a change of use of existing poultry shed and Dutch barn to include shipping container storage. This would include 56 containers in the existing poultry shed building. The proposal includes landscaping.
- 3.2. The application is a re-submission of a refused application – 23/02423/F – which sought permission for 70 storage containers within the poultry shed and adjacent Dutch barn.

4. RELEVANT PLANNING HISTORY

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

Application: 23/02423/F	Refused	2 nd November 2023
Change of Use of existing poultry shed and Dutch barn to container storage (Use Class B8) including associated landscaping		

- 4.2. The application was refused for the following reason:

- The self-storage facility is in a geographically unsustainable location. The scale and nature of the use is considered inappropriate in a rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be located on an unallocated rural site. In addition, the siting of storage containers within the Dutch barn would have an urbanising effect and would adversely affect the character and appearance of the area. The proposed development is therefore contrary to Policies SLE1, ESD1 and ESD13 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.*

- 4.3. The following planning history is associated with the wider site:

Application: 23/02626/CLUE	Refused	17 November 2023
Certificate of Lawfulness for the Existing Development: Operational development - comprising 25no storage containers - which have been sited on land at Rickfield Farm, Station Road, Milcombe, Oxfordshire, OX15 4RS for longer than 4 years.		
Application: 23/02024/F	Permitted	27 September 2023

Erection of 2no proposed polytunnels and retention of existing hardstanding and bunds (part retrospective)		
Application: 22/00536/F	Permitted	17 June 2022
Variation of Condition 4 (hedgerow management scheme) of 21/03635/F		
Application: 21/03838/F	Refused	28 January 2022
Retrospective - Development of the container storage facility		
Application: 21/03635/F	Approved	31 January 2022
RETROSPECTIVE - Change of Use of agricultural building to B2 General Industrial and B8 Storage and Distribution - re-submission of 21/02648/F		
Application: 21/02648	Refused	7 October 2021
Retrospective - Change of use of agricultural building to B2 General Industrial and B8 Storage and Distribution		

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, 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 **4 January 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:

- The scale of 56 storage containers is still significant
- The nature of use has not changed since the previous refusal
- Farming pressures are not exclusive to the applicant, and there are different farms that have used different farming methods to diversify
- No exceptional circumstances presented to justify the proposal
- Would not constitute sustainable development
- Granting permission for more storage containers in geographically unsustainable locations could result in more farms nearby submitting similar proposals
- Detrimental impact to the character of the countryside location
- The use of storage container does not relate to a regenerative agricultural operation

- Diversification has already taken place through the solar farm and change of use of other buildings
- Only agricultural building left on site, and could be considered the loss of the farm holding in its entirety
- More traffic movements, including lorries, to the site as existing beyond what has been described within the application
- Associated traffic relating to the proposal increases the urbanising effect of the change of use and will cause visual intrusion and undue harm
- Proposal would result in damage to adjacent site of biodiversity

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. MILCOMBE PARISH COUNCIL: **no objections.**

OTHER CONSULTEES

7.3. CDC DRAINAGE: **No comments or objections** to make.

7.4. CDC ENVIRONMENTAL HEALTH: **No comments** to make on noise, contaminated land, air quality, odour or light.

7.5. OCC HIGHWAY AUTHORITY: **No objections** or conditions suggested.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Climate Change
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement 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)

- C8 – Sporadic development
- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

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
- Highway safety

Principle of Development

9.2. Government guidance contained within the NPPF seeks the promotion of a strong rural economy, through the support of sustainable growth and expansion of all types of business and enterprise in the rural areas and the promotion of the development and diversification of agricultural and other land-based rural businesses.

9.3. Paragraphs 88 and 89 of the NPPF outlines parameters for supporting a prosperous rural economy. Paragraph 88 outlines that *“planning policies and decisions should enable:*

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) The development and diversification of agricultural and other land-based rural businesses;*
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

9.4. Paragraph 89 outlines that *“policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable...The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

9.5. Policy SLE1 of the Cherwell Local Plan 2011-2031 ('CLP 2015') relates to employment development, defined as B Use Classes, and has a strong urban focus. In the rural areas it states that unless exceptional circumstances are demonstrated,

employment development should be located within or on the edge of Category A villages. The applicant points to paragraph 84 and 85 of the NPPF (now paragraphs 88 and 89 in the NPPF published on 20th December 2023) which provides support of sustainable growth of rural businesses and diversification of agricultural and other land based rural business. However, this sits alongside the Local Plan policies which allows for such development where it is adequately justified. The NPPF is not considered to be interpreted as unconditional support for the provision and expansion of rural businesses or farm diversification in geographically unsustainable locations and still needs to be balanced against other objectives such as reducing the need to travel, reducing car dependency and associated carbon reductions. Policy SLE1 and ESD1 which sits alongside this is therefore considered to be consistent with the NPPF and given full weight.

- 9.6. The closest village to the site is Milcombe, which is a category A village. However, given the site is located approximately 500 metres from the edge of the village it is not considered to be 'on the edge of the village' as required by Policy SLE1. Therefore, in accordance with the wording of Policy SLE1 the proposal would need to demonstrate 'exceptional circumstances' to justify its location.
- 9.7. In addition to the policy requirement to demonstrate exceptional circumstances, Policy SLE1 goes on to note that new employment proposals within rural areas on non-allocated sites will be considered against a list of criteria. These are also considered to be relevant to the assessment of whether the location has been adequately justified. Below is an assessment of the proposal against the most relevant these criteria:

- *Be outside of the Green Belt* – The proposal meets this criterion
- *Sufficient justification has been provided to demonstrate why the development should be located in a rural area on a non-allocated site* – Limited evidence has been submitted to justify the proposed development, other than stating it would constitute a farm diversification. There is little to justify how the use links to the farming enterprise and it does not appear to have a functional link. Financial pressures are noted, as there are pressures throughout the farming sector which are not exclusive to the current applicant. The financial benefits of the storage would largely amount to a private rather than wider public benefit. From the information provided, other than a financial link the self-storage would not appear to link back to the operation of the farm. It would appear to operate as a totally distinct and separate business and would appear not to represent farm diversification but would simply constitute the creation of a new business in a rural location.

The proposals under 21/03635/F for the conversion of the western building to a mixed B2 and B8 use were considered acceptable on a very fine balance (paragraph 8.21 of the officer report). At paragraph 8.15 of the report the officer highlighted that the scale of non-farming activities on this part of the site could be out of scale with the farming enterprise at this part of the farm holding. The loss of the poultry shed and Dutch barn would reduce the farming activity significantly - to the extent that it would be a minority activity, and would not constitute farm diversification, replacing a significant part of the agricultural activity rather than supporting it.

There is no justification for the need for level of self-storage proposed here, in this location.

Taking matters into account, it is not considered that the use of the site for this scale of storage has been justified and would therefore result in the creation of a new storage facility in a geographically unsustainable location.

- *High quality design, appropriate in scale and respect the character of the villages and surroundings* – The scale of the proposal is discussed further in the above point. The assessment of the impact on the character and appearance is outlined later in the report.
- *No detrimental impact on amenity or highway network* – Outlined below.
- *No suitable available plots or premises within existing nearby employment sites in rural area* – No information has been provided in this regard to justify the rural location.

9.8. Policy SLE1 goes onto note that the Local Plan has an urban focus, and that justification will be required for new sites in rural areas, and this should include applicants demonstrating a need for and benefits of employment development in a particular location and explaining why the proposed development should not be located at the towns.

9.9. The applicant has highlighted paragraphs 84 and 85 of the NPPF (now paragraphs 88 and 89 in the NPPF published on 20th December 2023) support sustainable growth of rural businesses and diversification of agricultural and other land based rural villages. This sits alongside the assessment required to be made from the Cherwell Local Plan, specifically Policy SLE1 as discussed above. The NPPF should not be interpreted as unconditional support for provision and expansion of rural businesses or farm diversification in geographically unsustainable locations and still needs to be balanced against other objectives such as reducing the need to travel, reducing car dependency and associated carbon reductions.

9.10. Further, the Council does not consider the proposal to constitute farm diversification, as the farm use would be minimal, and therefore the application would be contrary to the NPPF.

9.11. The proposal has been reduced from the previous refusal from 70 storage units to 56 storage units. The previous refusal included the adjacent Dutch barn which has been omitted from the application, so the storage containers would be sited solely within the poultry shed. The scale of 56 storage containers is still considered to go beyond what can be reasonably regarded as farm diversification.

9.12. The Council considers there has not been sufficient information demonstrated beyond the previous refusal to highlight exceptional circumstances have been met as required by Policy SLE1, or that sufficient justification has been provided for the scale of the development in a rural location.

9.13. The proposal would create a limited number of jobs through the construction phase of this development, and there is no information detailing what jobs would be created from the use as storage containers facility. It is expected job creation would be limited, as the Design and Access Statement relates a lot to self-storage containers, and would therefore unlikely require significant staff support.

9.14. Based on the information submitted, it is considered that the proposals are contrary to Policies ESD1 and SLE1 which have a strong urban focus for B class development. The updated proposal does not resolve the refusal reason of the previous application.

Design, and impact on the character of the area

- 9.15. Policy ESD13 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. It also states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural features, be inconsistent with local character, harm the setting of settlements, or harm the historic value of the landscape. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting. Saved Policy C8 seeks to resist sporadic new development in the open countryside. This is considered to be consistent with the NPPF which seeks to ensure that planning decisions recognise the intrinsic character and beauty of the open countryside. Policy SLE1 requires “*High quality design, appropriate in scale and respect the character of the villages and surroundings*”.
- 9.16. In line with the previous refusal, the Council consider the poultry shed to be relatively enclosed, so there would be a limited impact on the character of the area from the siting of storage containers within the poultry barn. The change to the character would result in the travel movements to the site increasing as a result of the self-storage use.

Residential amenity

- 9.17. Policy ESD15 of the CLP 2015 requires a good standard of amenity for future and proposed residents. Saved Policy ENV1 seeks to restrict development which would be materially harmful by way of noise or air pollution.
- 9.18. Environmental Health Officers do not consider there to be any harm to odour, light, or noise, and would therefore not impact any neighbours in this respect. There are no neighbours in close proximity to the site, and therefore the Council does not raise any concerns in regard to residential amenity.

Highway safety

- 9.19. The proposed development would utilise the existing access from the main road serving the farmyard. The Local Highway Authority (LHA) has raised no objection, as the proposed increased vehicle trips would be 7 per day, which the LHA considers to be minimal in terms of impact on highway safety. The site is set back from the highway by approximately 500m, and as a result there is minimal risk of parking overspill onto the highway.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The proposal is considered to conflict with Policies SLE1 and ESD1 and result in the creation of a relatively sizable storage facility in a rural location. While the proposal has been reduced since the previous refusal, the principle of development is not acceptable within the rural area. The proposal is considered to result in environmental harm. There are not considered to be any material considerations, including farm diversification or provision of jobs, which would outweigh this conflict. It is therefore recommended that planning permission be refused.

11. RECOMMENDATION

THAT PERMISSION IS REFUSED, FOR THE FOLLOWING REASON:

1. The self-storage facility is in a geographically unsustainable location. The scale and nature of the use is considered inappropriate in a rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be located on an unallocated rural site. The proposed development is therefore contrary to Policies SLE1, ESD1 and ESD13 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

CASE OFFICER: Katherine Daniels

TEL: 01295 753736

24/01326/F

Agenda Item 11

**45 Woodhall Drive
Banbury
OX16 9TY**

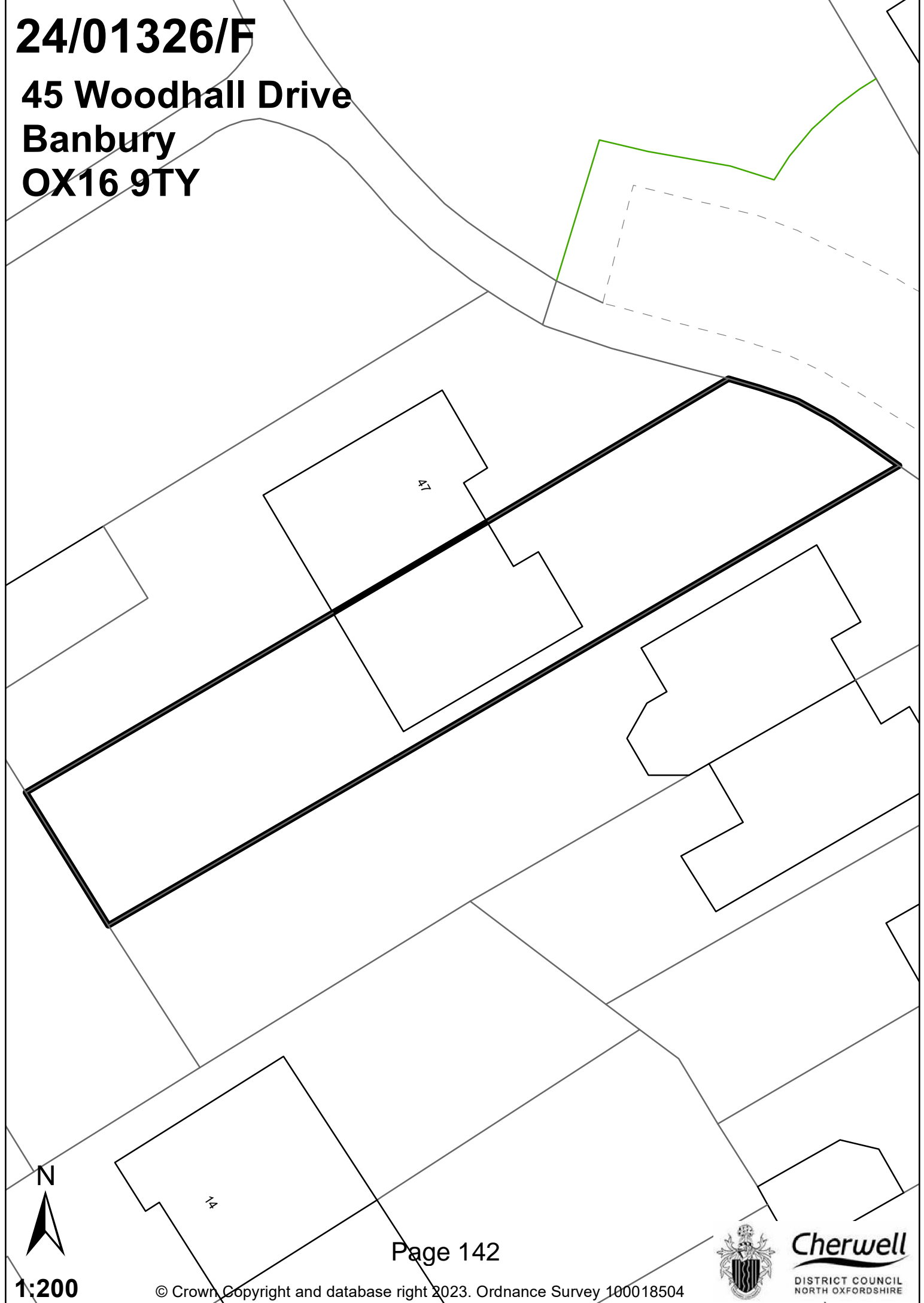


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24/01326/F

**45 Woodhall Drive
Banbury
OX16 9TY**



24/01326/F

**45 Woodhall Drive
Banbury
OX16 9TY**



Case Officer: Astrid Burden

Applicant: Mr and Mrs Donald & Sarah McAllister

Proposal: Conversion of garage to habitable accommodation and erection of a single storey front extension

Ward: Banbury Calthorpe And Easington

Councillors: Councillors Lynne Parsons, Kieron Mallon, Ian Harwood

Reason for Referral: Application submitted by an employee of the Council with line management responsibility

Expiry Date: 6 August 2024

Committee Date: 1 August 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located at one of the ends of Woodhall drive adjacent to a park. The site makes up one of two semi-detached dwellings, set back significantly from the neighbouring pair of semi-detached dwellings. The space within the curtilage to the front of the dwelling is almost equal to the space within the curtilage to the rear.
- 1.2. The north of the site is surrounded by a park, through which a public pathway leads from in front of the site. To the south is the residential area of which the site forms part.

2. CONSTRAINTS

- 2.1. The application site has relatively few constraints. The green area and park to the north contains several mature trees and a public footpath that passes in front of the site and through the park. Up until 2021 the site had a tree to the front of the dwelling protected by Tree Preservation Order ref. 11/1992 (see Section 4 of this report).
- 2.2. The site is in the vicinity of several birds' nests in buildings records and swift hotspots.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application relates to the proposed conversion of garage to habitable accommodation and a single storey front extension; the extension, existing plus proposed, would span the entire width of the dwelling. It would have a depth of 1.35m, eaves height of c.2.5m and max height (where it meets the existing dwelling) of c.3.4m.

4. RELEVANT PLANNING HISTORY

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

T1 (Cherry) – fell as it is colonised by funghi, tree is close to a public footpath & houses.

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, 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 **19 June 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.

7.2. BANBURY TOWN COUNCIL: No objections.

7.3. CDC ARBORICULTURE: 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 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
- C30 – Design control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)

- Cherwell Home Extensions and Alterations Design Guide (2007)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

- 9.1. The key issues for consideration in this case are its design and its impact on the character of the area, the amenities of neighbours and on local highway safety.
- 9.2. The proposal is small in scale, set well back from the highway, and would its roof pitch would match that of the original dwelling. Although set to the front and extending the width of the dwelling, it would have a depth which is typical of porches and given its scale and form and its distance from the highway it would not adversely affect the existing dwelling or the character or appearance of the surrounding area.
- 9.3. The materials proposed are in keeping with those of the area and the existing dwelling.
- 9.4. Given its scale and siting it would not adversely affect the living conditions of neighbours either through loss of light, privacy or outlook or through an overbearing form of development.
- 9.5. Given the amount of residual space on the front driveway of the property, the proposal would not significantly or adversely affect local highway safety.

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 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 the application form and the drawing numbered "RM 24 / 013.1A" (Existing & Proposed Elevations, Floor Plans, Site Location & Block Plans).

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 materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Astrid Burden

Agenda Item 12

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	1 August 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	Whilst there are no direct implications arising from the report the appeals it refers to can be expensive when defending decisions at appeal, especially when the Council must put together an external team to defend a case when dealing with member overturns from planning committee. There is also the potential for an award of costs both for and against the Council in appeal situations. These can involve significant sums that have to be addressed by identifying underspends across the council. It is to be noted that at this time, significant levels of successful appeals have meant the

	budget provision for 2024-25 has been exceeded and alternative sources of funding further successful appeals will need to be identified including the call of the appeals reserve will be necessary for mitigation.			
	Kelly Wheeler, Finance Business Partner, 18/07/2024.			
Legal	As this report is purely for information there are no legal implications arising; the report will assist Legal in assessing the need for provision of the appropriate level of support.			
	Kim Maher, Solicitor, 17/07/2024.			
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, 18/07/2024.			
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.
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 23/01960/PIP – Barn Farm Planys Garden Centre, Thorpe Road, Wardington, Banbury, OX17 1SN.

To develop the site for 7-9 dwellings with associated access, parking and amenity space.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Application Reference: 23/01960/PIP
Appeal Reference: 24/00018/REF

Start Date: 06/06/2024.

- 4.2 23/02423/F – Rickfield Farm, Station Road, Milcombe, Banbury, OX15 4RS.

Change of Use of existing poultry shed and Dutch barn to container storage (Use Class B8) including associated landscaping.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Application Reference: 23/02423/F.
Appeal Reference: 24/00019/REF.
Start Date: 19.06.2024.

- 4.3 24/00698/PIP – 81 North Street, Fritwell, Bicester, OX27 7QR.

Permission in Principle - proposed 7-9 dwellings.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Application Reference: 24/00698/PIP.
Appeal Reference: 24/00020/F.
Start Date: 27.06.2024.

- 4.4 21/02058/F – Shelswell Inn, Buckingham Road, Newton Purcell, MK18 4AU.

Erection of Barns.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Application Reference: 21/02058/FUL.
Appeal Reference: 24/00022/REF.
Start Date: 02.07.2024.

- 4.5 23/02772/PIP – Land Adj And T The West Of Number 42 Green Lane, Upper Arncott, Oxfordshire, OX25 1PA.

Permission in Principle application for the erection of up to 2 No dwellings.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Application Reference: 23/02772/PIP.
Appeal Reference: 24/00021/REF.
Start Date: 02.07.2024.

- 4.6 24/00628/Q56 - Quarry Farm, Rattlecombe Road, Shenington, Oxon, OX15 6LZ.

Change of Use and associated building operations to convert existing agricultural building to single dwellinghouse.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Reference: 24/00628/Q56.
Appeal Reference: 24/00023/REF.

Start Date:09/07/2024.

4.7 24/00379/TPO – Rectory Farm, Mill Lane, Upper Heyford, OX25 5LH.

T1 Walnut - overall crown reduction of approximately 1m back from branch tips to previous pruning points. Pruning extent indicated on attached photographs. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips to previous pruning points. Pruning extent indicated on attached photographs. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.

Appeal lodged against split decision.

Application Ref: 24/00379TPO.

Appeal Ref: 24/00024/REF.

06.07.2024.

New Enforcement Appeals

4.8 None

Appeals in Progress

4.9 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.

4.10 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

- 4.11 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

- 4.12 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

- 4.13 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: Inquiry (5Days)
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

- 4.13 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

4.14 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

4.15 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: 1 Day Hearing.
Hearing Date: 20.08.2024.
Application Reference: 19/02554/DISC
Appeal Reference: 23/000111/REF
Start Date: 07.12.2023.

4.16 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.

4.17 23/00001/ENF – Ashberry Cottage, Duns Tew, OX25 6JS.

Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Application Reference: 23/00001/ENF.
Appeal Reference: 23/00108/ENF.
Start Date: 28.11.2023.

4.18 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.

4.19 23/02770/F – 5 St Peters Close, South Newington, Oxon, OX15 4JL.

RETROSPECTIVE - Single storey rear extension and loft conversion.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation (HAS)
Application Number: 23/02770/F
Appeal Reference: 24/00003/REF
Start Date: 07.02.2024.

4.20 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.

4.21 23/01265/OUT – OS Parcel 0078 North West of Quarry Close, Bloxham.

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.

4.22 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.

4.23 23/02470/F – Offside the Green, Barford St Michael, Banbury, Oxon, 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.

4.24 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.

4.25 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.

4.26 22/03297/F – Willow Cottage, Gravel Pits Lane, Yarnton, Kidlington, 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.

4.27 23/03078/CLUP – Manor Cottage, Middleton Park, Middleton Stoney, Bicester, 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.

4.28 23/03137/F – 17 The Glebe, Hook Norton, Oxon, 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
Appeal Reference: 24/00016/REF
Start Date: 01.05.2024.

4.29 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: 24/00007/REF
Start Date: 13.03.2024.

Forthcoming Public Inquiries and Hearings between 1 August 2024 and 5 September 2024.

4.30 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: 1 Day Hearing.
Hearing Date: 20.08.2024.
Application Reference: 19/02554/DISC
Appeal Reference: 23/000111/REF
Start Date: 07.12.2023.

Appeals Results

4.31 23/02437/F – 1 Stevenson Close, Bicester, Oxon, OX26 2YJ.

The Inspector allowed the Appeal for construction of a pitched roof entrance porch to front elevation. Removal of rear uPVC conservatory and construction of single storey extension. In allowing the appeal, the Inspector concluded that:

The Inspector considered the main issue to be the effect of the proposed porch on the character and appearance of the area.

The Inspector held the porch would be larger than that allowable under permitted development rights, however the rights remain available and therefore the appellant's fall-back position was given weight. In terms of design it was noted, the size would be proportionate to the bungalow, and pitched roof was complementary to the dwelling. Further, due to the fence at no. 11 Buchan Road the porch would only be seen at the head of the cul-de-sac. There are no porches on the street however, regard was given to the porches on adjoining streets.

Based on the above and subject to conditions, the Inspector concluded that the appeal should be allowed.

4.32 22/03868/OUT – Land West Adj to Salt Way and West of Bloxham Road, Banbury.

The appeal was allowed planning permission for a development of up to 60 homes including open space provision, parking, landscaping, drainage and associated works. In allowing the appeal, the Inspector concluded that:

- With respect to the Spatial Strategy, although the site is in the Countryside and therefore there would be conflict with Saved Policy H18, the site would not conflict with Policy BSC1 and the underlying sentiment and aims of it, which is to focus housing on the 2 most sustainable towns in the district (Banbury and Bicester). It would therefore be in line with the guidance in the Framework.
- With regard to Character and appearance, the proposal would not be isolated from, divorced from or poorly related to the Bloxham Vale development. There would be some limited visual intrusion into the countryside, and some harm to its intrinsic character and beauty especially in the early years which would result in conflict with Policy ESD13 and the Framework.
- In terms of the effect on residents, the Inspector was content that some form of access for construction traffic could be secured and that other measures could be agreed to mitigate for other effects arising from construction through the imposition of conditions which would ensure no unreasonable harm to residents in the vicinity. In addition, the additional traffic flows associated with this scheme would not be significant or compromise highway safety or result in unacceptable noise or disturbance for occupiers on the estate.
- The effect of the development on the setting of the listed building would not cause harm to its significance.
- Whilst Officers attempted to secure 35% affordable housing given the development would be outside the built up limits of Banbury (and not on an allocated site), the Inspector concluded that the site would be 'at' Banbury and therefore that 30% affordable housing would be policy compliant.
- The Inspector accepted all matters secured within the Unilateral Undertaking as meeting CIL Reg 122 and that the effect on the town's infrastructure would be appropriately addressed.
- The Inspector found that the effects on ecology and wildlife would be acceptable on the field and the woodland given the various ecological improvements that could be included and that the illustrative details provided show that there is the opportunity for the scheme to be appropriately laid out in design terms.

- Whilst conflict with Policies ESD13 and H18 was found, various benefits were found including the benefit of additional housing which would serve to boost the supply of homes in line with the Framework and the provision of 30% affordable housing which were afforded significant weight especially given the sites location with reasonable access to services and facilities in one of the 2 most sustainable towns in the district. There would also be some economic and environmental benefits.
- The Council considered that a 'flat balance' should be applied as the benefits of the scheme would outweigh any harm and permission should be granted. However, the Inspector engaged paragraph 11(d) and applied the 'tilted' balance as he concluded that Policies BSC1 and H18 are out of date and, in doing this, found that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits. Material considerations indicate the decision should be otherwise than in accordance with the Development Plan and so he granted permission subject to conditions and the submitted UU.

4.33 22/03297/F – Willow Cottage, Gravel Pits Lane, Yarnton, Oxon, OX5 1PX.

The Inspector allowed the appeal for the retrospective erection of an outbuilding and change of use of land to domestic resident. In allowing the appeal, the Inspector concluded that:

The Inspector identified the main issue as the effect of the development on the character and appearance of the area.

The Inspector found that the appeal site is surrounded by predominantly residential properties, varying in style and period, and that there is limited consistency of character within the street or surrounding area. The Inspector determined that the outbuilding was not highly visible from the surrounding area, although glimpsed from the private access, from part of Gravel Pits Lane and from some private vantage points. Whilst the choice of materials is not common in the surrounding area, similarly sized outbuildings in the form of garages exist nearby, together with a series of informal and formal car parking areas along the private track. It was considered that the private road was not unadulterated and that it does contain features of a domestic nature. The Inspector concluded that the development had an acceptable effect on the character and appearance of the surrounding area, in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

The Inspector advised that the comments raised in respect of highway safety and private ownership matters did not lead them to an alternative conclusion on the main issue. In addition, there was no substantive evidence that demonstrated the air quality and noise levels are, or would be, compromised due to the small scale and nature of the proposal.

4.34 23/02338/OUT – Land off Lince Lane, Kirtlington, Oxon, OX5 3HE.

The Inspector dismissed the appeal for Erection of 15 detached and semi-detached single and two-storey dwellings (including affordable housing) together with access - re-submission of 22/03049/OUT. In dismissing the appeal, the Inspector concluded that:

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area. He separated his considerations into two main sections before considering the disputed housing land supply position:

Settlement pattern

The Inspector noted that the application site has an attractive green and rural appearance, and that the settlement of Kirtlington retains a linear form as identified by the Heritage and Character Assessment (HCA) included in the Mid-Cherwell Neighbourhood Plan (NP). He also noted that the proposal would divide the site from the existing fields. He considered that the proposal would extend the village to the west in an arbitrary protrusion in to the countryside that would not relate to any natural or physical features and would fail to reflect the linear form of the settlement.

Landscape

The Inspector noted that the HCA identifies important views and vistas that the NP requires sensitivity to, including several views across the application site. He disagreed with the findings of the LVIA, considering that it “underplays the magnitude of the proposal” from relevant viewpoints and considered that the proposal would have an urbanising effect on the rural character of the area and significantly harm the views identified by the HCA and NP.

He concluded that the proposal would fail to respond to the distinctive character and pattern of the settlement and would detract from the landscape, and afforded the resultant conflict with Neighbourhood, Local and National Policies substantial negative weight.

Housing land supply

The Inspector summarised the Appellant’s and the Council’s positions regarding housing land supply and considered whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing additional dwellings as required by the tilted balance. He found that the proposal conflicted with the Development Plan as a whole and afforded moderate positive weight to the relatively small number of additional dwellings that would be provided by the scheme. Limited additional positive weight was given to the extra affordable housing that was proposed due to lack of evidence in relation to the area’s affordable housing need. Limited positive weight was afforded to the remaining benefits collectively. Overall, the Inspector therefore concluded that the benefits of the scheme would not outweigh the significant harm caused to the identified views or the conflict with the Development Plan as a whole.

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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