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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 5 September 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 - 12)

To confirm as a correct record the Minutes of the meeting of the Committee held on 1 August 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. **Begbroke Science Park Begbroke Hill Begbroke OX5 1PF** (Pages 15 - 111)
23/02098/OUT

9. **Part Of OS Parcel 7700 Adjoining B4035 And Swalcliffe Road Upper Tadmarton** (Pages 112 - 132)
23/00831/F

10. **Turpins Lodge Tadmarton Heath Road Hook Norton Oxfordshire OX15 5DQ**
(Pages 133 - 147)
23/03408/F

Review and Monitoring Reports

11. **Appeals Progress Report** (Pages 148 - 163)

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 Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

12. Planning Performance Report (Pages 164 - 171)

Report of Assistant Director Planning and Development

Purpose of report

This report details the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

Recommendations

The Planning Committee resolves:

- 1.1 To note 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.

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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 28 August 2024

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 1 August 2024 at 4.00 pm

Present:

Councillor Barry Wood (Chairman)
Councillor Amanda Watkins (Vice-Chairman)
Councillor Rebecca Biegel
Councillor Chris Brant
Councillor John Broad
Councillor Phil Chapman
Councillor Grace Conway-Murray
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Rob Parkinson
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill

Substitute Members:

Councillor Dr Chukwudi Okeke (In place of Councillor Dr Isabel Creed)
Councillor Dorothy Walker (In place of Councillor Jean Conway)
Councillor John Willett (In place of Councillor David Hingley)

Apologies for absence:

Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor David Hingley

Officers:

Paul Seckington, Head of Development Management
Karen Jordan, Deputy Principal Solicitor
Katherine Daniels, Principal Planning Officer
Andrew Thompson, Principal Planning Officer
Lewis Knox, Senior Planning Officer
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

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Declarations of Interest

8. Land Opposite Hanwell Fields Recreation, Adjacent to Dukes Meadow Drive, Banbury.

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

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

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

9. South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH.

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

11. 45 Woodhall Drive, Banbury, OX16 9TY.

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

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

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

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Requests to Address the Meeting

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

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Minutes

The Minutes of the meeting held on 11 July 2024 were agreed as a correct record and signed by the Chairman.

42 **Chairman's Announcements**

There were no Chairman's announcements.

43 **Urgent Business**

There were no items of urgent business.

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

The Committee considered a proposed site visit to Land adjoining and North of Playing Field, The Bourne, Hook Norton, for application 24/01948/OUT, an outline application for up to 73 dwellings (Use Class C3) with associated open space and vehicular access off The Bourne, Hook Norton, with all Matters Reserved except for accessibility to the site, for vehicles in terms of the positioning and treatment of access to the site.

It was proposed by Councillor Watkins and seconded by Councillor Dr Thornhill that a site visit take place before application 24/01948/OUT was considered by the Committee because there was high public interest in the application including the proposed sites for pedestrian and vehicular access and the removal of a large section of mature hedgerow.

Resolved

- (1) That it be agreed that a site visit for application 24/01948/OUT take place prior to consideration of the application at Planning Committee.

45 **Land Opposite Hanwell Fields Recreation, Adjacent To Dukes Meadow Drive, Banbury**

The Committee considered application 23/03366/OUT, an outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access at Land Opposite Hanwell Fields Recreation, Adjacent to Dukes Meadow Drive, Banbury for Manor Oak Homes

Hazel Skwirzynska, local resident addressed the Committee in objection to the application.

Geoff Armstrong, agent for the applicant, addressed the Committee in support of the application.

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

Contrary to the officer's recommendation, it was proposed by Councillor Brant and seconded by Councillor Chapman that application 23/03366/OUT be

refused, for the reasons (with exact wording delegated to officers) that the land was not allocated in the current or emerging Cherwell Local Plan, there was a lack of infrastructure to support the development and that the development would have a harmful visual impact so would be contrary to policies BSC1, ESD 13 and INF1 of the Cherwell Local Plan 2011-2031 Part 1, Policies H18, C8, C28, C15 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Resolved

That, contrary to the officer's recommendation, application 23/03366/OUT be refused for the following reasons:

1. Cherwell District Council is able to demonstrate a 5-year housing land supply meaning that the relevant development plan policies are up to date. The application site is located within open countryside and is not allocated for development. The proposed development by virtue of its visually prominent position, is such that it would breach Banbury's contained environmental setting, giving rise to a risk of coalescence between Banbury and Hanwell, causing undue visual intrusion into the open countryside, fundamentally changing the undeveloped characteristic of this parcel of open arable land, creating a prominent urban built form, inconsistent with the local character, to the detriment of the rural landscape. As such, the proposed development would be contrary to Policies BSC1 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H18, C8, C15 and C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a direct consequence of the development, and necessary to make the impacts of development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

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

The Committee considered application 24/00245/OUT, an outline application for the demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access at South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH for Richborough Estates

Councillor Alan Tennant, on behalf of Caversfield Parish Council, Judy Kleinman, local resident and Alan Brooks, local resident addressed the Committee in objection to the application.

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

Resolved

That, in line with the officer's recommendation application 24/00245/OUT be refused for the following reasons, with delegated authority to the Assistant Director Planning and Development to keep, amend or remove Reason for Refusal 2, the highway reason for refusal, following the formal consultation response from the highway authority in respect of the further information received, prior to the issuing of the decision:

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

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

The Committee considered application 23/03290/F for the change of use of an existing poultry shed to container storage (Use Class B8) including associated landscaping at Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS for Mr Geoffrey Taylor

Caroline Mills, local resident addressed the Committee in objection to the application.

Duncan Chadwick, agent for the applicant and Jenny Taylor, the applicant's daughter addressed the Committee in support of the application.

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

It was proposed by Councillor Rogers and seconded by Councillor Brant that application 23/03290/F be refused, in line with the officer recommendation.

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

Contrary to the officer recommendation it was proposed by Councillor Biegel and seconded by Councillor Dr Okeke that application 23/03290/OUT be approved for the reason that the application complied with policy SLE1.

- It was considered the proposal accords with this policy.
- The site was unallocated within the local plan.
- The site was outside of the greenbelt, it was considered sufficient justification had been provided to demonstrate the proposal would lead to farm diversification of the farming enterprise.
- The proposal was designed to a high standard, of an appropriate scale to the character and appearance of the locality and would not result in harm to the locality.

- The proposal would not result in a harmful impact to residential amenity. Although there may be harm whilst it was being set up, but once operational would not result in harm.
- Given the nature of the use it was considered to be small scale and would not result in significant increase in vehicular movements.

The Committee was satisfied that there were no other suitable sites for this within the holding. As a result, it had been demonstrated by the applicant the proposal accords with Policy SLE1.

Resolved

That, contrary to the officer's recommendation, application 23/03290/F be approved, subject to conditions (to be delegated and agreed with the Assistant Director Planning and Development).

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45 Woodhall Drive, Banbury, OX16 9TY

The Committee considered application 24/01326/F for the conversion of a garage to habitable accommodation and the erection of a single storey front extension at 45 Woodhall Drive Banbury OX16 9TY for Mr and Mrs Donald & Sarah McAllister.

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

Resolved

That, in line with officers' recommendation, permission for application 24/01326/F be granted, 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.

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Appeals Progress Report

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

Following a question from the Committee asking for the estimated cost for the Council to defend a planning appeal at a Public inquiry, the Head of Development Management advised the Committee that the average cost to the Council could be £50,000 to £100,000, however this was dependant on different factors including reasons for refusal and the length of Inquiry.

Resolved

(1) That the position statement be accepted.

The meeting ended at 6.46 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee – 5 September 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	Begbroke Science Park, Begbroke Hill, Begbroke, OX5 1PF	23/02098/OUT	Kidlington East Kidlington West	Approval*	Andrew Thompson
9	Part Of OS Parcel 7700 Adjoining B4035 And Swalcliffe Road, Upper Tadmarton	23/00831/F	Cropredy. Sibfords and Wroxton	Approval*	Katherine Daniels
10	Turpins Lodge, Tadmarton Heath Road, Hook Norton, Oxfordshire, OX15 5DQ	23/03408/F	Deddington	Approval*	Katherine Daniels

*Subject to conditions

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

23/02098/OUT

Agenda Item 8

**Begbroke Science Park
Begbroke Hill
Begbroke
OX5 1PF**



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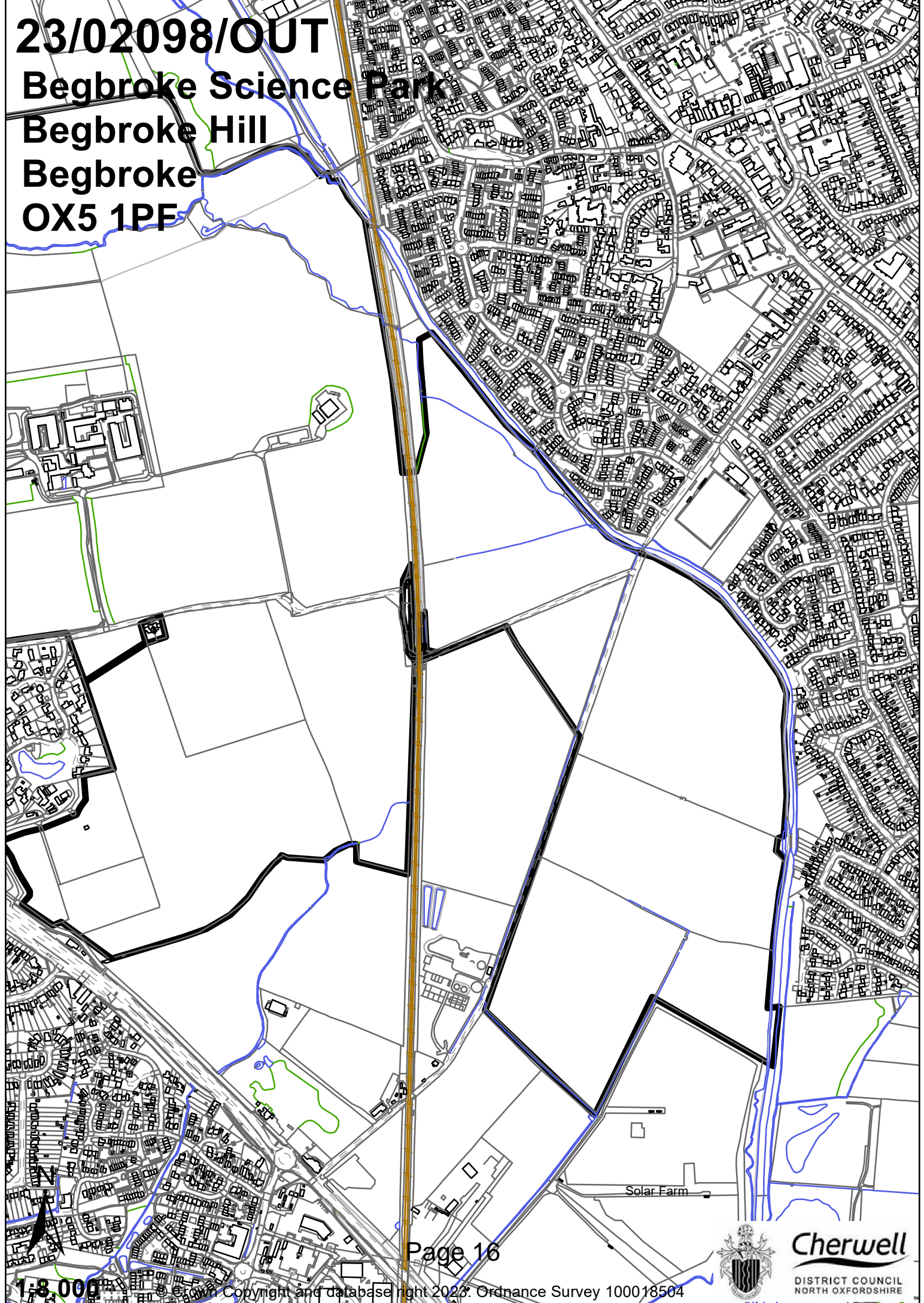
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Begbroke Science Park

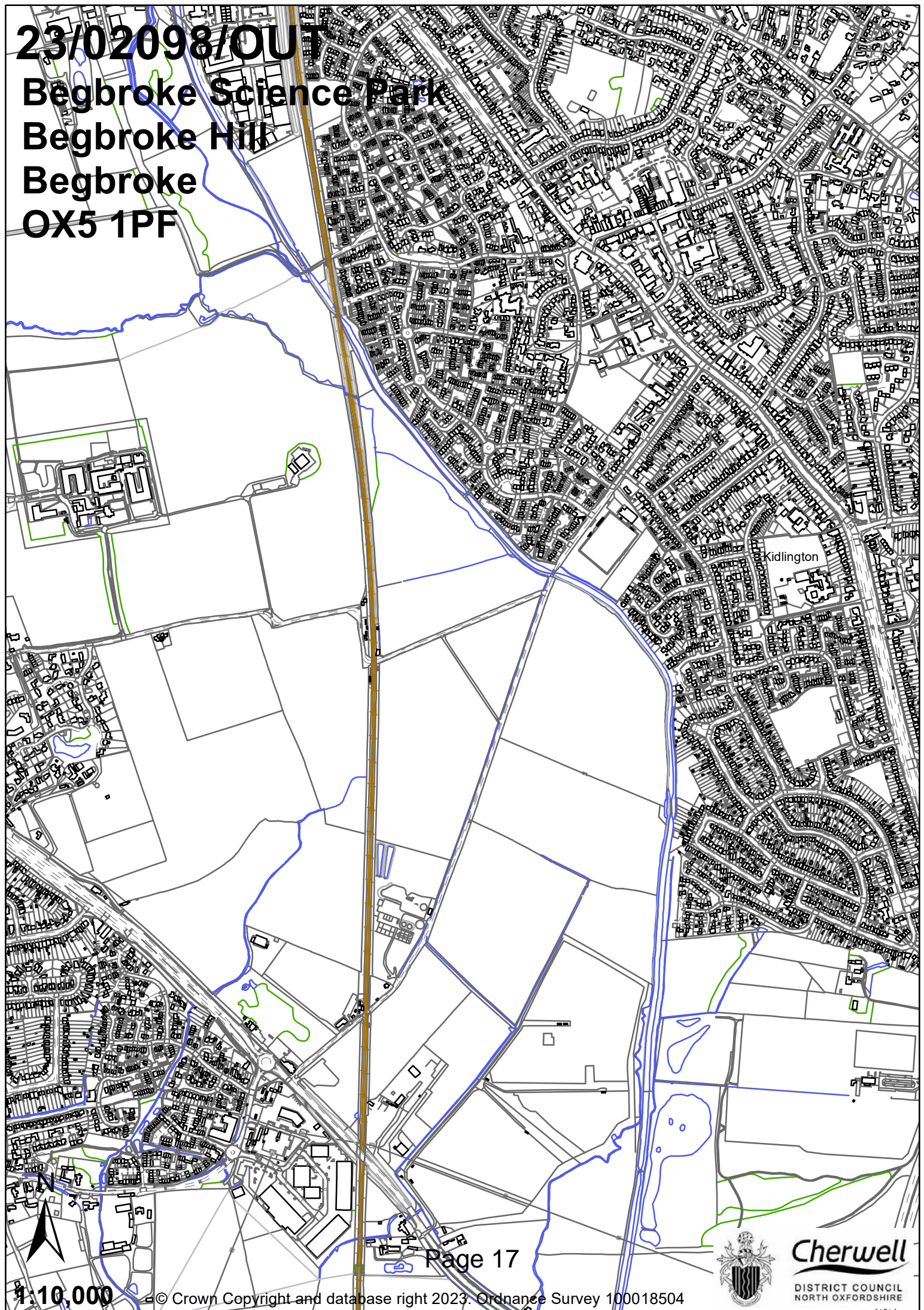
Begbroke Hill

Begbroke

OX5 1PF



23/02098/OUT
Begbroke Science Park
Begbroke Hill
Begbroke
OX5 1PF



Kidlington



23/02098/OUT

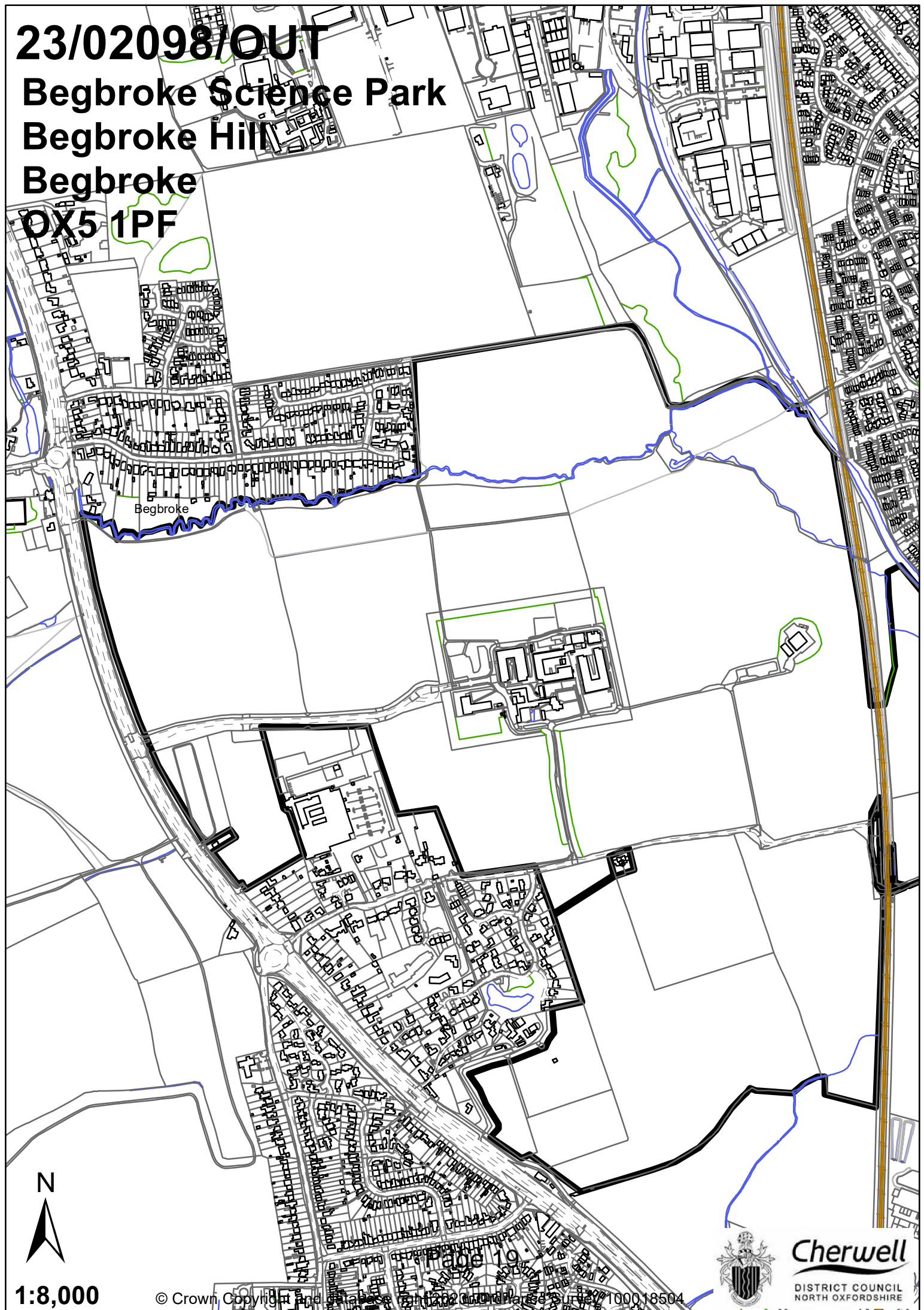
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**Begbroke Science Park
Begbroke Hill
Begbroke
OX5 1PF**



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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

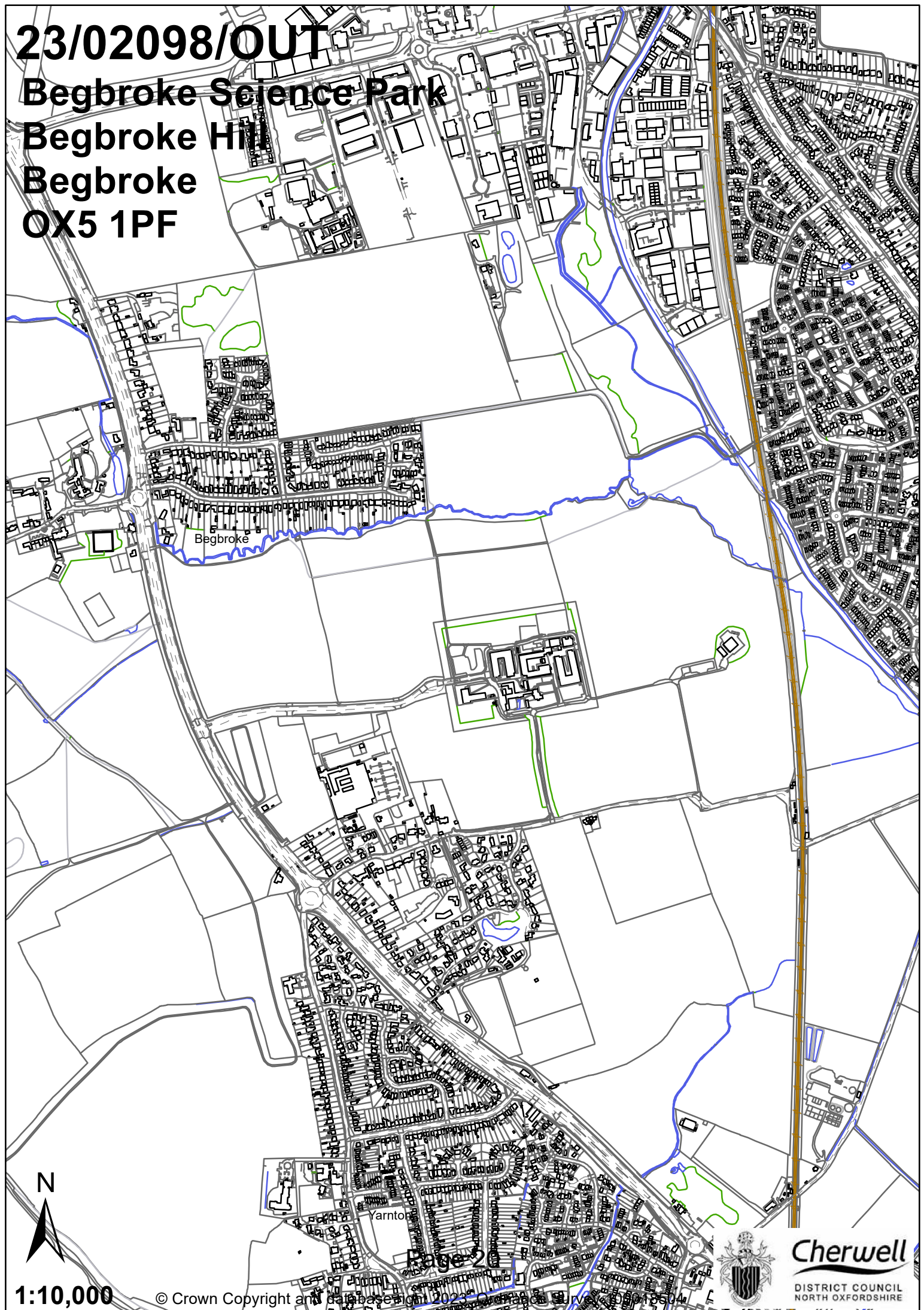
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Begbroke Science Park

Begbroke Hill

Begbroke

OX5 1PF



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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Page 2

Case Officer: Andrew Thompson

Applicant: Oxford University Development (OUD)

Proposal: 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 affects the setting of a listed building and includes potential alterations to public rights of way. The application is accompanied by an Environmental Statement

Ward: Kidlington East
Kidlington West

Councillors: Kidlington East Ward - Councillors Fiona Mawson, Ian Middleton, Linda Ward
Kidlington West Ward – Councillors Jean Conway, Lesley McLean, Dorothy Walker

Reason for Referral: Major development

Expiry Date: 4 October 2024

Committee Date: 5 September 2024

SUMMARY RECOMMENDATION: DELEGATE TO ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO RESOLVING THE OBJECTION OF NETWORK RAIL AND THE ENVIRONMENT AGENCY AND SUBJECT TO CONDITIONS/AND A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is 170.4ha and is located in the southwest of Cherwell District, between the villages of Begbroke, Kidlington and Yarnton.
- 1.2. At the centre of the Site is the existing Begbroke Science Park. It is the only science park wholly owned by Oxford University (OU). The western boundary of the Site borders the A44 and the eastern part of Yarnton.
- 1.3. The Site's southern boundary borders land that is promoted for development by Hallam Land Management, and which is subject to the same site-specific policy as the Site.
- 1.4. The Site's eastern boundary runs along the Oxford Canal which is generally bordered by mature landscaping. There are two listed bridges which border the application site which cross the Canal.
- 1.5. The northern boundary follows Rowel Brook before extending northward to border an open field, the Langford Lane industrial park and the Rushey Meadows Site of Special Scientific Interest ('SSSI').
- 1.6. The Oxford-Banbury railway line runs in a north-south direction and bisects the Site. Running east to west and running through the site is Sandy Lane and its associated level crossing. The site is also bisected by a number of public rights of way.
- 1.7. Broadly the site is gently undulating with raised areas in respect of the railway line and is managed as agricultural land. Aside from the Science Park the majority of the area is agricultural land or pastoral land.

2. CONSTRAINTS

- 2.1. The application site forms a significant part of the PR8 Partial Review allocation with the other parts of the allocation being:

Southern Portion promoted by Hallam Land for up to 300 dwellings (under planning application ref: 23/03307/OUT)

Yarnton Home and Garden which is being promoted for a mixed-use development including retention of the Garden Centre (under planning application ref: 24/00657/OUT)

- 2.2. Broadly the site is split in two either side of the Railway Line. To the west of the railway line has been removed from the Green Belt and is the area where built development is proposed with land to the east of the Railway line remaining within the Green Belt.

The area to the north of the site around the Rowel Brook is also retained as Green Belt.

- 2.3. Due to its size the application site includes a number of features including Flood Zones 1-3.
- 2.4. In terms of Heritage, the site contains a Jacobean Farmhouse (Grade II Listed), to the east of the application site is Oxford Canal Conservation Area and two listed structures (bridges). There are a number of other listed buildings in the area including Tudor Cottage (Woodstock Road), Rose Cottage (Woodstock Road) and The Grapes Inn. On the opposite side of the A44 there are a number of listed buildings and structures around St Michaels Church, Begbroke.
- 2.5. The Rushy Meadows SSSI is located to the northeast of the application site and is a group of Canalside meadows. They have escaped agricultural improvement through ploughing and reseeded or through the use of fertilizers and herbicides. Consequently, Rushy Meadows has a rich variety of grassland wildflowers. They are wet and in places tall wetland vegetation with reeds and tall sedges has developed. Meadows such as this are a national priority for conservation. Wildflowers that can be seen here include water avens, betony, pepper saxifrage and devil's-bit scabious. There are many wetland plants as well including marsh valerian and marsh orchids as well as a variety of sedges and rushes. Species rich hedgerows divide the meadows. The meadow is also particularly important for birds whilst not a definitive or exhaustive listed it is noted that Reed Buntings nest in the taller vegetation. Bullfinch and Song Thrush are also found here. These birds are national priorities for conservation. Kingfishers have been seen visiting the pond and sedge warblers also nest in the meadow.
- 2.6. There are a number of Rights of Way which cross the site, and these connect to the wider public transport network and the canal towpath.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application being in outline is set out to achieve a framework permission which can then be informed by the parameters and documentation of the outline application and if appropriate key planning conditions.
- 3.2. The application is 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 circa 1,800 homes which, depending on the housing mix, could result in a higher or lower number of housing) 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));
 - A hotel (use class C1);
 - Supporting retail, leisure and community uses, including retail (Class E(a)), cafes and restaurants (Class E(b)), commercial and professional services (Class E(c)), local community uses (Class F2), and other local centre uses within a Sui Generis uses 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 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 wastewater facilities and infrastructure; and
- enabling and associated works, including temporary meanwhile uses.

3.3. The applicant sets out that the Application is supported by a series of 'Control Documents'. These are the components of the Outline Planning Application that are for approval and that will establish the controls, limits and framework for the preparation of Development Area Briefs and Reserved Matters applications. The Control Documents which would form the basis for conditions, if approved, are:

- Development Specification Document;
- Strategic Design Guide;
- Parameter Plans (set out below);
- Framework Site Wide Travel Plan;
- Framework Construction Traffic Management Plan;
- Framework Delivery and Servicing Management Plan;
- Framework Energy and Sustainability Strategy;
- Framework Lighting Strategy;
- Outline Landscape and Ecological Management Plan;
- Outline Construction Environmental Management Plan;
- Operational Waste Management Plan;
- Site Waste Management Plan; and
- Outline Drainage Strategy.

3.4. There are four outline parameter plans. These are:

- Development Areas and Land Use
- Maximum Building Heights
- Green Infrastructure Parameter Plan

- Access and Movement
- 3.5. Three additional supporting plans have also been submitted, these being
- Existing Site Levels
 - Proposed Indicative Site Levels
 - Indicative Demolition Plan
- 3.6. The plans and Development Specification Document show four broad development zones
- Development Zone 01 (Begbroke Hill): the predominant land use would be residential. Other land uses may include those uses associated with the expansion of Begbroke Science Park, supporting uses (as defined in the site wide area schedule), parking, and associated infrastructure and utilities.
- Development Zone 02 (Begbroke Science Park): the predominant land uses will be: uses in association with the expansion and intensification of Begbroke Science Park; social infrastructure; and supporting uses. Other land uses may include residential, parking, and associated infrastructure and utilities.
- Development Zone 03 (Parkers Farm): the predominant land use will be: uses in association with the expansion and intensification of Begbroke Science Park; social infrastructure; and supporting uses. Other land uses may include residential, supporting uses, parking, and associated infrastructure and utilities.
- Development Zone 04 (Foxes Cover) the predominant land use will be: residential; social infrastructure. Other land uses may include supporting uses, parking, and associated infrastructure and utilities.
- 3.7. In respect of the Science Park Uses delivered in association with the expansion and intensification of Begbroke Science Park, these should predominantly include a mix of faculty space to be used by the University of Oxford, and commercial research and development laboratories, offices and associated uses. The expansion of Begbroke Science Park should not cover more than 14.7ha of additional land.
- 3.8. The Local Centre will contain shared public amenities, civic spaces and retail uses. Other locations for such uses could be considered in principle where they support the creation of walkable neighbourhoods and do not detract from the vitality of the Local Centre. The Local Centre will benefit from close proximity to main internal access roads, public transport links, and high-quality walking and cycling connections. Uses within the Local Centre would be delivered primarily to meet the needs of the living and working population of those who will live and work on the Site, plus those in close proximity to the Site. As such, the Local Centre should not include uses that would result in significant trips by private vehicle.
- 3.9. Residential car parking would predominantly be provided as on-street parking, though on-plot car parking will also be acceptable for larger homes. Where possible, residential on-street parking should be clustered to allow for living streets. Car parking spaces used in association with the expanded Begbroke Science Park and Local Centre should be predominately in multi-storey car parks. Multi-storey car parks will be located sensitively and to encourage movement through the Site by foot and cycle. In the early stages of the development temporary ground-floor or on-plot parking areas may be delivered. Reserved Matters applications shall clarify whether any car parking proposed is temporary or permanent.

3.10. On-plot car parking for individual Begbroke Science Park buildings shall be used primarily for blue-badge parking or for other specific reasons that could include car club/car sharing spaces or short-stay car parking related to the non-residential uses where justified. Reasoning for the provision of on-plot car parking will be set out in Reserved Matters applications. Cycle parking shall be distributed across the Site to encourage the uptake of cycling. Each Reserved Matters application will set out how cycle parking has been considered in relation to this principle.

3.11. The core elements of the open space provision will be:

The Central Park: a large public park set on the former landfill site. This should be remediated to an appropriate standard. Its form and design will take inspiration from urban green spaces in providing a functional environment for leisure, play and recreation. High quality, non-vehicular routes should be provided to aid permeability. Planting and access routes should be designed to avoid adverse impacts to the amenity of the existing residential dwellings on Sandy Lane.

Rowel Brook Park (south): comprising land that is within the green belt, west of the railway line and south of Rowel Brook. This land is to be improved to deliver public open space with high quality walking and cycle routes, whilst creating new habitats and enhancing biodiversity. Structural planting in the area south of Begbroke village will be provided to aid visual screening.

Rowel Brook Park (north): Land north of Rowel Brook. To be used for cultivation and uses related to its existing agricultural use, including (but not limited to) allotments, community gardens, farms and orchards. Structures that are ancillary to these uses will be permitted where they do not cause adverse visual impacts to nearby receptors and/or cause unacceptable harm to the green belt. Structural planting to the east of Begbroke village will be delivered to aid visual screening.

Canalside Parkland: Land to the east of the railway and south of Sandy Lane. This land is to be delivered primarily as semi-natural open grassland and meadows. Formal sports provision and play areas will be permitted in areas that are easily accessible. Structures and buildings ancillary to these uses and to the enjoyment of this area will also be permitted where they do not cause adverse visual impacts and do not cause unacceptable harm to the openness of the green belt. High quality walking and cycling connections will be delivered.

Railway Marshes: Land to the east of the railway and north of Sandy Lane. This land is to be used primarily for habitat and biodiversity enhancement. Public access will be limited. A bird-viewing hide, or similar type of structure will be permitted where this does not cause unacceptable visual impacts, unacceptable harm to the green belt, or adverse impacts to existing or new habitats and species.

Green Arteries: These areas will be wide green corridors that bisect residential and commercial development to link them to larger open spaces. They will be used for delivering high quality non-vehicular routes, play areas,

Sustainable Urban Drainage Systems, biodiversity areas, food growing areas and 'pocket parks'.

3.12. At least 12ha of land within the Site will be retained within an agricultural use and/or as suitable habitat for farmland bird species. The retained land may be delivered in no more than 2no. distinct parcels.

3.13. There will be an overall onsite biodiversity net gain of at least 20%. In addition to the Local Nature Reserve, at least 12.2ha of land will be improved such that it is capable

of designation as a Nature Conservation Area in the future. Public access to this land will be limited. In addition to the Nature Conservation Area, at least 29.2ha of land will be improved such that it is capable of being designated as a Local Nature Reserve ('LNR'). The LNR will buffer the Rushy Meadows Site of Special Scientific Interest and Rowel Brook from developed areas and increase ecological connectivity between these areas and the proposed Nature Conservation Area.

- 3.14. *Timescales for Delivery*: The Environmental Statement indicates that the indicative programme for construction of the Proposed Development is estimated to be approximately eight years. The detail would be subject to outline planning permission and subsequent consents (e.g. Design Coding) and licences, the key stages of the indicative programme for construction would be completed in c.2033-2034 however this timescale may slip having regard to the timescale taken to resolve the position of the Environment Agency and Network Rail.

4. RELEVANT PLANNING HISTORY

- 4.1. The Science Park and associated works have been the subject of recent planning history with the new buildings being constructed in 2023. These buildings are now substantively completed.

Application Site

22/03763/SCOP - Scoping Opinion with respect to the scope and methodology of the Environmental Impact Assessment (EIA) in relation to re-development proposals of approximately 170 hectares (Ha) land at the existing Begbroke Science Park and surrounding land. The findings of the EIA will be reported in an Environmental Statement (ES) which will accompany the planning application. Response issued.

Science Park

21/03195/F - Formation of surface car park and service building (including substation, sprinkler tanks and EV charging infrastructure). Granted 02 February 2022

21/03150/REM - Reserved Matters application for 18/00803/OUT - the design, layout, external appearance and landscaping (as required by OPP Condition 1). It also includes the information required by conditions 4, 5 and 21 of the OPP. Submitted scheme also accords with the requirements of conditions 6, 7, 8, 9 and 14 of the OPP. Approved 27 January 2022.

18/00803/OUT - Outline planning permission, with all matters except for access reserved for subsequent approval, for up to 12,500m² of B1a / b / c and ancillary D1 floor space, retention of and improvements to the existing vehicular, public transport, pedestrian and cycle access including internal circulation routes; associated car parking including re-disposition of existing car parking; associated hard and soft landscape works; any necessary demolition (unknown at this stage); and associated drainage, infrastructure and ground re-modelling works. Granted 17th September 2018.

There have been a number of Non-Material Minor Amendments to the above submissions.

Yarnton Garden and Home

24/00657/OUT - Retention of existing garden centre and associated car parking, in a modified fashion. Outline application, with all matters reserved except for access, with retention of vehicular access from Sandy Lane (to serve new housing only) and

creation of proposed new vehicular access from Begbroke Hill (to serve the remainder of the retained and proposed development). Proposed 10no. two storey dwellings accessed from Sandy Lane. Proposed new day nursery (approx. 90no. children) and proposed 120no. units of retirement living accommodation in two to four storey development. Proposed new two-tier decked car park to provide approximately 270no. car parking spaces, plus retention of existing car parking area in modified fashion, and staff car parking. Proposed 39no. cycle parking spaces for the garden centre, plus approx. 115no. staff and visitor cycle parking spaces across the site. Proposed landscaping, including public open space, and pedestrian and cycle links. Under consideration.

23/02735/SO - Screening opinion for retention of existing garden centre. Provision of 28 no. dwellings accessed from sandy lane only. Provision of day nursery (approx. 90 no. Children). Provision of 106 no. Units of retirement living accommodation. Provision of two-tier decked car park to provide in excess of 250 no. Car parking spaces. Creation of a new vehicular access from Begbroke Hill to serve the day nursery, retirement units, decked car park and retained garden centre. No EIA Required.

Hallam Land

23/03307/OUT - 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). Under consideration.

21/00758/SCOP - Scoping Opinion - Up to 300 Residential Units, access from A44 and Open Space/infrastructure. Response Issued.

20/01818/SO - EIA Screening Opinion - Development comprising up to 300 homes and green infrastructure. EIA Required.

Sandy Lane

23/00524/SO – (submitted by Network Rail) EIA Screening Request for Provision of a stepped footbridge at Yarnton Lane Level Crossing

- Turning circles either side of Yarnton Lane Level Crossing
- Construction of highway from Green Lane (north of Level Crossing) to the A44
- Upgrade of part of Green Lane to provide a suitable vehicle diversion
- Alteration to an existing public footpath and closure of public highway – diversion of public footpath 420/4/10 to go over the footbridges and stopping up via TWAO to be submitted alongside the planning application
- Construction of ramped footbridge spanning east to west to the south of Sandy Lane Level Crossing
- Construction of turning circles to the east and west of Sandy Lane Level Crossing
- Construction of alternate Bridleway to the West of the Railway line, stopping up of permissive access via Tackley Station to Bridleway 379/2/10, removal of Temporary Traffic Regulation Order (TTRO) over Highway at Nethercote Road, Bridleway at Tackley station

No EIA Required.

22/03054/SO – (submitted by Network Rail) Request for an EIA Screening Opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, in respect of the proposed closure of Yarnton Lane level crossing and Sandy Lane level crossing as part of the Oxford Phase 2 Enhancement Works. No EIA Required.

- 4.2. This application (23/02098/OUT) alongside applications 23/03307/OUT and 24/00657/OUT are made pursuant to Policy PR8 of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need. This Policy is an allocation for a new urban neighbourhood to the east of the A44. The policy includes a list of key delivery requirements, the requirement for a Development Brief and other policy requirements for the site. In respect of dwellings, the Policy anticipates the delivery of 1,950 dwellings across the PR8 site. The requirements of the Policy will be considered throughout this report. In total the PR8 Allocation Sites has submissions relating to 2,100 dwellings with the Science Park, Schools and Local Centre also included in the submissions plus the proposed development as set out above at the Yarnton Home and Garden Site.
- 4.3. It should also be noted that there have been a number of other submissions and permissions in relation to the Partial Review sites. On 5 October 2023, at Planning Committee, the Council resolved to grant planning permission for 483 houses on two of the Oxford unmet need sites, known as PR sites (Policy sites PR7a and PR7b) (subject to s.106 agreements being completed). A further resolution to grant on 7 December 2023 was granted in relation to 96 dwellings on PR7a (North).
- 4.4. In relation to PR9, the appeal against non-determination (APP/C3105/W/23/3329587) was allowed in relation to the delivery of 540 dwellings and costs were awarded against both the District Council and the County Council for unnecessary delays resulting in the appeal being lodged. Whilst the LPA disagrees with some of the conclusions in respect of the appeal Inspector in the award of costs in particular it should be noted that the particular relevance of determining the scope of the outline permission and what is applicable at the outline stage and should be conditioned is of material consideration. Where the conclusions of the Inspector are relevant these are also highlighted in the main report below.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Significant and bespoke planning discussions with the applicant and the LPA with the County Council have taken place over the course of a number of years in preparation for the planning application (reference: 22/02097/PREAPP). Further the applicant has also undertaken a number of community engagement events and presentations to the community which have developed and understood the context of the site and sought to address comments and concerns. Further the applicant has been to two Design Review Panels to lend credibility to the progress and detail of the masterplan and how this has progressed through discussion.
- 5.2. The application is supported by a Statement of Community Involvement which forms part of the application documentation and outlines the stages of engagement.
- 5.3. Whilst there were 4 distinct stages of engagement, the first stage was an early, introductory stage, meeting groups and individuals separately, to both introduce OUD to but also to begin to understand any concerns of these groups and individuals as well as possible ideas for the development.
- 5.4. Stage 1 took place in July 2022 and included the opportunity for participants to attend a stakeholder workshop (by invitation only). For the wider community there was the opportunity to attend the drop-in exhibitions held at several locations. The purpose of

this first stage was to introduce the project team and approach, and to seek initial views, issues, and ideas from participants on the proposed development. This helped to inform the process of taking the project forward. In addition to the in-person events and activities, there was also the opportunity to view the material from the drop-in exhibitions online, on the OUD website www.oud.co.uk. An online survey, identical to the hard copy version made available to those attending in person, was available on the website.

- 5.5. Stage 2 took place in October and November 2022 and presented the first iteration of the proposals, which took on board feedback received from the community and stakeholder engagement of Stage 1. It sought responses to the emerging plan and further detail on areas of concern that had been raised in previous sessions. The events included a guided site walkabout, a stakeholder workshop and drop-in exhibitions in venues in the 3 neighbouring villages. In November there was also an online briefing session for representatives of Oxford University and an opportunity to provide feedback.
- 5.6. Stage 3 engagement took place in March 2023. It provided more detail on the emerging plan which showed progression as a result of further technical work and feedback from the community and other stakeholders. Further feedback was sought at this stage in order to finesse and prepare the proposals for the planning submission. As previously, the exhibition material and feedback form were made accessible online on the OUD website. This stage of engagement also included an OU all staff briefing session, held online.
- 5.7. Stage 4, the Pre-Application Exhibition, was held in July 2023. This provided an opportunity for attendees to see the proposals in advance of submission, and to discuss both the application and other elements with representatives from OUD and its design team. In addition, the timeline going forward was outlined, including the opportunity for responding to the formal statutory consultation. The exhibition included explanatory panels relating to the stages of engagement, the content of the outline application and the key themes of the proposals. All the material from the exhibitions was also made available online on the OUD website.
- 5.8. The Local Planning Authority consulted with key consultees as part of the pre-application advice and set out its advice in detail as well as providing comments of consultees. In February 2023 the LPA highlighted that the proposed masterplan and details submitted has included some interesting elements and concepts, notably the Central Park and Social Farm concepts and creating the car as a guest. The scheme has progressed initial views to Design Review and the Council will be consulting on the Development Brief/Framework in the coming months. The Design Review has set out some key recommendations, notably around the water environment and the railway hub. The development appears to have a significant amount of work ahead of it, firstly in understanding the constraints and opportunities but also setting out the vision and principles of the development and what is understood by the underlying vision of "An Innovation District in the Countryside". It may be that a step backward aids a speedier progression. The principles of creating a linked and strong community are noted but it also needs to have regard to the needs of Yarnton, Begbroke Village and the residents of Kidlington closest to the site. Links to PR7b, for example should be mindful of the Green Belt location and the need for agreement across the other side of the bridge. The scheme also requires joined up thinking and co-ordination with the Hallam Land and Newcore owners in order to maximise the strategic value and links. There is clearly a significant opportunity to develop a community based around the Science Park and elements not in Policy PR8 (e.g. age-restricted accommodation) and this may lead to a higher amount of development than originally proposed.

- 5.9. On the submission of the application (August 2023) the LPA issued a final response to the pre-application discussions which highlighted:
- 5.10. The principles of development to the west of the railway, with a core around the Farmhouse with integrated Science Park and residential areas and the local centre are broadly agreed at this stage with green space to the east of the railway and north around Rowel Brook are also noted. The principles of the development will need to be set out and further amplified in the application submission for full formal consideration against the Development Plan and the Development Brief. As previously stated in our previous letter the principles of the Central Park are welcomed and the detail of the social farm concept will need appropriate justification. The scale and detail of the parameter plans as shown through the pre-application were discussed. It was considered that it was important to amplify and make clear buffer and mitigation to existing residential properties in terms of the proposed scale. It is also noted that the tiered approach to development submission and future submissions should be clearly explained, and the Development Parameters and principles will be a key aspect of the submission.
- 5.11. The Second Design Review was broadly positive, and the scheme's progression was noted. The Panel made six principal recommendations which should be taken forward. The key recommendations of the Second Design Review were:
1. Clarify how the outline planning submission, described as 'tier 1', will safeguard commitments made at this stage and prevent design ambition from becoming diluted as the proposal progresses.
 2. Provide further detail on the aspects of the design that will be covered by the parameter plans that will be submitted at tier 1 stage – such as the green arteries.
 3. Within each of the five place principles, set out key specific targets and aims that will guide design decisions from the strategic to the detailed to deliver tangible benefits to the future Begbroke community.
 4. Continue to work with Oxfordshire County Council to explore how the school can be spatially connected with the innovation district.
 5. Describe how a regenerative landscape will be manifested within the masterplan and deliver positive outcomes for people and nature.
 6. Study the morphology and density of Oxfordshire villages.
- 5.12. Whilst not a recommendation it was noted that there was an opportunity to explore delivering a denser scheme and higher housing numbers for distinctiveness within the Oxfordshire context, and for meeting the masterplan's built development needs within a smaller area of the site
- 5.13. The concept of car as a guest and living streets has been broadly supported by all parties. The advice also noted the completion of the transport model across the PR sites.
- 5.14. Liaison continued with neighbouring developers (Newcore and Hallam Land) with regard to the access arrangements and joined up routes. This is welcomed.
- 5.15. Officers highlighted the Council's meeting on 17 July 2023 on the closure of the rail crossing at Sandy Lane to work with the applicant and Network Rail to ensure that appropriate solutions are found which accord with the principles of sustainable travel and reducing the impact on the environment.

- 5.16. Officers noted the discussions with County Council on the Secondary School have gained momentum and general support was expressed with regard to the location of the School by the Railway both by OCC and the Design Review Panel subject to the technical criteria.
- 5.17. Officers also highlighted the Canal Bridge to PR7b, recent permissions, clarity on sustainability and Biodiversity Net Gain with progression and alterations to the national planning picture and further clarity being sought on Housing Mix and delivery of Oxford's Unmet Housing Need. Officers also sought to initiate s106 discussions.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of 5 site notices which were displayed on **15 August 2023** at key access points around the site and surrounding area and by advertisement in the local newspaper as required by the Council's Statement of Community Involvement. The final date for comments was **30 September 2023**, although comments received after this date and before finalising this report have also been taken into account and extensions of time were granted when requested. Further consultation took place between **20 December 2023 and 9 January 2024** with further extensions of time granted to allow comments to be received. Further consultation has also taken place with individual consultees and on a limited basis to technical notes and submissions on specific topics.
- 6.2. The comments of Begbroke Parish Council to the display of site notices are inaccurate in that they were not displayed at the submission of the application when it appeared in an applicant's press article advertising the submission. The site notices were displayed by Officers at the first opportunity following registration, validation and allocation of the application and publication of the application on the Council's website. The consultation period given was significantly longer than the statutory period for consultation and further the consultation period did not formally commence until the notices were displayed. Prior to the site notices being displayed comments could still be made to the application on the Council's website or by other means of communication prior to the display of site notices. The presence of the site notices were checked through the consultation period and at the end of the consultation and were present in their posted location.
- 6.3. In terms of newspapers for the advertisement of planning applications the Council uses the Bicester Advertiser and Banbury Guardian. The Council does not use Oxford Mail or Times for the publication of planning applications. Whilst the distribution overlaps the district, the primary publication and distribution of these papers is towards Oxford City and not Cherwell District. In this instance the Bicester Advertiser was used as the relevant local newspaper.
- 6.4. The comments raised by third parties are summarised as follows:

In objection 25 comments have been received

- Cherwell DC should never have agreed to make this land available to 'Oxfords unmet housing' needs. We do not believe that OCC have exhausted all possibilities to build on areas in Oxford, any brown site areas or even their green belt areas.
- The area is already overcrowded without more housing and traffic on the road.
- Loss of Green Belt
- Loss of rural landscape
- Proposal is a campus for the University
- Concerns about sewerage capacity and timing of infrastructure

- Impact on Rowel Brook and flooding to Begbroke
- Impact on Wildlife
- The development is close to Rushy meadows which is an important area under SSSI and local wildlife protection sites.
- Impact on the road network
- Not everyone will be able to use public transport or the park and ride.
- Loss of countryside and countryside walks
- Loss of productive farmland
- Employment provision will put further strain on resources
- Lighting impacts on the area
- The development is too large
- Closure of Sandy Lane and the impact on pollution
- Employment and retail would be out of keeping with the residential character of the area.

In support 1 comment has been received:

- It is well considered and will help the Oxford housing crisis and the economic viability of the city, region, university and country.
- If anything, please increase the number of homes and density of the project.
- We are facing an economic and housing crisis; we need more radical solutions to solve it.

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

6.6. **Rt Hon Layla Moran MP** who writes setting out comments and concerns of residents who contacted their MP who have concerns and comments about the above planning application.

General Comments

The push to deliver Oxford's Unmet Housing Need continues to impact upon villages and settlements outside the city. My constituents regularly complain about the negative impacts of this very high level of growth, including:

- Growing congestion;
- Slower journey times;
- Poorer air quality;
- Pressure on GPs and hospitals;
- Flooding and wastewater problems;
- Crowded buses and traffic congestion
- Reduction of green spaces

Any new development must take account of this reality and ensure that new developments do not make these issues worse. Good planning will acknowledge the reality of these past decisions and produce solutions that wholly and adequately mitigate for them.

More specifically, residents have told me that they are concerned about the loss of connectivity between Yarnton and Kidlington, the impact on local traffic and the increased flood risk.

In summary the points raised include:

Connectivity between Yarnton & Kidlington/Sandy Lane Crossing

Significant concerns have been raised about the proposed closure of the Sandy Lane and Yarnton Lane crossings by Network Rail. Maintaining connectivity between the

two settlements of Yarnton and Kidlington is critical. People who live in Yarnton depend on the ability to get to Kidlington, Gosford Hill School, local supermarkets as well as accessing day-to-day essential services such as GP surgeries and pharmacies.

This links to my concerns about the sustainability of the development. The new community needs to be built with better connected public transport options hard-wired into the design.

Housing

To combat climate change there should be a stronger emphasis on the delivery of the highest standard of energy efficiency in new housing – both for social and affordable housing as well as larger homes.

Traffic Impacts

I have particular concerns about the impact of traffic on the communities of Yarnton and Kidlington. I would like to see the traffic modelling assessments of the new development, and also the expected traffic impacts on existing communities taking into account the proposal to site the Oxford United Football Club at the site south of Stratfield Brake.

Flood Risk

Significant concerns that the cumulative impact of surface run-off water from neighbouring Land PR7b, any proposed development at The Triangle and this planning application (23/02098/OUT) has not been fully evaluated and I would like to understand the mitigation measures proposed to account for the cumulative impacts.

Yarnton Flood Group have suggested that there is merit in considering the flash-flood risk from Spring Hill to the west and the wrap-around nature of strategic sites PR8 and PR9 to the north of Yarnton village, and looking to divert waters (particularly foul drainage) through the two new sites, around the north of the current village of Yarnton, and into the main sewer at its current termination at the abandoned Yarnton sewage treatment site. I would support the evaluation of this option in the overall scheme.

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. **YARNTON PARISH COUNCIL:** Has welcomed Oxford University Development's (OUD) thorough consultation with local residents with material made available both online and at in-person events. While YPC understands the development forms part of Cherwell District Council's Local Plan, it continues to object to the development of green space (previously greenbelt land), especially in an area prone to flooding; and to the proposed closure of Sandy Lane to vehicular traffic. We also object to the naming of the development as "Begbroke" when the largest proportion of the development lies within the parish of Yarnton.
- 7.3. **KIDLINGTON PARISH COUNCIL:** accepts the principle of the proposed development in accordance with the site allocation in the Cherwell Local Plan (Partial Review) to address Oxford's Unmet Housing Needs. However, Kidlington Parish Council has reservations to aspects of this outline planning application and objects on the following grounds:

- i. Affordable Housing - Kidlington Parish Council objects to affordable housing proposed as it does not directly address Oxford's unmet housing needs. Kidlington Parish Council considers that providing affordable housing that addresses the needs of Oxford University does not meet the requirements specified in the Local Plan and has the potential to create the need for future Local Plan site allocations for this purpose. The affordable housing as specified in the Local Plan should be met with this development proposal.
- ii. Kidlington Parish Council also objects to the tenure provision associated with affordable housing within this application as not meeting the requirements detailed in the Local Plan, specifically for social rented housing.
- iii. Kidlington Parish Council maintains a holding objection to the overall development associated with education provision. The Parish Council seeks an appropriate resolution of provision in agreement with Gosford Hill School to ensure that there is no detriment to the existing provision of secondary education in Kidlington.
- iv. Kidlington Parish Council objects to the closure of Sandy Lane Crossing as indicated in this application, whilst accepting this is largely a matter dictated by Network Rail.

7.4. **BEBROKE PARISH COUNCIL:** Object – Maintain the objection to this scheme following the Cherwell Local Plan Review in 2017 and material consideration should be applied. It is simply another university campus and nothing to do with the “Oxfords unmet housing need”. There are many sites in Oxford that could be developed for housing in Oxford that could reduce this scheme leaving some science park expansion with limited housing to reflect the science park needs. We identified many of these in a PowerPoint presentation to previous plans. The committee consider that some development would be acceptable, 1800 homes with other nearby developments is excessive, not acceptable and is gross overdevelopment of the site.

CONSULTEES

- 7.5. **NATIONAL HIGHWAYS:** No objection but recommend that conditions should be attached to any planning permission that may be granted. We are able to conclude that traffic flows on the A44 will unlikely result in queuing and blocking back into Peartree Roundabout or impair the effectiveness of the A34 off-slip traffic signals. NH will continue to work with OCC to manage the interaction between the A34 and A44 in such a way as protects traffic flows (a) into Peartree Roundabout from both A34 off-slips and (b) out of Peartree Roundabout into the A44 north and south of the A34 and the Motorway Service Area to the southeast of Peartree Roundabout.
- 7.6. **OCC HIGHWAYS:** No objection subject to conditions (this is the last of a number of comments received where previous objections were raised but which have been overcome). Contributions and conditions are outlined in the event that planning permission is granted.
- 7.7. **OCC INNOVATION HUB:** Oxfordshire County Council's Innovation Service (iHUB) welcome the Framework Innovation Plan for the proposed Begbroke Innovation District. We see that it substantially follows the guidance given in the OCC Innovation Framework (IF) and as a living document, Oxford University Development have committed to develop this plan through the subsequent stages of Neighbourhood Guides and Reserved Matters Applications.
- 7.8. **CANALS AND RIVERS TRUST:** Detailed comments regarding the impact on the canal and Canal Conservation Area, use of the canal towpath, and impact to the

ecology of the canal. Overall, the Canals and Rivers Trust raise no objection subject to conditions and obligations towards canal towpath enhancement and a new canal bridge to PR7b.

- 7.9. **THAMES VALLEY POLICE:** seek contributions towards officer set ups and equipment – total contribution £321,828
- 7.10. **HISTORIC ENGLAND:** No comment - seek the views of Council's own specialist conservation and archaeological advisers and refer to Historic England's published standing advice
- 7.11. **BERKS, BUCKS & OXON WILDLIFE TRUST (BBOWT):** Objection, in relation to the following issues: 1. Application is not in keeping with the adopted local plan 2. Potential impact on Rushy Meadows SSSI contrary to the NPPF and policy ESD10 of the Cherwell Local Plan 3. Management of green space for the benefit of nature in perpetuity 4. Application fails to provide detailed requirements of section 20 of the Local Plan Partial Review PR8 policy 5. No commitment to provide a net gain in biodiversity 6. Loss of Other Neutral Grassland
- 7.12. **FIRE SERVICE:** It is taken that fire service access and an adequate supply of water for firefighting will be provided by the developer in line with B5 of Building Regulations. It is taken that the works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service will be undertaken to ensure compliance as each phase develops.

7.13. **THAMES WATER:**

Foul Water – No objection

Water Infrastructure - No objection and recommend an informative be attached

7.14. **ENVIRONMENT AGENCY**

Objection 1 – Flood Risk

We object to this application because it fails the second part of the flood risk exception test.

We recommend that planning permission is refused on this basis. We note that part 10.1 of the applicant's 'EA Responses to Flood Risk Comments' document states 'An update to the FRA will be made to reflect these comments and will also be dependent on the outcome of the hydraulic model comments review.' We have not been able to locate an updated FRA and are not sure if one has been provided to date. Reasons The developer's additional flood risk information fails to:

- demonstrate the flood modelling used within the FRA is appropriate
- demonstrate the sequential approach has been applied
- demonstrate the development will not increase flood risk elsewhere
- address the opportunities presented by this development for reducing flood risk This proposal is therefore contrary to adopted policy ESD 6 in the Cherwell Local Plan 2011-2031 and adopted Policy PR8 (Land East of the A44) in the Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxfords Unmet Housing Need.

NB Officer Note – Following a meeting with Officers, the Environment Agency and the applicant and the supply of further information and clarification it is expected that this reason/objection will be removed in the near future.

Objection 2 – Foul Waste

We object to this application as submitted because the proposed development would pose an unacceptable risk of pollution to surface water quality and recommend that planning permission should be refused on this basis. Reasons Paragraph 180 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Our previous response sets out our concerns regarding Oxford Sewage Treatment Works (STW). No evidence that all flows from the development will drain to Cassington STW has been provided

7.15. **CDC LAND DRAINAGE:**

Flood Risk The applicant acknowledges that there are areas of fluvial risk along the development site boundaries and within the site. No built development is proposed within these areas. This is also acknowledged in the drainage strategy and appropriate infrastructure is proposed to mitigate this which is acceptable at this outline stage. Therefore, no further comment at this stage.

Surface Water Drainage Strategy: The principles of surface water drainage have been agreed with the LLFA. It is acknowledged through ground testing that infiltration is not feasible. The master-plan does not show clearly any maintenance corridors on each side of the linear series of swales. These will be required to be of minimum width 5 metres.

7.16. **SPORT ENGLAND:** No objections subject to a suitable Section 106 for sport is delivered.

7.17. **NATURAL ENGLAND:** objects to this proposal. As submitted Natural England consider it will: • have an adverse effect on the integrity of Oxford Meadows Special Area of Conservation due to Air Pollution contributions from the A34 and A40. • We do not agree with the conclusions of the Individual Habitats Regulations Assessment submitted by the developer.

Officer Note – Since these comments, meetings have been held with Natural England and further information has been submitted by the applicant which seeks to address these concerns.

7.18. **RIGHTS OF WAY (CDC)** - The district council has a duty to safeguard existing Public Rights of Way wherever possible therefore, the council will always expect a developer to design the existing Public Rights of Way on their existing legal alignments within any new development layout proposal. Any proposed new routes to be created and added to existing alignments to enhance the Public Rights of Way Network are welcomed.

7.19. **BUILDING CONTROL:** Building Regulations applications will be required for the proposals. No adverse comments or observations at this stage

7.20. **NETWORK RAIL: objects** to the current application based on the impact it will have to Sandy Lane, Yarnton Lane and Roundham Lock level crossings.

We are committed to reducing risks to passengers, workforce and members of the public wherever possible. Level crossings represent a significant risk on the railway, often dependent on humans performing reliably and behaving responsibly and Network Rail therefore continually seek for solutions that eliminate or reduce this risk.

As such, level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing;
- By the cumulative effect of development added over time;
- By the type of crossing involved;
- By the construction of large developments (commercial and residential) where road access to and from site includes a level crossing;
- By developments that might impede pedestrian's ability to hear approaching trains;
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs;
- By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing; and
- By any development or enhancement of the public rights of way.

At present, Network Rail will not be submitting a Transport Works Act Order (TWAO) to facilitate the closure of the crossings aligned with our Minimum Viable Product (MVP) bridge and do not have funding in place for the MVP bridges at Sandy Lane and Yarnton Lane. Should consent not be granted to Network Rail, mitigation for the hereby proposed development would be required, in full, by the developer.

Further to the closure of Sandy Lane and Yarnton Lane level crossings, Roundham Lock level crossing will also be affected by the works, having been identified in the submission as a promoted route. In light of this we are asking OUD for their projected traffic over the crossing as a result of their promotion of the route. The proposed development will cause an increase in foot/cycle/bridle traffic over an already high-risk crossing. It is therefore essential that appropriate mitigation is proposed and implemented to offset the additional risk caused by the proposed development.

7.21. **THE GARDENS TRUST:** We have considered the online documentation, and despite the size of the proposals and the fact that the application site lies within the Oxford Green Belt, we consider that the distance from the closest registered park and garden (RPG), Blenheim Palace, is sufficient that we do not wish to comment on the proposals at this stage.

7.22. **RECREATION AND LEISURE:** Seek contributions towards Sport, Recreation and Community Development.

7.23. **LONDON OXFORD AIRPORT:** There is currently insufficient detail for us to fully complete a Physical Safeguarding Study, we therefore request the opportunity to be consulted on future detailed applications. As the applicant develops their proposals, we request further early engagement to enable us to fully assess the impact on our operations and complete safeguarding assessments with respect to at least the following areas:

- Building heights and operation of cranes during construction in relation to our published Instrument Flight Procedures and Obstacle Limitation Areas;

- Wildlife/Bird Hazard Management Plans, including management of sustainable drainage systems, open water and wetland areas;
- Lighting schemes, ensuring that they do not introduce confusing patterns for pilots on approach.

In addition to the above we wish to clarify the flying practices and protocols undertaken at Oxford Airport today that are of relevance to the zone proposed for development. We have no doubt that this is already understood by the stakeholders involved in the proposals, but we feel it is prudent to clarify these points with some appropriate graphics as part of the consultation process. Lastly, the fact that helicopters today (and electric eVTOL aircraft in the future) transit the proposed zone from time to time, as they are permitted to do so, when approaching or departing from the airport to the south or south-east. Typically, this might be several times a day.

- 7.24. **OCC ARCHAEOLOGY:** Recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction.
- 7.25. **BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE WEST INTEGRATED CARE BOARD (NHS)** - Primary Care infrastructure funding is requested to support the following mitigations at the Key Medical Practice: (a) the purchase and; (b) the complete refurbishment (to include some remodelling of the existing waiting area and reception areas within the green-hatched areas) to create the additional space needed to mitigate the demand created by this proposed housing development.
- 7.26. **OCC PUBLIC HEALTH TEAM** - The Public Health team welcomes the opportunity to review the amended health impact assessment submitted regarding the proposed development of PR8 Begbroke Innovation District (OUD). The team has assessed the revised HIA and is pleased to note that its comments and recommendations have been addressed.
- 7.27. **CDC ECOLOGY:** No objection subject to conditions.
- 7.28. **BUILDING CONTROL:** applications will be required for the proposals. No adverse comments or observations at this stage
- 7.29. **LLFA:** No objection subject to conditions
- 7.30. **OCC PROPERTY AND SCHOOL SITES:** No objection subject to S106 Property requirements are met.
- 7.31. **OCC LIBRARY SERVICES:** No objection subject to planning contributions being sought.
- 7.32. **OCC WASTE MANAGEMENT:** No objection subject to planning contributions being sought.
- 7.33. **OCC SPECIALIST HOUSING:** Oxfordshire County Council has an interest in the provision of affordable housing to meet specialist housing needs. The Local Plan Partial Review did not mention extra care housing on the sites allocated and Cherwell District Council officers have advised that the policy from the adopted Part 1 of the Local Plan, Policy BSC4 requiring specialist housing provision, does not apply to these sites given more specific policies in the Partial Review. It is understood that the Local Plan Partial Review sites are for Oxford's unmet need, and at the time the Plan was prepared, a need for extra care housing on these sites was not identified.

- 7.34. **OCC ADULT DAY CARE - COMMUNITY SUPPORT SERVICES:** No objection subject to planning contributions being sought towards increased capacity at community support centre
- 7.35. **ACTIVE TRAVEL ENGLAND:** ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations relating to future design code work and access to A44
- 7.36. **CDC STRATEGIC HOUSING:** Strategic Housing would recommend the following as a way forward:
- Having acknowledged that the applicant is able to deliver a housing scheme despite the financial viability showing zero affordable housing, that OUD revisit the proposal to accommodate the Council's requirements for this site, in accordance with the original purpose of the site being allocated and the relevant policies.
 - That in doing so, the starting point is to achieve provision of 70% social rented housing of the 50% affordable provision.
 - That the tenures for the other 30% of the 50% affordable consist of shared ownership and discounted market rent only.
 - That, in the light of the viability position, a review mechanism is applied in accordance with the consultant's recommendations. This may or may not be removed at a later date, depending on the revised proposal.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Council also adopted the Partial Review to account for Oxford's Unmet Housing Need in September 2020. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 (PART1) PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED

- PR1: Achieving Sustainable Development for Oxford's Needs
- PR2: Housing Mix, Tenure and Size
- PR3: The Oxford Green Belt
- PR4a: Sustainable Transport
- PR4b: Kidlington Centre
- PR5: Green Infrastructure
- PR8: Land East of the A44 (Begbroke Science Park)
- PR11: Infrastructure Delivery
- PR12a: Delivering Sites and Maintaining Housing Supply

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

- PSD1: Presumption in Favour of Sustainable Development

- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD9: Protection of the Oxford Meadows SAC
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD12: Cotswolds Area of Outstanding Natural Beauty (AONB)
- ESD13: Local Landscape Protection and Enhancement
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment
- ESD16: The Oxford Canal
- ESD17: Green Infrastructure
- Kidlington 2: Strengthening Kidlington Village Centre
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- GB2 – Outdoor Recreation in the Green Belt
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- TR11 - Oxford Canal
- TR22 - Reservation of land for road schemes in the countryside
- C5 - Protection of ecological value and rural character of specified features of value in the District
- C15 – Prevention of coalescence of settlements
- C18 – Development proposals affecting listed buildings
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- C30 – Design control
- C32 – Provision of facilities for disabled people
- C38 – Satellite dishes in conservation areas and on listed buildings
- C39 – Telecommunication masts and structures
- ENV1 – Development likely to cause detrimental levels of pollution

- ENV2 – Redevelopment of sites causing serious detriment to local amenity

LOCAL PLAN REVIEW 2040 – REGULATION 18 CONSULTATION

The Local Plan Review seeks to retain and reallocate the existing PR8 allocation alongside other Partial Review sites and also seeks to formally allocate the 14.7ha extension to the Science Park which is currently “Reserved” within the current Allocation.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Code
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- 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”)
- Kidlington Masterplan SPD
- Cherwell Design Guide SPD
- CDC Developer Contributions SPD
- Oxford Canal Conservation Area Appraisal
- PR8 Draft Development Brief
- NPPF Consultation Draft 2024 – this carries limited weight

9. APPRAISAL

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

- Principle of development
- The Draft Development Brief
- The Outline Masterplan and Development Parameters
- Housing
- Science Park
- The Local Centre
- Agriculture and the Social Farm
- Central Park and Green Corridors
- Land to the East of the Railway
- Land around Rowel Brook
- Sandy Lane
- Heritage impact
- Residential amenity
- Ecology impact
- Flooding and Drainage
- Access and Highways (Other than Sandy Lane)
- S106 Contributions
- Environmental Statement

Principle of Development

- 9.2. It is noted that many residents who comment to the application together with Begbroke and Yarnton Parish Councils continue to object to the principle of development and the allocation of the site. The comments of the Rt Hon Layla Moran MP are submitted as a reflection of the views of her constituents. These comments are noted however

the application forms part of a site allocated via the Development Plan, and which has been through thorough examination, testing and challenge to be an adopted Plan. It would be inappropriate to undermine the Development Plan and there are no material circumstances which have fundamentally altered the adoption of the site. However, there is a need to consider and assess any parts of the proposals which represent some inconsistency with the Policy as adopted which will be undertaken through this appraisal.

9.3. The original allocation of the site, 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.

9.4. Policy PR8 of the Development Plan sets out the following as Key Delivery Requirements:

1. Construction of 1,950 dwellings (net) on approximately 66 hectares of land (the residential area as shown).
2. The provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework.
3. A secondary school on 8.2 hectares of land in the location shown, to incorporate a four-court sports hall to Sport England specification, made available for community use.
4. The provision of a primary school with three forms of entry on 3.2 hectares of land in the location shown.
5. The provision of a primary school with two forms of entry on 2.2 hectares of land in the location shown if required in consultation with the Education Authority and unless otherwise agreed with Cherwell District Council.
6. The provision of a local centre on one hectare of land in the location shown unless the location is otherwise agreed with Cherwell District Council. The Local Centre shall include provision for local convenience retailing (use class A1 - no more than 500 square metres net floorspace and no less than 350 square metres), ancillary business development (use class B1(a) only) and/or financial and professional uses (use class A2); a café or restaurant (use class A3); the provision of a community building to required standards providing the opportunity for social and childcare facilities, the opportunity for required health facilities to be provided

and provision for required emergency services infrastructure. (NB retail uses have now been replaced by Class E of the updated Use Classes Order)

7. The provision of facilities for formal sports and play areas to adopted standards within the developable area.
 8. The creation of a publicly accessible Local Nature Reserve on 29.2 hectares of land based on Rowel Brook in the location shown.
 9. The creation of a nature conservation area on 12.2 ha of land to the east of the railway line, south of the Oxford Canal and north of Sandy Lane as shown.
 10. The provision of public open green space as informal canal-side parkland on 23.4 hectares of land as shown.
 11. The retention of 12 hectares of land in agricultural use in the location shown.
 12. New public bridleways suitable for pedestrians, all-weather cycling and wheelchair users connecting with the existing public right of way network.
 13. Provision for a pedestrian, cycle and wheelchair bridge over the Oxford Canal to enable the site and public bridleways to be connected to the allocated site at Stratfield Farm (policy PR7b).
 14. The reservation of 0.5 hectares of land within the developable area for a future railway halt/station in the approximate location shown unless otherwise agreed with Cherwell District Council in consultation with Oxfordshire County Council, Network Rail and rail service providers.
 15. The reservation of 14.7 hectares of land for the potential expansion of Begbroke Science Park.
 16. The provision of a limited number of new homes, to be agreed with the Council, to provide for students and those working for the University at the Science Park to support its expansion and reduce car journeys
- 9.5. It should be noted that the Development Plan is within the first five years of adoption. The NPPF seeks to ensure that the Development Plan is given appropriate time to be implemented and further as a large-scale development (Paragraph 74 of the Framework) there is support and recognition that the proposals will have lead in times for infrastructure. Whilst there have not been any completions across the PR Sites and therefore a five-year supply which is measured separately for the PR sites cannot be demonstrated, there have been a number of resolutions to grant towards the end of 2023 which are progressing towards a decision with the preparation of the associated s106 Agreements.
- 9.6. It is noted that the importance of delivery of large-scale development is kept under review and updated as part of the Local Plan Review, but it is not for planning applications to amend or update the Development Plan.
- 9.7. The proposals are therefore within the allocation and do not propose to encroach into the Green Belt. The proposals (recreation, agriculture and other development to the north of the site (around Rowel Brook) and to the east of the Railway would be appropriate development in the Green Belt although there are some differences between what is proposed and what the Local Plan Policy PR8 requires.

- 9.8. The applicant indicates that delivery would be beyond the plan period (2031). This is due to the delays following the legal challenge to the Partial Review and the confirmation of the highway model, in addition to the scale and size of the development. It is noted that the Local Plan Review (to 2040) is currently in preparation and is planned to continue to progress to adoption with a review of the current allocations however there is no expectation that the allocation would be removed. In accordance with Paragraph 74 (and the associated footnote 39) of the NPPF it is expected that the Local Plan would update and review the policy in light of progress on the allocations and the Partial Review sites, and whilst there is a recognition of delays there is no requirement to consider that the scheme could not or would not meet the original requirements of the Development Plan.
- 9.9. As set out by the Inspector in the PR9 appeal, there was considerable and significant evidence presented at the preparation and examination of the Development Plan which was subject to an unsuccessful challenge and there is no reason to suggest that this could not or should not be relied upon in the determination of this application.
- 9.10. The proposals are therefore broadly in accordance with the principle of Policy PR8 of the Partial Review.

The Draft Development Brief

- 9.11. In accordance with Parts 17 and 18 of the Adopted Policy the Council has prepared a Development Brief which was consulted on for four weeks (22 November to 20 December 2023) with a further consultation in February 2024. Planning Committee approved the draft Development Brief subject to further consultation and amendments on 21 March 2024. That further consultation was delayed by local and general elections, but a further consultation was undertaken between 22 July and 9 August 2024. The Development Brief is still being updated with the further changes arising from the earlier consultation. There is delegated authority to complete and adopt the Development Brief as a guidance document.
- 9.12. Whilst the Development Brief is a material consideration, it should not be considered to be determinative in the consideration of this application.
- 9.13. The Development Brief is guidance, the content of the Development Brief relies on the Adopted Policy and does not take account of the application submission and the evidence presented by the applicant (e.g. site-specific flood risk assessment and transport assessments).
- 9.14. The Development Brief is therefore noted as guidance with further work to complete the final version of the draft. There are variances between the submitted masterplan and the Development Brief and these will be assessed through this appraisal.
- 9.15. In time, the application and the associated design work from the evidence base of the application will take over the Development Brief as this will be more precise and reflective of the site constraints and opportunities.

The Outline Illustrative Masterplan, the Parameter Plans and Development Specification Document

- 9.16. The application is in outline with all matters Reserved with the exception of the access from the A44 as an enhancement to the existing Begbroke Hill highway. Other points of access and accesses around the site would be considered as part of the Reserved Matters.

- 9.17. In accordance with the principles of the “Rochdale Envelope” which is an approach employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) at the time when the application is submitted. This application is submitted with various documents and plans, as summarised above, and flexibility is sought to address uncertainty.
- 9.18. The assessment should be based on cautious ‘worst case’ approach which will then feed through into the mitigation measures envisaged. It is important that these should be adequate to deal with the worst case, in order to optimise the effects of the development on the environment.
- 9.19. The level of information required should be sufficient information to enable ‘the main,’ or the ‘likely significant’ effects on the environment to be assessed and the mitigation measures to be described.
- 9.20. In terms of the approach to flexibility it will be for the Authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has ‘full knowledge’ of its likely significant effects on the environment. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent.
- 9.21. As stated above the application is supported by a Development Specification Document which sets out the principles of the development and the aims of the outline planning permission.

Housing

- 9.22. Policy PR8 sets out that the provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework is a key development requirement.
- 9.23. Policy PR2 sets out five criteria for Housing Mix, Tenure and Size. These are
- That all housing to be provided as self-contained dwellings (use class C3) only.
 - Provision of 80% of the affordable housing (as defined by the NPPF) as affordable rent/social rented dwellings and 20% as other forms of intermediate affordable homes.
 - Delivery of an appropriate housing mix.
 - Delivery of a mix of sizes of market homes to meet current and future needs and to create socially mixed and inclusive communities.
 - Provision for key workers as part of both the affordable and market housing mix.
- 9.24. The Applicant has provided viability evidence for the purpose of assisting the Council in its consideration of the feasibility of the requirement for 50% 80:20 Social Rent to Intermediate tenure.
- 9.25. The applicant submits as part of the submission breakdown details as to how the housing would be delivered to meet Oxford’s Unmet Housing Need as set out in Policy PR8. This includes at Point 16 the provision of a limited number of new homes, to be agreed with the Council, to provide for students and those working for the University at the Science Park to support its expansion and reduce car journeys.

- 9.26. The proposals set out to recognise the unique characteristics of this site comparative to the other PR allocations and specifically that the homes delivered as part of this scheme offer the potential to go further and deeper into meeting Oxford's needs.
- 9.27. Whilst the precise housing mix (both market and affordable) are a matter of detail that would be arrived at through the Reserved Matters submissions (although the S106 will need to secure affordable housing including details of it), it is a matter of consideration that the tenure mix may also be best served by delivering a range of tenures. Provision of significant numbers of social rent may meet elements of the housing register but in terms of creating a balanced community it may be that significant numbers of a single tenure could be challenging.
- 9.28. As set out in the new NPPF consultation draft, mixed tenure sites can provide a range of benefits including creating diverse communities and supporting timely build out rates and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.
- 9.29. In addition, there needs to be recognition of First Homes and other discounted sale models as well as the impact of housing affordability. The potential provision of housing in multiple occupation is a further recognition of the role of the Science Park in the overall housing mix. These houses would be directed at young professionals who may wish to house share whilst working in their first jobs or lower income professions.
- 9.30. The allocation of PR8, and this application in particular, is much larger than the other sites within the partial review local plan and further the relationship between the employment provision and housing will be integral to the success of the community. It is the view of officers therefore that the Science Park and other employment opportunities in the area and in the proposals present a need for discounted market sale.
- 9.31. Officers have noted the PR9 appeal decision as well as the differences in scale and range of uses in the proposed development. It is also noted that with PR7a, PR7b and PR9 a significant level of affordable housing, in particular social rent, has already been secured.
- 9.32. Therefore, in examining this and the purpose of the allocation the provision of affordable housing should also include numbers of the discounted market provision which will help support housing pressures and needs in Oxford. This will also ensure that the proposals will not deliver a large block of a single tenure that will cause issues in terms of social integration and placemaking capability.
- 9.33. Alongside the discussion with housing colleagues the viability exercise, detailed below, have influenced the capability to deliver the level of high levels of affordable/social rent which is requested. Levels of discounted properties are still in accordance with the definition of affordable housing.
- 9.34. Discussions with the applicant and housing colleagues have sought to deliver the highest level of affordable housing which is in accordance with Policy PR8 which seeks to deliver 50% affordable housing. The level of affordable housing was a key factor in the PR sites being allocated in the way that they were including releasing land from the Green Belt for this purpose. Officers have also sought to optimise the provision towards Oxford's Housing Needs in accordance with Policy PR2 of the Partial Review and whilst housing officers would prefer a higher level of Social Rent

accommodation even with their preference to be agreeing to a lower quantum than 50% to secure, from their perspective, a more desirable and needed mix to meet Oxford's housing needs, with viability review mechanisms to secure additional numbers should be development become more viable, this would not be viable or achievable.

- 9.35. Nonetheless the proposals would deliver approximately 180 dwellings for Social Rent which is not an insurmountable figure.
- 9.36. In the context of Policy PR8, the conclusions of the viability expertise and the appeal at PR9, therefore the offer of 50% affordable housing should be given priority, and the s106 should be progressed with the applicant's offer (which for clarity is 50% affordable housing, 20% of which would be social rented units and 80% of which would be other forms of affordable housing) with uplift only viability review mechanisms at appropriate stages through the development to see if viability improves and therefore the development could provide a higher percentage of social rent in the tenure mix to ensure that the proposal meets maximum housing needs to meet the policy aims as development progresses.

Science Park

- 9.37. Policy PR8 reserves the land for 14.7ha expansion to the Science Park. The parameter plans as submitted and the Development Principles document alongside other documents set out how the provision would be delivered not just as a standalone feature or business park but as part of an inclusive and integrated element of the masterplan which forms part of the overall character of the area.
- 9.38. The provision of employment and the expansion of the science park are underpinned by the purpose of the allocation of the site which includes the 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. Whilst the concerns of local residents have been noted the expansion of the Science Park would support the sustainability of the allocation and reduce the need to travel to work but also provide a hub from which public transport and connections are made to Oxford.
- 9.39. The submission outlines through the Development Principles, Illustrative Masterplan and other documents the location and it safeguards appropriate space for the delivery of the Science Park. Further the illustrative masterplan shows the location of the secondary school and local centre next to the potential Science Park area.
- 9.40. The proposals also indicate the inclusion of other uses (e.g. residential and hotel) in the commercial areas. At present the Science Park is a standalone feature which has limited public access and engagement beyond the workers. The plan aims to change this aspect, with the Science Park being at the heart of the community and including public realm, walking routes and potentially art and events space with the potential for active uses on the ground floor and other ancillary uses such as cafés.
- 9.41. The existing Science Park has a number of buildings which are approaching the end of their life, and these would be demolished as part of the proposals. The newer buildings in particular which have been approved in the last decade would be retained. These buildings are approximately 3 and 4 stories in height and of modern contemporary design.
- 9.42. These buildings could form the basis for future design aims whilst taking account of the existing neighbouring buildings and provides a basis for an appropriate framework to be formed for delivery of future Science Park buildings.

9.43. Overall, the proposals would be in accordance with the aims and objectives of Policy PR8 as the Policy safeguards land for this purpose and would support the delivery of the expansion of the Science Park.

The Local Centre

9.44. Policy PR8 sets out that the Local Centre shall include provision for local convenience retailing (use class A1 - no more than 500 square metres net floorspace and no less than 350 square metres), ancillary business development (use class B1(a) only) and/or financial and professional uses (use class A2); a café or restaurant (use class A3); the provision of a community building to required standards providing the opportunity for social and childcare facilities, the opportunity for required health facilities to be provided and provision for required emergency services infrastructure.

9.45. The local centre was originally envisioned further to the south of the site but point 6 of the policy allows consideration and agreement of alternative agreed locations for the local centre.

9.46. It is noted that some residents have objected to the potential provision of the local centre uses insofar as they would be out of keeping with the residential character of the area and that employment for these uses would add to the strain on resources. In contrast the Local Centre would also provide the opportunity to provide community, leisure and health facilities (such as dentists or physiotherapists) which would potentially address concerns about the lack of facilities in the area and reduce the need to travel further afield and making walking and cycling a more realistic choice for day-to-day needs.

9.47. The updates to the Use Classes Order under Class E which broadens the range of uses has been noted. It is also recognised that the retail environment has altered with the growth of online shopping and changed behaviour as a result of the Covid pandemic. Hot food takeaways which would have been previously included in a general retail use class have now been moved to Sui Generis.

9.48. Having regard to the outline nature of the application and the indicative nature of the masterplan, the applicant is seeking a broad range of town centre or similar uses which may come forward as part of the development and further feasibility work. These include 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 a total of approximately 700sqm. The Local Centre could also include employment and housing to boost viability and vitality of the services. It is anticipated that other aspects (e.g. public transport and car parking for visitors) would be centred around the Local Centre.

9.49. The illustrative masterplan shows the Local Centre and is centred around the Jacobean Farmhouse as a central core for the area. This is to the north of the suggested location in the allocation and the Development Brief. The Development Plan allocation is not prescriptive in the location of the Local Centre.

9.50. The provision of a Local Centre in the location shown on the masterplan would allow for a critical mass of community, retail and leisure uses that would benefit the Science Park, future residents and other users as well as the wider community. Its northern location would also act as a more logical location for business activity and the new

community and create more activity across the working day and evening. It is also a location which would be closer to public transport hubs and its position, closer to anticipated early phases of residential and Science Park expansion would also be potentially a positive feature.

- 9.51. The provision of a Local Centre would also support access for the communities of Yarnton and Begbroke and residents in Kidlington who may live across the canal from the development and may choose to access such facilities. The principal barrier to Yarnton residents is the A44 and crossing this is and will be the principal challenge in terms of Yarnton residents accessing these facilities by sustainable modes.
- 9.52. The current Science Park has a small canteen and limited on-site facilities. Further in the short to medium term whilst the Local Centre is developed, the facilities of Yarnton Garden and Home and online deliveries are likely to facilitate and provide for the day-to-day needs.
- 9.53. The application proposes a full range of uses and whilst not all may come forward in the eventual design and some uses (e.g. a hotel) may be positioned at the site entrance, as part of the Science Park or fronting or as part of the central park (e.g. a café). The proposed masterplan therefore creates an opportunity for a sustainable and self-servicing community which benefits from a full range of facilities and the masterplan and permission is flexible to accommodate future changes and challenges as they arise.
- 9.54. The proposals would also link well with neighbouring facilities and the proposed school locations and the nearby Yarnton Garden and Home.
- 9.55. Therefore, the proposals, subject to appropriate conditions on the delivery and phasing of the Local Centre, would create a viable and deliverable commercial core which would meet the needs of the community whilst not compromising the viability of Kidlington Centre in accordance with the requirements of the allocation.

Central Park and Green Corridors

- 9.56. With landownership unknown and the capability to fully utilise a former landfill site, the Local Plan set out to create a space which would be backed onto by housing. The site is also contaminated and needs a programme of remediation to be brought back into use.
- 9.57. As part of the Development Brief, the Council recognised that the acquisition of the site by the applicant presents an opportunity to create a central park that would be appropriate for recreation and also support wildlife conservation. The central park solution therefore is an enhancement on the policy position in the Local Plan Partial Review in supporting healthy living and additional green space.
- 9.58. The use of green networks and the creation of pedestrian/cycle routes that would remove and reduce the interaction between non-vehicle users and cars and give priority to such users would promote speedy and direct routes to principal features of the masterplan (e.g. the Central Park, Schools and Employment) between residential areas and promote the use of non-car activity in a positive and landscaped setting. In being more direct than vehicular routes it would promote the use of cycling and walking for commuting and recreation.
- 9.59. At point 12 of Policy PR8 is the expectation that the development will create new public bridleways suitable for pedestrians, all-weather cycling and wheelchair users connecting with the existing public right of way network.

- 9.60. These green networks and routes will connect and support this aim. One comment raised that these appear on the parameter plans to end in development centre and are not connected. However, the routes are centred around the Local Centre and connecting the wider areas in particular to the east, west and south of the Local Centre. Further the Local Centre will be expected to include public realm and meeting places with the pedestrian and cycling at the core. The overall concept of the development with the car as a guest lend to this promotion.
- 9.61. Overall, the Access and Movement Parameter plan are complaint with the aims and objectives of Policy PR8 and other development plan policies which are related to the promotion of attractive space for pedestrians and cyclists and would form a suitable basis for future design coding and Reserved Matters.

Land to the East of the Railway

- 9.62. The land to the East of the Railway is retained as part of the Partial Review policy as Green Belt with points 9, 10 and 11 from PR8 relevant as to what is expected here. Further Policy PR5 sets out that proposals should demonstrate the opportunities for improving the existing and proposed built and natural landscape through the provision of Green Infrastructure (GI) and for the protection or enhancement of the historic environment. It further states GI will be provided along movement corridors (including for motor vehicles, pedestrians, cycles and wheelchairs) and to benefit the provision of informal and formal open space, play areas and gardens. Finally, PR5 also sets out that the provision of GI will assist in the beneficial use and permanence of the Green Belt.
- 9.63. Paragraph 154 of the National Planning Policy Framework outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include buildings for agriculture and forestry and the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.64. Paragraph 155 also includes further exceptions including local transport infrastructure which can demonstrate a requirement for a Green Belt location as appropriate development providing, they preserve its openness and do not conflict with the purposes of including land within it
- 9.65. The development proposals and principles include this area to be delivered primarily as semi-natural open grassland and meadows and nature conservation. As part of the provision of public open green space as informal Canalside parkland there is potential for informal play, formal sports provision and play areas in areas that are easily accessible. These would be in addition to the formal sport and play within the developable area. Structures and buildings ancillary to these uses and to the enjoyment of this area will also be permitted where they do not cause adverse visual impacts and do not cause unacceptable harm to the openness of the green belt. High quality walking and cycling connections will be delivered.
- 9.66. The land to the east of the railway also includes areas that are within the Flood Zone. This is shown on the allocation and Draft Development as agricultural land.
- 9.67. The delivery of routes and connections to the canal and across to allocation PR7b through a new bridge (for walking and cycling) would also be of benefit to the development and appropriate development having regard to the NPPF Paragraphs 154 and 155. As such, very special circumstances are not needed to be demonstrated and the proposals would be in accordance with the Development Plan.

Land around Rowel Brook

- 9.68. As per land to the East of the Railway, the northern area is also retained as Green Belt and due to the presence of Rowel Brook, is within a flood zone. Point 8 of Policy PR8 is relevant to what is expected here. Paragraphs 154 and 155 are therefore considered relevant. Mitigation and management of the area is included and further there is also nature conservation and enhancement as part of the proposals.
- 9.69. Rowel Brook Park (south): comprising land that is within the green belt, west of the railway line and south of Rowel Brook. This land is to be improved to deliver public open space with high quality walking and cycle routes, whilst creating new habitats and enhancing biodiversity. Structural planting in the area south of Begbroke village will be provided to aid visual screening.
- 9.70. Rowel Brook Park (north): Land north of Rowel Brook: This area is to be used for cultivation and uses related to its existing agricultural use, including (but not limited to) allotments, community gardens, farms and orchards. Structures that are ancillary to these uses will be permitted where they do not cause adverse visual impacts to nearby receptors and/or cause unacceptable harm to the green belt. Structural planting to the east of Begbroke village will be delivered to aid visual screening. This element of the proposals would be consistent with the provision of Green Infrastructure and will assist in the beneficial use and permanence of the Green Belt which is in accordance with Policy PR5 and PR8 and whilst there is a variance in the use from the allocation plan this variance is not contrary to the broader aims of policy.
- 9.71. The proposals to relocate the potential Social Farm (or agricultural provision) to the northern area is different from the Local Plan allocation which allocates the area to the south of the land to the east of the Railway which is subject to flooding. The application also shows this location to be an indicative location for allotments. It will be necessary to ensure that the social farm meets the agricultural requirements of policy and is not a large area of allotments.
- 9.72. There would be no building within the flood zone and there would continue to be recreational routes alongside the Rowel Brook which, with the appropriate provision of landscaping would maintain their green setting.
- 9.73. Contrary to the views of the BBOWT it is considered that there would be appropriate buffer provision within the development proposals to the Rushy Meadows SSSI and the impact on protected species including the provision of natural areas would be mitigated against.

Sandy Lane

- 9.74. Policy PR8 identifies that in consultation with Oxfordshire County Council and Network Rail, proposals for the closure/un-adoption of Sandy Lane, the closure of the Sandy Lane level crossing to motor vehicles (other than for direct access to existing properties on Sandy Lane), and the use of Sandy Lane as a 'green' pedestrian, cycle and wheelchair route between the development and the built-up area of Kidlington including the incorporation of a bridge or subway should be achieved.
- 9.75. The proposals are also supported in infrastructure requirements for bridges and cycling in Appendix 4 (Part 17 and 17a) of the Local Plan Infrastructure Delivery Plan.
- 9.76. The comments of local residents and the motion of the Council in July 2023 have been carefully considered and discussed with the applicant, Network Rail and the

County Council in active discussions over the course of pre-application and application stages. Meetings with Councillors and Network Rail have also occurred.

- 9.77. The principal element of Network Rail's proposed Oxford Improvement works was to increase the level of freight capacity across the network and therefore reduce carbon emissions through this initiative. The level of increase in freight travel, as a result of Covid and external factors, has not raised as high as previously anticipated.
- 9.78. As a result, the need for further capacity has not been forthcoming in the current Network Rail period (2024-2029). It is expected that further capacity will be needed later in the development delivery but in this period, Network Rail have confirmed they do not intend to pursue changes to Sandy Lane directly. Network Rail therefore suggest that whilst there is likely to be an adverse impact from the development to the Sandy Lane crossing, that it is for others (e.g. the County Council) to close Sandy Lane to vehicular traffic through their powers and for this to be funded by the developer.
- 9.79. Funding for a bridge or closure from Network Rail has therefore not been made available especially as other parts of the project (e.g. Botley Road) has increased in cost. This does not mean that future funding periods would not provide funding and further it is noted that since this time there has been a change in Government with the new Government being keen to promote growth in particular unlocking housing projects.
- 9.80. Sandy Lane crossing and the railway line will however be impacted on by the proposed development, however it is anticipated that first phases will be via Begbroke Hill and therefore there would be limited impact on the railway from the development until later phases. The implementation of mitigation measures and timing has been progressed and discussed and it will be capable to implement some level of development prior to the implementation of mitigation measures (i.e. closure of the crossing to Sandy Lane). Closure of Yarnton Lane will also be later in the development (as it is outside the allocation and has limited movement).
- 9.81. In respect of the station/railway halt, given Network Rail's current position it is considered that funding will not be made available until later phases. Some funds have been requested by the County to explore and support the feasibility and delivery work at a later stage.
- 9.82. At the current time, whilst not 100% safe, there is no case to close Sandy Lane or other crossings on safety grounds as Network Rail have not progressed their Transport and Works Act Order. Considering early works could be delivered with minimal impact to Sandy Lane, there would be no reason not to progress some development on the site. However, the precise mechanisms and timing of mitigation and how this can be phased alongside the development delivery have yet to be agreed.
- 9.83. The County Council have agreed to progress a Traffic Regulation Order in order to progress matters.
- 9.84. The applicant has offered to ensure that delivery of mitigation measures (e.g. a pedestrian/cycle bridge), emergency access for properties to the east of the railway and management of other crossings is undertaken. These mitigation measures would be in place on the occupation of the 500th dwelling. Network Rail have yet to agree this package.
- 9.85. At this time c.2200 movements take place across Sandy Lane crossing; this would increase significantly with development of the allocation if vehicle crossing was

maintained. Options for a vehicle bridge have taken place however the required likely scale of the bridge, having regard to the amount of traffic anticipated from the development and other road users would potential adversely affect nature conservation aims resulting in an adverse impact on Rushy Meadows SSSI, green belt aims and potentially also impact on the weight-limited listed canal bridges. Further the impact would also affect air quality from queuing and be contrary to the aims of policy which seek to reduce the need for travel.

- 9.86. It is the view of officers and the County Council that with the upgrading of A44, A4260 and improved public transport offer that alternative routes to travel by car exist with limited, if any, increase in journey times.
- 9.87. Discussions continue with Network Rail and County Council to ensure that the appropriate mitigation, triggers and timing for the mitigation and closure of the crossing is built into the s106.

Heritage Impact

Legislative and policy context

- 9.88. The site contains a Jacobean Farmhouse (Grade II Listed), to the east of the application site is Oxford Canal Conservation Area and two listed structures (bridges). There are a number of other listed buildings in the area including Tudor Cottage (Woodstock Road), Rose Cottage (Woodstock Road) and The Grapes Inn. On the opposite side of the A44 there are a number of listed buildings and structures around St Michaels Church, Begbroke.
- 9.89. 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.
- 9.90. 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.
- 9.91. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Built Heritage

- 9.92. The built heritage elements of the site and the surrounding area, in particular the Jacobean Farmhouse and the Conservation Area are significant features which contribute to the significance of the area. The setting of the Farmhouse is also noted in respect of the Science Park. The removal of some of the buildings around the farmhouse and buildings which are at the end of life would potentially improve the setting of the farmhouse and the creation of this at the centre of the Local Centre would present an opportunity for the enhancement of the heritage asset.

- 9.93. In respect of the Conservation Area the Conservation Area Appraisal is noted however this was written prior to the allocation of the site in the Partial Review Local Plan. The comments of the Canals and Rivers Trust have been carefully considered. Nonetheless the proposals would have limited impact on the setting and character of the Conservation Area due to the retention of the Green Belt on the eastern side of the railway line.
- 9.94. The impacts on other heritage assets in the area would also be limited due to the intervening distance and the limited impacts on their setting from the development proposals. Further in following the principals of the Development Plan in terms of the extent of built form, the proposals would not depart from the tested evidence of the Local Plan.
- 9.95. As such the proposals would preserve or potentially enhance the setting of the designated heritage assets in the application site, adjacent to the application site and in the vicinity, any harm would be less than substantial and would be outweighed by the benefits of the delivery of housing and the allocation. As such in the consideration of built heritage, the proposals would be in accordance with the requirements of the Development Plan, the aims of the Development Brief, as guidance, and national policy aims and objectives.

Archaeology

- 9.96. The archaeological potential of the site has been considered in a detailed archaeological desk-based assessment, geophysical survey and trial trench evaluation. The investigations on the site have recorded settlement activity from the Bronze Age, Iron Age, Roman and Anglo-Saxon periods.
- 9.97. The first phase of trenching in the developable area of the site recorded dense Iron Age and Roman complex farmstead and settlement areas, as well as Bronze Age funerary features and pits, a smaller, isolated Iron Age settlement and Anglo-Saxon activity. The most recent trenching on the floodplain areas of the proposal site has recorded limited evidence from the Bronze Age, through two possible barrows were recorded north of the Rowel Brook.
- 9.98. The most extensive remains from this phase of trenching relate to Iron Age settlement, with some features suggesting industrial activity in the area. A series of ditches were recorded which contained Roman pottery, and an area of square enclosures on the southern side of the site could be part of an Anglo-Saxon settlement, though dating evidence was not recovered at this stage.
- 9.99. The remains recorded during these preliminary investigations will need to be subject to a further stage of archaeological mitigation, secured via a condition. There were some areas of the site which were not accessible during the pre-determination stage, due to constraints surrounding services, ecological factors and land access. These areas will also need to be assessed if the development is granted permission.
- 9.100. Conditions are suggested by OCC Archaeology Officers.

Conclusion on Heritage Matters

- 9.101. Overall, the proposals would have less than substantial harm to heritage assets which could be mitigated by appropriate design (in respect of built heritage) and recording and management through the construction process and through appropriate conditions and management of the construction process.

9.102. The proposals would therefore be in accordance with the requirements of the Development Plan, legislation and the aims and objectives of National Planning Policy Framework.

Ecology Impact

9.103. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. 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.

9.104. 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.

9.105. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.106. 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.

9.107. 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.

9.108. Biodiversity net gain is an important requirement. It is now a legislative requirement although this site is exempt from this statutory requirement as it was submitted prior to the 12 February 2024. Nevertheless, Policy ESD10 seeks biodiversity net gain and for some time the Council has been targeting a minimum of a 10% net gain.

9.109. The comments of Natural England have been carefully considered. A total of 7no. other planning applications have now been submitted to CDC pursuant to allocations made in the Local Plan Partial Review, with 3 of the PR sites having received planning permission or a resolution to grant (equating to consent for over 1,200 new homes). NE did not object to any of those other planning applications on the basis of potential significant effects to Oxford Meadows SAC. Nor has it objected to the proposals for Oxford United FC's football stadium at land to the east of Stratfield Brake.

9.110. Assessments have been carried out on behalf of the local authorities to consider whether the proposals would be likely to have significant adverse effects on the integrity of the Oxford Meadows SAC. The IHRA provided by OUD captured these at the time of writing, but further assessments have been published since. A (non-exhaustive) list of HRA work carried includes:

- South Oxfordshire, Local Plan 2034 Final Public Version 2nd Habitats Regulations Assessment, March 2019;

- West Oxfordshire District Council, Salt Cross Garden Village Area Action Plan Habitat Regulations Assessment, August 2020;1
- Oxford Core Transport Schemes (Traffic Filters) Habitats Regulations Assessment Stage 2 - Statement to Inform Appropriate Assessment, Oxfordshire County Council, November 2022;
- Environment Agency, Thames Flood Risk Management Plan Habitat Regulations Assessment, December 2022;
- Cherwell Local Plan Review 2040, Report to Inform Habitats Regulations Assessment, Atkins on behalf of Cherwell District Council, August 2023;
- Habitat Regulations Assessment for the Oxford Local Plan 2040, September 2023;
- Air Quality Screening Assessment Addendum to the HRA for the Oxford Local Plan 2040, November 2023;

9.111. All of these assessments have come to the same conclusion: that the plans or projects they are considering will not lead to adverse effects on the integrity of the Oxford Meadows SAC as a result of air pollution either alone or in combination (i.e., including growth allocated through the Partial Review).

9.112. In respect of circumstances since the adoption of the Local Plan, the Council have also an adopted Air Quality Action Plan. The Council's Executive Committee on 4 March 2024 removed two areas from Air Quality Management Areas including Bicester Road Kidlington as part of its updated Air Quality Management Plan

9.113. The Council's own Air Quality management therefore indicates that there is a significant improvement in air quality in recent years in particular to the area to the south of Kidlington. In light of this and the level of traffic from the development that would impact on Oxford Meadows would also be limited in scope. This is further emphasised when taking account of the traffic management, sustainable travel and public transport initiatives embedded in the application. Furthermore, on the A44 itself there has been significant investment in enhancement to bus lanes and services from relevant growth funds and this has been largely completed in recent times.

9.114. The crux of Natural England's objection is that "the air quality modelling shows significant exceedances of pollutants within the SAC as a result of the development both alone and in-combination with other plans and projects". The information provided shows that this is not the case. Whilst there will be significant exceedances of critical thresholds of some pollutants in parts of the SAC, these largely result from sources other than the Proposed Development, either alone or in combination. Successive HRAs carried out by competent authorities and have come to the same conclusion: there would be no significant effects on the integrity of the Oxford Meadows SAC either alone or in combination with other plans and projects that would undermine the site's conservation objectives. In accordance with the Government's guidance to competent authorities, there is no reason that CDC should not be able to rely on either their own HRAs or those of neighbouring authorities in coming to a decision on the Proposed Development.

9.115. As set out in the IHRA report, air quality modelling of traffic on the above roads was undertaken (set out in full in the Air Quality Chapter of the Environmental Statement). This compared four scenarios (1) the baseline (2019), (2) predicted 2033 baseline, (3) predicted 2033 baseline plus the proposed development and (4) an 'in-

combination' scenario which was as (3) but included other PR development allocations within the Cherwell District Local Plan.

- 9.116. The air quality modelling was based on the North Oxford VISSIM model, referred to above. The IHRA results demonstrate that there would be exceedances of the critical threshold for all the air pollutants considered (Nitrogen Oxide, Ammonia, Nitrogen deposition and acidification) but it is not the case that this is as a result of the Proposed Development either alone or in combination with other plans or projects.
- 9.117. There would be continued exceedances of the relevant critical threshold for the other pollutants, but those critical thresholds would be breached either with or without the Proposed Development. It therefore does not follow that there would be significant exceedances of pollutants as a result of the Proposed Development, as NE's objection states.
- 9.118. Officers have considered the HRA to the Local Plan, and the advice Natural England have stated to the Hallam Land proposals, in that the conclusions reached within Shadow Habitat Regulations Assessment (carried out as part of Hallam Land proposals), that the proposal will not have adverse effects either alone or in combination with other projects on the Oxford Meadows SAC. Further the application is supported by a HRA in relation to the application site which is updated by a further technical note which has been updated following meetings with Natural England.
- 9.119. Having regard to caselaw and to the comments of Natural England (including to other PR sites and other parts of the PR8 allocation) it is considered that the proposals have carried out an appropriate assessment and the information in the public domain is satisfactory to meet the requirements of the Regulations.
- 9.120. In respect of other aspects of Ecology, in particular with respect of Rushy Meadows SSSI and achieving Biodiversity Net Gain, the comments of BBOWT are noted. It is noted that Natural England and the Council's Ecologist do not raise any objection in relation to the SSSI subject to conditions relating to mitigation.
- 9.121. A key area of concern for BBOWT is that the OLEMP is written in ways that do not give certainty using phrases or words such as "could", "should" and "is recommended" and request that it is written using phrases or words such as "will" and "must" so that it creates a binding commitment which can be conditioned. Whilst these comments are noted and given careful consideration, given the lack of detailed fixes in the submission, due to the nature of the outline application and parameters, the proposals for more detailed work and precise information will come forward in Design Coding of the application and subsequent Reserved Matters. It is therefore considered that the proposals will achieve significant Biodiversity Net Gain.
- 9.122. Officers are satisfied, on the basis of the advice from the Council's Ecologist and having regard to the comments of 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

- 9.123. The developable part of the scheme would occupy the area around the existing Science Park extending south and North with buffers to the Rowel Brook and excluding these areas. The developable site itself is in Flood Zone 1 in respect of fluvial flood risk, and neither Oxfordshire County Council as the Lead Local Flood

Authority nor the Cherwell District Council Drainage Team have objected to the proposal.

9.124. The comments of the Environment Agency to the application are noted. The LPA carried out appropriate Strategic Flood Risk Assessment as part of the Local Plan Partial Review as required by Paragraph 167 of the Framework. In this respect Paragraph 172 advises that

“172. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account”

9.125. In this respect as an allocated site and ‘Parameter Plan 1 – Development Zones P1’ and ‘Parameter Plan 3 - Green Infrastructure Plan P1’, which control the location of development set out within the outline planning application. Parameter Plan 1 limits-built development to the area of land allocated for housing, commercial and social infrastructure.

9.126. The letter and submission also include green infrastructure, which is shown on Parameter Plan 3, which confirms that development in Flood Zones 2 and 3 is limited to green infrastructure land uses. The location of built development assumed within the outline planning application is consistent with the areas of land shown for built development within the Local Plan, and therefore this is in accordance with the sequential assessment that was carried out as part of the Local Plan process.

9.127. This above definition of Flood Zones (considering the EA Flood Maps for Planning (Rivers and Sea)) is confirmed in the FRA and is consistent with the SFRA. In accordance with the paragraph 172 of the NPPF, applicants need not apply the sequential test again.

9.128. As there is no development proposed within areas of the site which would be within Flood Zone 2 or 3 it is considered that there are significant errors in the response of the Environment Agency. Officers have liaised with and highlighted these to the Agency and have met with the Agency to discuss these comments.

9.129. In respect of foul drainage, whilst Officers are aware that there have been national issues and pressure on water companies in general and the disposal of sewage into rivers and coastal areas however there is no evidence from Thames Water that infrastructure is not available or cannot be provided within the development timescales.

9.130. As such, the applicant has provided evidence of discussions with Thames Water and as an allocated site, this would need to be factored into future infrastructure plans. The Environment Agency has provided no evidence to counter the opinion and response of Thames Water who indicate that there is sufficient capacity and capability to provide such capacity particularly given the delivery timescales of the proposed development (i.e. there are design coding and reserved matters prior to the commencement of the development) and delivery.

9.131. The flood risk assessment and drainage strategy has identified a number of localised areas throughout the site that are at medium to high risk of potential surface water flooding. Yarnton Parish Council and its related group the Yarnton Flood Defence Group have recorded frequent flood events in the village, which have been attributed by the Parish Council to surface water runoff from Spring Hill, groundwater,

development and road infrastructure, and limited capacity in existing watercourses. Since the scheme would discharge to on-site watercourses and the flow would then pass through and around Yarnton by means of existing watercourses, the Parish Council is concerned about the implications of the scheme for flooding.

- 9.132. The surface water drainage system within the development area of the site would be managed to a standard that would limit discharge. This would be achieved by cutoff ditches and water storage and flow attenuation measures. These measures are set out in the submission documents. Discharge from the system would not exceed this flow rate even in significantly wetter events, up to a maximum of a 1:100 plus climate change event.
- 9.133. The result would be that, leaving aside relatively commonplace runoff events, the surface water drainage proposals would provide protection for the proposed development against all but the most extreme events and, in doing so, would provide more effective attenuation of the flows from the site into the village. The scheme would not make matters worse elsewhere, thus complying with national policy as set out in NPPF paragraph 173, and it would represent an improvement over the existing situation.
- 9.134. As stated in the PR9 appeal, it would be inappropriate to expect this development on its own, or in conjunction with other developments, to provide a comprehensive solution to surface water management in Yarnton itself. The scheme itself would improve matters, so such an approach would go beyond what is necessary for the development to go ahead. A Grampian condition under which development could not occur until a flood risk strategy for the village had been carried out, would not be fairly and reasonably related to the development. Flood surveying and remediation proposals are matters for the County Council as Lead Local Flood Authority, and such a condition would delay to an unknown date the much-needed provision of new homes on this allocated site pending a strategy to which there is no official commitment.
- 9.135. The flood risk assessment was based on modelling as well as on-site investigation; Yarnton Parish Council and some commentators and respoodees argue that the modelling may not have taken sufficient account of actual on-site conditions such as the potential for groundwater to interfere with surface water storage facilities.
- 9.136. To ensure that surface water management in practice meets the design requirements described above, a condition is attached to this permission requiring the implementation (and subsequent management) of detailed phase by phase surface water management schemes. A separate condition requires the recording of the implementation of the drainage and SUDS works for each phase.
- 9.137. Discussions between the applicant and Thames Water have occurred. This would avoid discharging into the existing foul sewer network in Yarnton and Begbroke. A condition is attached which links the occupation of the development to the completion of the relevant infrastructure.
- 9.138. There is disagreement between Thames Water and the Environment Agency. Thames Water indicate that there are planned upgrades coming forward for Oxford Sewerage Treatment works and that these would be in place prior to the first occupation of the development. The Environment Agency do not agree with this assessment of timings. Thames Water report that they are continuing discussions with the Environment Agency to result in conditions being capable to deliver the mitigation. Initial drafts of these conditions have been included by officers, taking account of West Oxfordshire good practice, however these conditions may require refinement.

9.139. In conclusion, subject to appropriate conditions, the scheme would be acceptable as regards flood risk to prospective occupiers, and it would ameliorate rather than worsen conditions elsewhere. It would also be acceptable in terms of foul water drainage. It would accord with NPPF policy on planning and flood risk and would comply with requirements of Local Plan Policy PR8.

Access and Highways (Other than Sandy Lane)

9.140. The proposals, as shown on the proposed access and movement parameter plan would be accessed from the A44 via the existing junction onto Begbroke Hill. In the short term there would be the potential to utilise Sandy Lane for emergency access and other access whilst connections are made to Hallam Land proposals which would provide a secondary vehicle access to the A44. In the long term, as discussed above, it would be expected that Sandy Lane would provide limited vehicle access into the development. This would be in accordance with the aims of Policy PR8 and the evidence of the Local Plan.

9.141. Access roads and routes within and through the site are reserved for subsequent determination through Reserved Matters. The layout and design of these routes is indicated on PP4 - Access and Movement and relevant considerations have been set out within the Development Principles and Strategic Design Guide. Future Reserved Matters applications would need to demonstrate compliance with the Controlling Documents.

9.142. Use will be made of the existing bridge over the Oxford canal that connects Yarnton Road to Kidlington Road (known as Yarnton bridge, though formally known as Oxford Canal Bridge 228). The bridge is Grade II Listed and would be used to provide restricted access to the land within the Site east of the railway.

9.143. The Development Specification document sets out the principles of a number of aspects of the proposals expanding the aims of car parking and the Car as a Guest concept.

9.144. Car parking spaces used in association with the expanded Begbroke Science Park and Local Centre should be predominately in multi-storey car parks and Multi-storey car parks will be located sensitively and to encourage movement through the Site by foot and cycle. In the early stages of the development temporary ground-floor or on-plot parking areas may be delivered.

9.145. On-plot car parking for individual Begbroke Science Park buildings shall be used primarily for blue-badge parking or for other specific reasons that could include car club/car sharing spaces or short-stay car parking related to the non-residential uses where justified.

9.146. Residential car parking should predominantly be provided as on-street parking, though on-plot car parking will also be acceptable for larger homes. Where possible, residential on-street parking should be clustered to allow for living streets.

9.147. Cycle parking shall be distributed across the Site to encourage the uptake of cycling. Further the Green Routes would add support to infrastructure as wide green corridors that bisect residential and commercial development to link them to larger open spaces. They will be used for delivering high quality non-vehicular routes.

9.148. In addition, there would be connections through the site in connecting the site to Kidlington. Off-site highway works to connect the site to Yarnton and Begbroke (for example crossing to the A44) would be for the County Council to deliver.

9.149. Overall, the proposals present a basis for determination that would integrate and connect to the wider area and create significant opportunities for connections and enhancement to public rights of way and alternative modes of transport within the development proposals. As such the proposals are in accordance with Policy PR8 and provides a suitable basis for detailed submissions.

S106 Contributions

Viability

9.150. The applicant has submitted a viability assessment which has been evaluated by the Council's independent assessor. The applicant has stressed that they wish to achieve a delivery of 50% affordable housing but in order to do this, a provision of discounted and intermediate housing would need to be the basis of the offer.

9.151. There have been further discussions following the decision of Network Rail to withdraw funding from the railway mitigation to Sandy Lane and Yarnton Lane as this is likely to add significantly more than expected infrastructure costs to the scheme.

9.152. Financial information has been shared to further support officers' decision making on why, in committing to site specific policy requirement for 50% affordable housing (Policy PR8), the Applicant applies the flexibility on tenure provided for in Policy PR2 (which is a policy that applies across all PR sites and is not specific to the PR8 allocation). This evidences that 50% affordable housing on the basis of an 80:20 social rent: intermediate tenure split derives a very significant deficit and would materially affect the amount of affordable housing able to be committed to by the Applicant risking the amount of affordable housing being very low, possibly nil.

9.153. The Council appointed an independent consultant to review this information and their interim conclusions acknowledge the proposal may need to be reduced to nil and then a review mechanism be relied on to secure affordable housing should viability improve in the future.

9.154. Given the scale of deficit that the Council's consultant is evidencing it is reasonable to conclude that even where not all of the assumptions are completely aligned their conclusions remain that the outcome would be nil or very low affordable housing. The Council's consultant indicates that this could then require the Council being reliant on potential review mechanisms to determine if affordable housing could be provided in the future – there would be no assurance of securing 50% affordable housing or even close to that level.

9.155. This would clearly be a very unsatisfactory outcome compared to what is being proposed. The Applicant has confirmed its commitment is to 50% affordable housing and that this lies at the heart of the development proposals. The tenures would be compatible with the NPPF definitions, to comprise 20:80 social rent: intermediate tenures. This provides certainty to the Council which is considered preferable to an approach reliant on review mechanisms. The certainty on the quantum of affordable housing is a very significant benefit of the application.

9.156. Against this background, and the conclusions of the PR9 appeal, the Applicant has prepared key heads of terms for the affordable housing proposal to ensure that there is transparency in the offer in advance of planning committee. In summary the offer confirms:

1. The amount of affordable housing is 50%
2. The tenure of affordable housing is 20:80 social rent: intermediate
3. The housing mix across the scheme

4. How the details of the affordable housing will be updated and agreed as the scheme progresses
5. The key definitions of affordable housing as an umbrella term and specifically social rent and intermediate
6. Shared ownership units will be sold through Home buy Agent
7. Intermediate Discount Market rent units will be let through an agreed protocol which will ensure they are let to eligible persons and prioritisation

9.157. As such, having considered Officers consider that the best resolution for the delivery of affordable housing would be to accept the offer on the table from the applicant, with viability review mechanisms at certain stages of the development to ensure that the proposal meets maximum housing needs to meet the policy aims, for example to try and secure a greater amount of social rent in the tenure mix

On site delivery

9.158. In terms of on-site delivery. In addition to junction and road enhancements to Begbroke Hill as the principal access the proposals would deliver on site sport and recreation including play, the Central Park, allotments, and the social farm.

9.159. The Local centre would also include a community centre with a specification to be agreed and public art would be delivered across the site. There are also a wide range of public rights of way and other enhancements.

9.160. Contributions are also sought towards school delivery which would also be on site and the indoor sport contribution would be to support sports hall delivery and community sport which would be supported by a community access agreement.

9.161. The applicant would also deliver a pedestrian/cycle bridge to cross the railway in agreement with the County Council and Network Rail. Space would also be reserved for a station/halt with a contribution towards future feasibility. A canal bridge would also be reserved with contributions sought.

Off-site contributions

9.162. Formal sport contributions would be provided to support enhancements in accordance with policy and potential enhancements to off-site works.

9.163. County Council contributions towards the mobility hub, public transport and other highway works are also sought. Further contributions towards household waste, library services are also sought.

9.164. In light of the withdrawal of funding from Network Rail it is noted that the cost of supplying the bridge and mitigation (i.e. alterations to the crossing, signalling) to Sandy Lane would be in the region of £4-6m

9.165. Off-site highway works and contributions towards s278 works are also sought alongside the canal towpath improvements.

9.166. There are also contributions sought towards health centre provision in Kidlington has been set out and requested by the NHS and contributions towards Police have also been sought.

9.167. All contributions have been considered against the requirements of the CIL Regulations and the tests at Regulation 122. Regard has also been paid to the conclusions of the Inspector in determining the PR9 appeal who did not support various contributions sought and therefore those are also not pursued in this case.

This is especially important in the context of the viability discussions and the compromises around the mix of affordable housing.

Environmental Impact Assessment

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

Duty under The Equalities Act 2010

- 9.172. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.173. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

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

approved and those which do not should normally be refused unless outweighed by other material considerations.

10.2. Positive - Economic

10.3. The proposals would create the opportunity for the delivery of housing and affordable housing provision to meet Oxford's Unmet Housing Need on an allocated site. This attracts very significant positive weight given the scale and opportunity presented.

10.4. Enhancement and provision of a new Local Centre and expansion of the Science Park and the development of skilled and knowledge-based jobs are also a positive contribution to the local, regional and national economic circumstances. It is also noted that the enhancement of science-based investment is supported by East-West Rail objectives. The support to the Development Plan and national objectives also supports long-term investment choices. This should be given very substantial and significant weight.

10.5. The creation of significant construction and future jobs in terms of the science and ancillary jobs (within the Local Centre and Hotel, for example) carry significant positive weight.

10.6. The benefits of new recreational routes, play provision, sports pitches including improvements to, and new allotments should also be afforded significant positive weight. Other s106 contributions should also be afforded very significant positive weight.

Positive benefits – Social

10.7. The proposals would provide the opportunity for the provision of affordable housing to meet the need of Oxford's Unmet Housing Need on an allocated site. Other aspects include enhancements to create new facilities and a new Local Centre enhancing the facilities to meet day to day needs. The increase in recreational routes and play would also create a significant benefit not only to future residents of the development but also to the wider community.

10.8. The provision of new schools and enhancements to public transport which would be supported by the development are also significant positive factors and the creation of jobs also carry positive weight.

10.9. Elements such as enhancement to the Science Park would also present a positive uplift to the area and moving this ethos to more outward looking in art and education would also be significant positive elements.

Positive benefits - Environmental

10.10. Environmentally the proposals would offer a modern development that would accord with building regulations and include potential renewable energy. The proposals would also secure biodiversity net gain and new habitats, particularly to the east of the railway. This should carry significant positive weight

10.11. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable.

10.12. The reuse of the Central Park as an amenity space is a benefit above that anticipated in the Local Plan which should be given very significant weight.

10.13. Negative Impacts – Economic

10.14. There are no identified material negative economic impacts that are identified, any minor impacts (e.g. on the existing occupants of the Science Park) could be mitigated accordingly.

10.15. Negative Impacts – Social

10.16. The proposals could have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a limited negative consideration on the social well-being of residents as it is a matter which could be managed through appropriate mitigation and management of the construction process. The impact of the proposals on the use of the cemetery have also been considered.

10.17. The tenure mix of affordable housing is not as requested by the Strategic Housing Team who have liaised with Oxford City Council on this matter and who maintain an objection to this scheme. This means that the mix may not be optimum in meeting the needs of those on the City Council's waiting list. However, as set out above, Officers have concluded that the mix proposed by the applicant which includes 180 social housing units and the rest of the affordable mix being other types of intermediate housing consisting of 50% overall is the best offer in the context of the viability which indicates that nil affordable housing of the optimum mix would be likely. The weight to be attributed to this negative social impact is therefore limited.

10.18. There would be perceived impacts and changes over the course of the development from the loss of Sandy Lane whilst new habits and practices are formed. The timing and delivery of new facilities and change in nature from the current green space would also be a negative impact. Overall, the impacts on the existing residents of the surrounding should be given moderate weight.

10.19. Negative Impacts – Environmental

10.20. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.

10.21. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be limited as the proposals form part of the planned growth in the District.

Overall Conclusion

10.22. It is clear that the positive elements of the proposals present a clear and significant benefit to the District both in terms of housing and the delivery of knowledge-based jobs. There are significant benefits arising from the delivery of affordable housing, new usable green spaces and facilities to support day to day living and reduce the need to travel further. There would be connections and improvements to the surrounding area. There would be some conflict with Policy in some areas and the Development Brief, but this has been assessed throughout this appraisal and found to be acceptable. The objections, comments and concerns raised have all be carefully considered but in considering the development as a whole it is clear that the delivery of this allocation should be supported in the view of officers subject to the resolution of matters with the Environment Agency and Network Rail. The proposal is considered to be in compliance with the Development Plan, in particular Policy PR8 of the Partial Review, and in considering the Development Plan as a whole and the aims and objectives of the National Planning Policy Framework the proposals are recommended for approval.

11. RECOMMENDATION

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

- i) RESOLVE THE OBJECTION OF NETWORK RAIL TO THE SATISFACTION OF THE ASSISTANT DIRECTOR**
- ii) RESOLVE THE OBJECTION OF THE ENVIRONMENT AGENCY TO THE SATISFACTION OF THE ASSISTANT DIRECTOR**
- iii) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- iv) IN ACCORDANCE WITH APPENDIX 1 (HEADS OF TERMS), 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 50% affordable housing on site based on the conclusions of the viability exercise and the offer of the applicant to 80% Intermediate: 20% Social Rent. With viability review mechanism to amend tenure mix at appropriate stages through the development

b) Payment of financial contributions towards on/off site community, sports and recreation including the delivery of on-site sport at the future Secondary School for the wider benefit of the community.

c) Payment of contributions towards transport and public transport enhancements and feasibility work towards a new station and sustainable transport (e.g. travel plan monitoring)

d) Payment of contributions and land towards Secondary School, SEND and Primary Schools.

e) Payments of contributions to Police and Health infrastructure.

f) Payments of contributions to Canal Towpath enhancement and a connecting bridge to Allocation PR7b

g) Payment of contributions towards archaeology storage, library enhancement and waste services

h) Appropriate monitoring fees for the delivery of the s106

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 12 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR4a, PR4b, PR5, PR8 and PR12 of the Cherwell Local Plan Partial Review, Policies BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework**

CONDITIONS

Time Limits

1. The first Reserved Matters Application shall be made to the local planning authority no later than 3 (three) years from the date of this permission.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be Commenced either before the expiration of 3 (three) years from the date of this permission, or before the expiration of 2 (two) years from the date of the last Reserved Matters Application to be approved, whichever is the later.

Reason: To prevent the accumulation of unimplemented planning permissions, in accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

3. Application(s) for approval of all the Reserved Matters shall be made to the local planning authority before the expiration of 8 (eight) years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions and in accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

4. Details of the layout, scale, appearance, landscaping and access (other than shown on the approved plans) (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: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) and the Development Management Procedure Order.

Compliance with Plans

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

Site Location Plan - BEG-HBA-SW-ZZ-DR-A-080100 (Rev P1)

Development Zones - Parameter Plan 1 (BEG-HBA-SW-ZZ-DR-A-080101 Rev P2)

Maximum Building Heights - Parameter Plan 2 (BEG HBA SW 22 DR A 080 102 Rev P1)

Green Infrastructure - Parameter Plan 3 (BEG HBA SW 22 DR A 080 103 Rev P2)

Access and Movement - Parameter Plan 4 (BEG HBA SW 22 DR A 080 104 Rev P2)

Existing Site Levels - Supporting Plan 1 (BEG HBA SW 22 DR A 080 105 Rev P1)

The following plans are illustrative only but have formed part of the application submission:

Illustrative Site Levels (BEG HBA SW 22 DR A 080 106 Rev P1)

Illustrative Demolition Plan (BEG HBA SW 22 DR A 080 107 Rev P1)

Illustrative Masterplan (BEG HBA SW 22 DR A 080 108 Rev P1)

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.

Compliance with the Environmental Statement

6. The development shall be carried out in accordance with the mitigation measures summarised in Paragraph 18.1.2 of the Environmental Statement, and Tables 18.1 Summary of Construction Effects and Table 18.2 Summary of Completed Development Effects, and Tables 18.3 Summary of Cumulative Effects – Completed Development and the monitoring and review provisions outlined in Paragraphs 18.2.1 and 18.2.2 in the Environmental Statement.

Reason: To ensure that the development takes place in accordance with the schedule of mitigation contained within the Environmental Statement.

Approved Uses

7. The following table represents the approved uses as part of the development.

Use (Town and Country Planning (Use Classes) Order 1987, as amended)	Amount
<p>Residential</p> <p>within Use Class C3/C4 and large houses of multiple occupation (Sui Generis)</p>	<p>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).</p> <p>Minimum of 1600 under Use Class C3</p> <p>*for the avoidance of doubt, these figures are the gross external areas of the buildings that are usually occupied by people and, therefore, exclude plant rooms, spaces for parking, servicing, circulation and ancillary storage and on-site energy generation that are delivered in support of the principal residential use.</p>
<p>Science Park Extension/Employment</p> <p>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</p>	<p>155,000sqm (or equivalent of 14.7ha employment)</p>

with the expansion of Begbroke Science Park	
Local Centre and other supporting uses - set out as below:	
Retail (Use Classes E(a), (b), and (c))	Up to 3,500 sqm GEA
Hotel (Use Class C1)	Up to 10,000 sqm GEA
Non-residential and leisure institutions, including medical or health services, indoor sport or fitness facilities, and creches and/or nurseries. (Use Class E(d), (e), and (f))	Up to 5,600 sqm GEA
Halls and meeting places (use Class F2(b))	Up to 1,200 sqm GEA
Sui generis uses including (but not limited to) public houses, wine bars or drinking establishments	Up to 700 sqm GEA
Secondary school	8.02ha or 11,400sqm GEA
Up to 2 Primary schools	5.4ha or 8,400sqm GEA
Open Space and Play	Open space and play space shall be provided in accordance with the standards set out in the Policy BSC11: Local Standards of Provision – Outdoor Recreation in the Cherwell Local Plan 2011-2031 Part 1.

Reason: To ensure that the development takes place in accordance with the schedule of mitigation contained within the Environmental Statement and to define the maximum amount of development approved by the permission.

Approved Documents

8. The development hereby approved shall be carried out in accordance with the approved documents as set out below, except to the extent that those details are superseded or expanded by an approved Design Code or by any Reserved Matters approval or other approval pursuant to any condition of this planning permission
- Development Specification;
 - Strategic Design Guide;
 - Framework Site Wide Travel Plan;
 - Framework Construction Traffic Management Plan
 - Framework Delivery and Servicing Management Plan;
 - Framework Energy and Sustainability Strategy;
 - Framework Lighting Strategy;
 - Outline Landscape and Ecological Management Plan;
 - Outline Construction Environmental Management Plan;

- Operational Waste Management Plan;
- Site Waste Management Plan; and
- Outline Drainage Strategy.

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990, and to ensure that the details and approach are consistent with good planning, in accordance with Policy PR8 of the Cherwell Local Plan (Partial Review)

Phasing

9. No development shall commence until a Site Wide Phasing Plan which accords with the s106 triggers and Transport Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. It shall define a key phase and include the expected sequence of delivery of development within a Development Area, or sub area, or the provision of any other element or to any other applicable trigger point. The development shall be carried out in accordance with the approved Phasing Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the Local Planning Authority. The Phasing Plan shall, by written agreement with the Local Planning Authority, be updated from time-to-time to reflect increased certainty of delivery of infrastructure. The Site Wide Phasing Plan shall include but not be limited to the sequence of providing the following elements:
 - a. A plan showing defined key phases
 - b. Residential development parcels, including approximate housing numbers;
 - c. Local centre, mixed use and employment use areas, including commercial floorspace and broad delivery timescales;
 - d. Local bus services;
 - e. Major distributor roads/routes within the site, including timing of provision and opening of access points into the site and connections to neighbouring developments;
 - f. Strategic footpaths and cycleways;
 - g. Community facilities;
 - h. Strategic foul and surface water features and SUDS;
 - i. Formal and informal public open space, park/square, allotments, community orchard and parks, NEAPs, LEAPs and SIPs;
 - j. Strategic electricity, telecommunications and gas networks;
 - k. Infrastructure for the provision of fibre optic cables;
 - l. Biodiversity net gain;
 - m. Environmental mitigation measures;
 - n. A mechanism for its review and where necessary amendment.

Reason: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation are provided in time to cater for the needs and impacts arising out of the development, in accordance with Policy PR8 of the Cherwell Local Plan (Partial Review) and the aims and objectives of ensuring clear development monitoring and delivery in the NPPF.

Development Brief/Coding

10. Prior to the submission of the first of the reserved matters applications for each Phase of the development except for enabling works or strategic engineering works, a Design Code for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared for each Key Phase in accordance with the principles and parameters established in the Approved Documents submitted with the Outline Planning Application. It shall include both strategic and more detailed elements.

The Design Code shall explain its purpose, structure, and status; indicate who should use the document and how to use it; set out the mandatory and discretionary elements and be clear how these apply.

Where relevant the Design Code shall address the interface with adjoining areas, whether they have already been subjected to design coding or not, and indicate appropriate cross boundary design responses, both within the Application Site and across the Allocated Site, in accordance with the principles of the outline planning permission or Policy PR8 of the Cherwell Local Plan, unless otherwise demonstrated. The detail of the requirements of the Design Code are at Appendix B.

Reason: To ensure high quality design and coordinated development and to facilitate comprehensive development through cumulative phases of development in accordance with Policies PR4a, PR5, PR8 of the Cherwell Local Plan Partial Review, Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD16, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996

Site Wide Construction and Environmental Management Plan (CEMP)

11. Prior to the commencement of development, a detailed site wide Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall be based on the principles outlined in the submitted Strategic Construction Environmental Management Plan shall include the following:
 - i) Implementation of earthworks and details of any piling, noise, vibration and associated mitigation;
 - ii) Implementation air quality and dust suppression management measures through a Dust Management Plan;
 - iii) The protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features;
 - iv) Measures to minimising energy requirements and emissions from equipment and plant (including minimising the use of diesel- or petrol-powered generators

and instead using mains electricity or battery powered equipment; powering down of equipment / plant during periods of non-utilisation; optimising vehicle utilisation; use of energy efficient lighting)

v) Construction management measures to ensure the preservation of on-site heritage assets and to ensure the preservation of on-site designated heritage assets within the site

vi) An Emergency Response / Spill Response Plan to be produced by the Principal Contractor(s) for the protection from contamination

vii) Measures to minimise greenhouse gas emissions associated with the production of waste including the reuse and recovery of materials where possible, avoid excavation waste, management of water and water resources, the reuse and/or recycling of construction waste on-site in subsequent stages of the development

viii) Measures to reduce the impact on neighbouring and nearby residents and associated temporary fencing, lighting and construction compounds and activity through the operational phase of development

ix) Details of site management including a method for creation of logging of visitors and contractors on site, the monitoring incidents and complaints), including monitoring and reporting (including site inspections, soiling checks, compliance with Dust Management plan, etc) and, where appropriate, CCTV and tracking of contractor vehicles to ensure appropriate routing of vehicles

The development shall be carried out in accordance with the approved CEMP.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, heritage assets, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011-2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Construction Traffic Management Plan (CTMP)

12. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CTMP shall detail traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed.

The development shall be carried out in accordance with the approved CTMP.

Reason: To manage construction process and to ensure that the impacts to local transport infrastructure and the strategic highway network is managed in accordance with the mitigation outlined in the Environmental Statement and in accordance with Policies ESD1, SLE4 of the Cherwell Local Plan Part 1 2011-2031, Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the NPPF.

Site Wide Landscape and Ecology Management Plan (LEMP)

13. Prior to first occupation of the development hereby approved, a Landscape and

Ecology Management Plan (LEMP) covering a period of no less than 30 years shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Local Centre Delivery Strategy (LCDS)

14. Prior to or concurrent with the approval of any Reserved Matter Applications for new built development including local centre uses (as defined in National Planning Policy) or residential uses to be located within the local centre and other local centres (as identified on the Parameter Plans, Phasing Plan or Design Code), a Local Centre Delivery Strategy (LCDS) will be submitted to and approved in writing by the Local Planning Authority

The LCDS shall combine to provide a strategy that will encourage delivery of a sustainable and dynamic local centre to aid its short and long -term planning and ensure an appropriate mix of residential, employment, retail, civic and community land uses. Such a strategy shall have regard to the spatial principles of the Design and Access Statement and Design Principles. The settlement centre boundaries should be defined broadly in the LCDS, reflecting any Design Codes already approved and then refined as necessary through subsequent Phase Design Codes. Development in the defined local centre and other economic areas shall be carried out in accordance with the LCDS.

Reason: To ensure the appropriate development of the local centres and other employment areas, in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Science Park Extension Delivery Strategy (SPEDS)

15. Prior to or concurrent with the approval of any Reserved Matter Applications for new built development defined for the purposes of extending the Science Park or employment development located within the area shown in the Parameter Plans, Phasing Plan or Design Code, a Science Park Delivery Strategy (SPEDS) will be submitted to and approved by the Local Planning Authority

The SPEDS shall combine to provide a strategy that will encourage delivery of a sustainable and dynamic employment to aid its short and long-term planning and ensure an appropriate mix of employment-led development and supporting land uses. Such a strategy shall have regard to the spatial principles of the Strategic Design Statement and Development Specification and integrate with surrounding uses and a cohesive public realm. The Science Park boundaries should be defined broadly in the SPEDS, reflecting any Design Codes already

approved and then refined as necessary through subsequent Phase Design Codes.

Development in the defined Science Park Extension shall be carried out in accordance with the SPEDS.

Reason: To ensure the appropriate development of the extension of the Science Park for the equivalent of 14.7ha of employment areas, in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031

Housing Mix

16. Prior to the submission of the first application for approval of Reserved Matters relating to the first Development Parcel including residential development within each Phase a housing mix strategy shall be submitted to and agreed in writing by the Local Planning Authority. The submitted strategy shall set out in relation to that Phase details of affordable housing and how this contributes to provision across the whole site and to ensure that there is no significant difference between market and affordable housing provision which would compromise the integration of affordable housing within the development.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Self-Build Strategy

17. Prior to the submission of the first application for approval of Reserved Matters in each Phase a Strategy to enhance or support the opportunity for the delivery of self/custom build homes shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure the appropriate development of the housing in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Parking Strategy

18. i) Prior to, or concurrently with, the submission of the first Development Area Brief, a Site Wide Car and Cycle Parking Strategy shall be submitted to the local planning authority for approval. No occupation shall commence until such time as the Strategy has been approved in writing by the local planning authority. The Strategy shall:

a) set car, coach, bus, cycle and motorcycle parking levels for different uses in relation to targets associated with the Site Wide Travel Plan agreed pursuant to the Section 106 Agreement and provide a mechanism for review;

b) provide a distribution strategy and hierarchy for all types of parking;

- c) provide principles for temporary car parking and its phasing;
- d) set levels for and principles relating to the location and type of electric vehicle charging points.
- e) provide a phasing plan for the reconfiguration of the existing Science Park car parking

ii) Any Reserved Matters Application which includes parking shall be accompanied by a Parking Plan submitted to the local planning authority for its approval which details how the proposed development complies with the Site Wide Car and Cycle Parking Strategy. The Parking Plan shall be implemented before the buildings permitted by approval of the Reserved Matters Application are first occupied and shall thereafter be maintained thereafter.

Reason: In order to provide consistent and sustainable parking management across the Site to help minimise impact on the network and promote sustainable modes of travel, reduced reliance on the private car and opportunities to maximise the use of public transport, walking and cycling in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Hotel stay

19. The maximum cumulative stay in any aparthotel (falling within use class C1) by any individual occupier shall be no more than 90 (ninety) days in any 12 (twelve)-month period. The aparthotel shall keep records of the length of stay of all individual occupiers and shall retain them for 24 (twenty-four) months. The said records shall be made available to the local planning authority on request, within 7 (seven) days.

Reason: To ensure that any aparthotel rooms are not used as permanent residential accommodation or student accommodation, which would give rise to different impacts in accordance with Policies PR2 and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Contamination Verification Strategy

20. A verification report that demonstrates the effectiveness of the remediation laid out in the Hydrock Remediation Strategy and Verification Plan (ref: 19114-HYD-XX-XX-RP-GE-01004-S2-P04 dated 27/06/2023) shall be submitted to and approved in writing by the Local Planning Authority. Any change to the proposed remediation strategy must be submitted to and approved by the Local Planning Authority prior to works commencing.

Reason: To ensure that any aparthotel rooms are not used as permanent residential accommodation or student accommodation, which would give rise to different impacts in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Unexpected Contamination

21. If during the course of development, contamination not previously identified is found to be present at the Site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development within the area subject to the contamination (unless otherwise agreed in writing with the local planning authority) shall be carried out until the applicant has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Other commercial uses delivery and Reserved Matters detail (Class E)

22. Prior to first occupation a strategy for meanwhile and temporary commercial uses during the course of the development shall be submitted to and agreed in writing by the Local Planning Authority

No development of commercial permanent floorspace over 200sqm shall be permitted outside of the defined Local Centre or Science Park Extension area unless otherwise set out in the Local Centre Delivery Strategy.

Reason: To ensure that any ancillary or further commercial development does not compromise the delivery of the Local Centre, Science Park or the vitality or viability of Kidlington. Temporary or meanwhile uses can deliver the benefits early in the development process whilst permanent solutions are delivered but should not be at the expense of permanent solutions. High levels of floorspace outside the defined areas would give rise to different impacts which could potentially conflict with Policies PR4a and PR8 of the Cherwell Local Plan 2011 – 2031 Partial Review and the aims and objectives of the NPPF.

Delivery Servicing and Management Plan

23. No development shall take place until a detailed Delivery Servicing and Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate any adverse impact from the development on the A34 and to ensure that the A34 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with Policies PR8 and PR11 of the Cherwell Local Plan Partial Review and Policy SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Archaeology condition(s)

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2023).

25. Following the approval of the Written Scheme of Investigation referred to in condition 24 (above), and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

Ecology/BNG condition(s)

26. Prior to the commencement of works, a detailed Biodiversity Improvement Management Plan (including updated survey work as appropriate) detailing how the 29.9ha of land will be converted and managed as a Local Nature Reserve and the requirements set out in Policy PR8 shall be submitted to and approved in writing by the Local Planning Authority. The management plan should set out:
- how the development would provide appropriate buffers to the Rushy Meadows SSSI;
 - the retention and enhancement of the Rowel Brook and surrounding landscaping;
 - retention and enhancement of existing ponds and ditches on the Site.
 - detail associated with the creation of new greenspaces adjacent to the Rowel Brook and the Oxford Canal, including marshland and wet meadows,
 - creation of at least 6 new of ponds on the Site,
 - the creation of Sustainable Drainage System wetland; and
 - enhance the extent and connectivity of habitat suitable for protected species including otters and water voles.

Reason: To ensure that the development follows the Ecology mitigation identified in the Environmental Statement, submits appropriate information in relation to Biodiversity Management outlined in Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD10, ESD13 and ESD16 of the Cherwell Local

Plan 2011-2031 and meets the requirements of the NPPF in mitigating and achieving biodiversity net gain

27. a) Prior to the first Reserved Matters a detailed strategy for the achievement of Biodiversity Net Gain across the whole site shall be submitted to and agreed in writing by the Local Planning Authority.

b) As part of each subsequent Reserved Matters details of Biodiversity Net Gain to be achieved over the Reserved Matters submission and how this contributes to the overall development aims shall be submitted to and approved in writing by the Local Planning Authority.

c) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets the requirements of the NPPF in mitigating and achieving biodiversity net gain and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD10, ESD13 and ESD16 of the Cherwell Local Plan 2011-2031

Sustainable Construction Strategy

28. a) Prior to or concurrently with the submission of the first Development Parcel Reserved Matters application, a strategy shall be submitted detailing how the development will progress the aims of net zero carbon to include targets for each element that:

- As a minimum, complies with national and local requirements for low and zero carbon.
- Create a Development that is resilient to energy price fluctuation and the impacts of climate change.
- Supports the transition towards Net Zero Carbon.
- Reduce potable water demand through the efficient use of water to a maximum of 105 litres per person per day
- Include details for the management of wastewater (e.g. through rainwater harvesting)
- Manage water run-off through the incorporation of SuDS
- Minimise the generation of and increase the reuse of waste associated with demolition, excavation and construction
- Provide systems for efficient waste management during operation
- Provide for the sustainable use of materials and resources, considering embodied impacts, sourcing, conservation and reuse
- Promote and enable efficient low-carbon means of transport and prioritise active transportation by providing a minimum appropriate cycle storage within dwellings and providing staff cycle storage and changing facilities within workplaces

- Ensure the reduction in energy use for heating and cooling
- Provide for electric charging points on all private properties, communal parking spaces, and on all disabled parking spaces with the provision of passive capability to install future electric vehicle charging points
- Sustainable buildings that deliver high levels of enhanced economic, social and environmental outcomes including lower operational costs.

b) As part of the Reserved Matters submissions for each Development Parcel a compliance statement for that Development Parcel shall be submitted demonstrating how the proposal meets or exceeds the requirements of Site wide sustainability standards and a strategy for implementation in relation to that Development Parcel.

c) The development of each Development Parcel shall be implemented in accordance with the relevant agreed details and timescales for that Development Parcel.

Reason: To ensure that the proposals meet the challenge of the legislation set out in the Climate Act 2008 as set out by the aims and objectives set out in the NPPF, Policies PR5, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Landscape Reserved Matters

29. Any Reserved Matters Application for landscaping details pursuant to this approval shall, where relevant, include detailed landscape designs and specifications for the associated Reserved Matters Area. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details sought as part of the Approved Design Code for a Phase and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including details of cultivation to soils before seeding and turfing, proposals for maintenance and management associated with plant and grass establishment for a 5- year establishment and maintenance period, details of the mix, size, distribution, density of all trees/hedges/shrubs to be planted and the proposed planting season. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:500 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary, and green) through the development.
- d) A specification for the establishment of trees, including within hard landscaped areas including details of space standards (target rooting volumes

for trees and distances from buildings and/or development parcels.) and tree pit details.

e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.

f) Full details of any existing, altered, or proposed watercourses/drainage channels.

g) Full details of the location of any services and utilities relative to existing and proposed soft landscaping.

h) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882: 2015, proposed levels and contours to be formed and sections through construction to show make-up.

Hard Landscaping

i) Full details, including cross-sections, of all bridges and culverts.

j) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs, and lighting columns/brackets.

k) 1:500 plans (or at a scale otherwise agreed) including cross sections, of roads, paths, and cycleways.

l) Details of all hard-surfacing materials (size, type, and colour)

Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

The landscaping within the Reserved Matters Area shall be implemented in accordance with the approved plans for implementation and for their replacement.

Reason: To ensure an appropriate level of information is contained within the application documentation in accordance with Policies

Surface Water Strategy

30. 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, including principles of future management, shall be 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:

a) a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";

b) full drainage calculations for all events up to and including the 1 in 100 years plus 40% climate change;

c) a Flood Exceedance Conveyance Plan;

- d) comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
- e) detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- f) detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; details of how water quality will be managed during construction and post development in perpetuity;
- g) confirmation of any outfall details; and
- h) consent for any connections into third party drainage systems.

Reason: To manage on site drainage and sustainable drainage systems across the site in accordance with Policies PR5 and PR8 of the Cherwell Local Plan Partial Review, Policies ESD6, ESD7, ESD8, ESD10, ESD13, ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Foul Water Strategy

31. The development shall be undertaken in accordance with a Development and Infrastructure Phasing Plan which shall be submitted for approval by the LPA prior to development commencing. As a minimum the Plan should include the anticipated commencement and occupation of development phases and how the necessary upgrade works and their timescales for delivery have been taken into account. Occupation of the development (or part of the development) shall only take place in accordance with the Development and Infrastructure Phasing Plan."

REASON: Oxford sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewage treatment works to avoid adverse impacts on the environment.

32. The development shall not be occupied until confirmation has been provided to the LPA that all foul water network upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

REASON: The local sewerage network does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment.

33. The development shall not be occupied until confirmation has been provided to the LPA that all foul sewage treatment upgrades required to accommodate the additional flows from the development are operational with that time period anticipated as being within 3 years of the date of this consent".

REASON: The local sewage treatment works does not have capacity to accommodate all flows from the development. While acceptable in principle,

development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment in accordance with Policies PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Framework Travel Plan

34. Prior to first occupation an updated Framework Travel Plan shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

REASON: To promote and implement sustainable transport measures and reduce the reliance on the car in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Residential Travel Plan

35. Within three months of first occupation of each Phase a Travel Plan for the residential dwellings of that Phase shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

REASON: To promote and implement sustainable transport measures and reduce the reliance on the car and promote cycling, walking and the use of public transport in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

School Travel Plan

36. Within 12 months of the first occupation of each school within the development site, a School Travel Plan shall be submitted to and approved by the Local Planning Authority and implemented thereafter. The Travel Plan shall include mechanisms for review and updating dependent on delivery timescales. The development shall be carried out in accordance with the Adopted Travel Plan.

REASON: To promote and implement sustainable transport measures and reduce the reliance on the car and promote cycling, walking and the use of public transport in accordance with Policies PR4a, PR8 and PR11 of the Cherwell Local Plan Partial Review and Policies INF1 and SLE4 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF

Youth and Play Strategy

37. Prior to or concurrently with the submission of the first of the reserved matters submission for Strategic Engineering or Strategic Landscaping element, whichever is earlier, a Strategy for Youth Facilities and Children's Play provision across the Phase, in accordance with the principles set out in the submitted Environmental Statement and the principles of the Design Code (approved under Condition 8), shall be submitted to the Local Planning Authority for approval. The Youth and Play Strategy shall include sufficient details to demonstrate the

implementation of the Sports strategy within the Strategic Design Guide including specifications, location and phasing and include details of management, maintenance and governance. Reserved matters submissions shall take account of and be submitted in accordance with the approved strategy.

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport and recreational opportunities for all ages in accordance with the submitted Environmental Statement, Sports Strategy and Landscape Strategy and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and Policy BSC10, BSC11, ESD10, ESD13, ESD15, and ESD17 of the Cherwell Local Plan 2011-2031, 2031, saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the NPPF.

Formal Sport

38. Should any Formal Sport provision be provided, the playing pitches shall not be laid out unless and until:
- a) a detailed assessment of ground conditions of the land proposed for the new playing pitches has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) based on the results of the assessment to be carried out pursuant to (a) above of this condition, a detailed remediation scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) and which sets out an implementation strategy for the works and approach to public access has been submitted to and approved in writing by the Local Planning Authority c) Detailed submissions with regard to the layout, lighting (including light spillage details), permanent sports equipment and practice areas. The development of the playing pitches shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the proposals deliver appropriate an amount and variety of sport and recreational opportunities for all ages in accordance with the submitted outline details and in accordance with the requirements of Policies PR3, PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan

Formal Play (NEAPS, LEAPS)

39. a) A Reserved Matters submission which includes a Multi-Use Games Area (MUGA), Neighbourhood Equipped Area of Play (NEAP), and Local Equipped Areas of Play (LEAPs) or other formal play provision shall be carried out in accordance with the Site Wide Youth and Play Strategy and shall include details of site levels, play features and facilities for an appropriate age of children and youth provision, seating, pathways, planting and landscaping relating to that play facility and a strategy for its implementation and management shall be submitted for the approval of the Local Planning Authority. The play equipment shall be designed in a manner to reflect the location and to ensure that there is individual identity and design to distinguish the play facility from other play facilities in the application site.

b) The development of the play provision shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Informal Play (LAPs, SiPs)

40. a) A Reserved Matters submission which incorporates additional Local Areas of Play (LAPs), Sites for Imaginative Play (SiPs) or other areas of informal play shall be carried out in accordance with the Site Wide Youth and Play Strategy shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP, SiP or other area of informal play and a strategy for their implementation and management shall be submitted for the approval of the Local Planning Authority.

b) The development of each informal play area shall be carried out in accordance with the relevant agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate an amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Community Orchard/Edible Landscape

41. a) As part of the Reserved Matters submission which incorporates new groups of tree planting, shall consider the provision of community orchards and an edible landscape, and should those be proposed the following details relating to any

such provision shall be submitted to the Local Planning Authority for approval in writing:

- i) details of site levels and soil preparation,
- ii) planting to promote an edible landscape including fruit trees, shrubs and bushes,
- iii) boundary treatment and hedgerow planting,
- iv) any ancillary features such as seating, bins (including dog bins),
- v) arrangements for implementation and management of the area for the future community.

b) The development of such community orchards shall be carried out in accordance with the agreed details and retained thereafter.

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver appropriate opportunities for tree planting, healthy lifestyles and wildlife foraging and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Central Park Delivery Strategy

42. The Reserved Matters submissions for any Development Parcel or Landscaping Element which relates to the Central Park shall, where appropriate, include the following details:

- a) Details of areas of formal and informal play
- b) Ancillary buildings and structures
- c) Tree planting
- d) Details of new planting
- e) Ecological measures
- f) Ground contamination management
- g) Pathways and movement through the park
- h) Fencing and boundary treatment
- i) Street furniture, lighting and CCTV
- j) Opportunities for public art
- k) Proposed finished levels
- l) Landscape management for a period of 15years.

Reason: To ensure that the proposals deliver appropriate opportunities for tree planting, healthy lifestyles and wildlife foraging and in accordance with Policies PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan

2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Allotments Strategy

43. The Reserved Matters submissions for any Development Parcel or Landscaping Element which incorporates allotment provision shall, where appropriate, include the following details:
- a) A plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders; areas for communal storage of, for example, manure and compost;
 - b) Confirmation that the site of the proposed allotments is free from contamination and capable of growing fruit and vegetables for human consumption;
 - c) Proposed management arrangements for the allotments (including topsoil and soil provision/management) including consultation with relevant bodies;
 - d) Access and parking arrangements to allow easy and safe access to the allotments;
 - e) Details of the ancillary features (e.g. bins, seats, water butts, greenhouses and sheds);
 - f) Boundary treatment, including security arrangements for the allotments;
 - g) Water supply, including use of stored rainwater and SuDS for watering crop and drainage arrangements to ensure that the proposed site for the allotments is free draining and does not impact on the wider drainage network (e.g. through silting up of the drainage network).
- ii) The provision of allotments shall be carried out in accordance with the approved details and in accordance with the approved phasing programme.

Reason: To ensure that the detail of allotments are delivered in a manner that delivers an appropriate allotments for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Social Farm/Agricultural Land Delivery Strategy

44. As part of the Reserved Matters for the relevant Phase of Development the submission shall detail how the development will contribute to the delivery of 12hectares of agricultural land.

The details of the Social Farm Delivery shall also be submitted in terms of the management, agricultural tenure and holding and detail of how the scheme will differentiate itself from allotments to provide an Agricultural Holding.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development maintains and delivers the aim of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review) to ensure that 12ha of agricultural land is provided as part of the development.

Footpaths, Cycleways and Green Corridors

45. Prior to or as part of the Reserved Matters submission with regard to the relevant phase the submission shall detail:
1. Footways and cycleways to promote active travel for recreation and commuting across the site and connections to neighbouring developments.
 2. The creation of Green Corridors including landscaping, seating, signage and public art
 3. The creation of recreational links and access across the land to the East of the Railway in a manner that would be compatible with Green Belt and ecological aims including active travel links, canal towpath links and downgrading of Sandy Lane, including a review of surfacing, existing signals, access to existing properties and safeguarding of land to deliver connections across the canal.

Reason: To ensure that the detail of footways, cycleways and other routes are delivered in a manner that delivers an appropriate recreational facility for future users in accordance with the requirements of Policies PR5 and PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies SLE4, ESD13, ESD15, ESD16 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Community Use Agreement

46. Within 12 months of the first use of the secondary school, a community use agreement for the indoor and external facilities shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to playing fields and sports facilities, including any artificial grass pitch, sports hall changing facilities associated with sports facilities and other facilities as appropriate. Details shall include details of pricing policy, hours of use, access by non-school users, management responsibilities, implementation timetable and review mechanism. The community use agreement shall be implemented fully in accordance with the approved details and timetable.

Reason: To secure well managed safe community access to the sports facility/facilities to ensure sufficient benefit to the development of sport and in accordance with Policy PR8 of the Local Plan Partial Review, Policies BSC7, BSC8 and ESD15 of the CLP2015 and the aims and objectives of the NPPF in seeking an integrated community.

Lighting Strategy

47. Prior to or concurrently with each Reserved Matters details of a site-wide lighting strategy taking account of the principles in the Framework Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:
- i) Lighting for play
 - ii) Lighting for residential areas
 - iii) Lighting for commercial areas
 - iv) Lighting for public realm and walking and cycling routes
 - v) Areas of ecological areas where lighting will be prohibited.

- vi) A strategy for lighting roads and development parcels.
- vii) A strategy for mitigation to reduce light pollution during construction.

No occupation shall take place on any phase until the detailed lighting strategy has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance Policies PR3, PR5 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Tree Management Strategy

48. As part of the Reserved Matters submission, a tree management strategy and associated plans for the following insofar as they relate to that Reserved Matters shall be submitted to and agreed in writing by the Local Planning Authority.
- i) A strategy for the ongoing management, felling and replacement planting of any trees within existing mature trees and hedgerows in accordance with the principles of the outline planning permission.
 - ii) A strategy for other standalone and groups of trees and hedgerows within the Reserved Matters submission
 - iii) Details of tree protection measures relating to that Reserved Matters submission in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction.
 - iv) Details of new landscaping features (e.g. seats, dog bins, and footpaths) within the existing tree belts within the Reserved Matters submission
 - v) A strategy for implementation and retention of new and existing trees, hedgerows or tree belts within the Reserved Matters submission
- b) The development of each Reserved Matters shall be implemented in accordance with the agreed strategy and timescale and retained thereafter.

Reason: To ensure that the proposals deliver appropriate management and retention of the existing tree cover to the site in accordance with the submitted Environmental Statement and Policies PR5 and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Noise Mitigation Strategy

49. Prior to the development commencing a report shall be submitted to and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources).

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.

If alternative means of ventilation are required, then an overheating assessment should be carried out in accordance with details submitted to and approved by the Local Planning Authority and the approved details shall then be implemented into the development.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policy PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Low Emission Strategy

50. Prior to the submission of the first Reserved Matters a Low Emission Strategy shall be submitted to and agreed in writing to mitigate, improve and enhance, wherever possible, the air quality and sustainable transport options to the surrounding area. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that the proposals provide an appropriate mitigation to road and railway noise arising from neighbouring land uses in accordance with Policies PR4a, PR4b and PR8 of the Cherwell Local Plan Partial Review and the aims and objectives of the National Planning Policy Framework.

Fibre Optic Installation

51. a) Prior to the commencement of any Reserved Matters, a scheme detailing the provision of open access ducting for fibre optic cable to serve a range of telecommunication services, shall be submitted to and approved in writing by the Local Planning Authority, including site infrastructure plans. The scheme shall ensure:

- i) that a site-wide network is in place and provided as part of infrastructure works;
- ii) that the site-wide network includes the provision of open access ducting for fibre optic cable to the boundary of the site; and
- iii) a strategy for implementation of the works and access and connections to neighbouring Development Parcels.

b) As part of the Reserved Matters submission for layout, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each property upon the completion of the infrastructure. The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high-speed internet connection in accordance with Policies PR8 of the Cherwell Local Plan 2011- 2031 (Partial Review), Policies BSC9 and ESD15 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework.

Residential Space Standards

52. A Reserved Matters Submission within the redline of the outline application shall be accompanied by a statement outlining that all proposed residential properties are in compliance with national or local space standards, whichever provides a higher level of space.

Reason: To achieve an appropriate standard of housing in accordance with Policy PR2 and PR8 of the Cherwell Local Plan 2011-2031 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Appendix A – Definitions

'Associated Works': means any works or operations associated with and incidental to the development including; erection of temporary buildings; creation of access routes; temporary use of land for car parking; or any other works or operations to enable such works to take place.

'Commencement': means the initiation of development as defined in Section 56(4) of the Town and Country Planning Act 1990, with the exception of Enabling Works, Associated Works and site access works, and

"Commence" or "Commenced" shall be construed accordingly.

'Design Guide Statement of Compliance': means a statement which demonstrates how a proposed Reserved Matters Application accords with and gives effect to the guiding principles set out within an associated approved Design Guide.

'Design and Access Statement': means the Design and Access Statement submitted with the application in its consolidated form in 2024

'Strategic Design Guide': means the guide submitted with the application. The Design Guide shall cover but not be limited to the items set out in the Design Specification Document submitted with the application.

'Development Area': means the areas identified on the Land Use Parameter Plan as development areas.

'Development Area Brief': means a brief prepared in relation to either any other sub area of that as may be agreed with the local planning authority, setting out the matters described in the Development Area Brief Specification.

Development Parcel means a phase or part of the development excluding Enabling Works and Strategic Engineering and Landscape Elements. For instance, this would include a phase or part of the development comprising housing, employment, a local centre, a school site and/or playing fields.

'Environmental Statement': means the documents titled Volumes I to II, dated 2023, and the ES Addendum, dated April 2024.

'Enabling Works': means preparation works to make the Site ready for construction. Such works include (but are not exclusive to): Site or ground clearance; construction of temporary accesses and/or highway works to facilitate the carrying out of the development; archaeology; ecological surveys, investigations or assessments; site preparation; construction of boundary fencing or hoardings including for site security; provision of underground drainage and sewers; the laying and diversion of other services and service mediums; erection of temporary facilities for security personnel; the erection of security cameras; excavation; interim landscaping works; construction of temporary internal roads; erection of fencing, gates or enclosures, installation of CCTV or other works or operations to enable any of these works to take place including site and ground works.

'Existing Science Park': means the existing Begbroke Science Park in its current form and layout which is identified in the Environmental Statement accompanying the application.

'Housing Waiting List': means the list defined and prepared in accordance with Schedule xx of the Section 106 Agreement.

CLPPR: Means the Cherwell Local Plan Partial Review adopted September 2020

CLP2015: Means the Cherwell Local Plan adopted in 2015

CLP1996: Means the saved policies within the Cherwell Local Plan adopted in 1996

NPPF: means the National Planning Policy Framework (December 2023) or succeeding national planning policy guidance.

'Reserved Matters': means details of the access, appearance, landscaping, layout and scale as defined by the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) or succeeding legislation.

'Reserved Matters Application(s)': means an application for the approval of Reserved Matters which will relate to individual development parcels or infrastructure needed for a particular stage of development and will comprise the information.

'Reserved Matters Specification': means the specification

'Section 106 Agreement' means the agreement made between pursuant to section 106 of the Town and Country Planning Act 1990 and dated xxxx

'Site': means the land edged in red on the Existing Site Plan (drawing reference

Strategic Engineering includes principal foul and surface water drainage infrastructure works, other utilities provision including protection and diversion, accesses, flood risk infrastructure works, primary roads, attenuation features, land re-profiling and raising that fall outside or connecting to Development Parcels.

Strategic Landscape Elements include strategic open space and landscape works and planting (including allotments), and similar related works that fall outside or connecting to Development Parcels.

Appendix B - Design Code Requirements

The Design Code shall include, as relevant to each Phase:

a. The vision for the Phase. This should clearly articulate how the Phase contributes to the realisation of the Vision for the Site as a whole, as articulated in the Design and Access Statement and Design Principles, with emphasis upon the overall framework for movement, land use and landscape. The framework for development should be presented within the context of the Application Site and the wider area.

b. The Design Code shall include a 'framework masterplan' that establishes the framework for development within that Phase. The 'framework masterplan' is the key plan associated with the Design Code and the content of the plan and its associated key will guide the structure of the Design Code.

c. A movement hierarchy for the Phase (which is to secure a legible, permeable and connected network), and the principles and extent of the highway that would potentially be offered for adoption (the extent of adoption will be agreed following Reserved Matters approval).

- d. Typical street cross-sections which will include details of tree planting, landscaping, service runs, traffic calming and on street parking.
- e. How the design of the streets and spaces will address the needs of all users and give priority to sustainable travel.
- f. Principles to guide block structure and built form including design principles to address the relationships between land use; height and mass; primary frontages; pedestrian access points; fronts and backs; threshold definition; important buildings/groupings; building materials and design features.
- g. Approach to incorporation of ancillary infrastructure/buildings (such as substations, street name plates, pumping stations, pipes, flues, vents, meter boxes, external letterboxes, required by statutory undertakers as part of building design) and the routing of utilities.
- h. The approach to vehicular parking across the phase including the location and layout of parking for people with disabilities and for each building type, including the approach that will be adopted to access points into, and the ventilation of any undercroft or underground parking or any separate parking structures.
- i. The approach to cycle parking for all uses and for each building type, including guidance on the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles, following the principles of the LTN1/20
- j. The approach to the landscape framework including the integration of the existing retained landscape features and new structural planting in the key public open spaces and along the primary and secondary streets, together with guidance on tree/planting specification, and the interface with surface water drainage features, the design of which will also be addressed.
- k. The provision of outdoor sports and children's play space provision including the formal playing fields and any Neighbourhood Equipped Area for Play (NEAP), Local Equipped Play Area for Play (LEAP) and Local Area of Play (LAP) with reference to the relevant open space/play space guidance and standards extant at that time
- l. The approach to the treatment of footpaths, cycleways, and bridleways through the site.
- m. The conceptual design and approach to key public spaces including the integration of public art (identifying appropriate locations) and guidance on materials, signage, utilities, and any other street furniture.
- n. The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise energy efficiency, minimise light pollution and avoid street clutter.
- o. Details of waste and recycling provision for all building types, in accordance with RECAP principles.
- p. Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscape, orientation, massing, and external building features.
- q. Design features to support biodiversity and ecological enhancement aligned with the relevant Phase Ecological Management Plan.

r. Measures to minimise opportunities for crime.

s. Details of the proposed design review procedures and circumstances where design review will be undertaken.

Reserved matters applications for that phase shall be submitted in accordance with 'a Design Guide Statement of Compliance' with the details approved as part of the Design Code for that Phase.

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>50% Affordable Housing</p> <p>Based on an overall mix of 80% Intermediate Sale/Rent and 20% Social Rent as defined by the NPPF</p> <p>The above includes First Homes</p> <p>The precise tenure split and mix to be reviewed at appropriate points in the delivery via viability review mechanisms to ensure that the proposal meets maximum housing needs to meet the policy aims, i.e. to try and secure a greater amount of social rent in the tenure mix</p>	<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 Partial Review – Policy PR2 and PR8 are the relevant policies.</p> <p>Directly related – Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is the level of the expected affordable housing.</p>
OCCG	£925,000	50% occupation or an alternative agreed trigger	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development. Additional facilities are expected to be provided at Exeter Close in the first instance however there may also be an opportunity for additional facilities on site and in Yarnton.</p> <p>Directly related –</p>

			<p>Yes. The proposals would be used towards the creation of consultation space</p> <p>Fairly and reasonably related in scale and kind – Yes</p>
Public Art, Public Realm and Cultural Wellbeing	<p>£403,200.00</p> <p>This also could be delivered through a public art strategy as part of the approval</p>	First occupation or an alternative agreed trigger	<p>Necessary – In accordance with the Council's Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using and for neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Directly related – The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative way markers or landmark features around the cycleways and footpaths. These could</p>

			<p>also potentially be rolled out to other routes in the area to create a broader network and link in the neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind – Based on £200 per residential dwelling which includes a 12% for management and maintenance (£) is considered to be proportionate to the scale and location of the development</p>
Outdoor Sports Provision	<p>£3,630,654.00</p> <p>Onsite provision and an offsite contribution from this development. The off-site contribution will look to contribute towards the provision of football facilities at PR7a, which will include a 3G football pitch with floodlighting, grass pitches pavilion and parking. The development of this larger facility and enhancements at Stratfield Brake, will provide sustainable facilities aimed at serving all the partial review sites into the future.</p>	<p>Phased across the development:</p> <p>20% on 20% development occupation</p> <p>A balance of the contribution to be paid on each 20% development occupation with the total contribution to be paid by 90% development occupation.</p> <p>Alternative agreed triggers/phasing may be</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 – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on</p>

	<p>In addition, off-site outdoor sport contributions will support the delivery of projects identified in both Yarnton and Begbroke to improve formal outdoor sports provision.</p> <p>With a development the size of PR8, we feel it is important to also provide onsite provision for local residents. It is recommended the development provides half the required amount, e.g., 2.45 ha of formal onsite provision along with associated infrastructure. The type of formal sport pitches to be discussed with District Council in line with the latest playing pitch strategy. In addition, we will look to seek half of the off-site contribution (£1,815,327.00). This will ensure the development provides local provision for residents and contributes towards the larger off-site facility and formal facilities in the locality.</p> <p>If the onsite provision is to be provided on a school site, there would need to be a community use agreement in place to ensure access to the facilities outside of school hours.</p>	<p>agreed through the course of the s106 drafting.</p>	<p>the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£923,443.20	The amount to be phased across the delivery of the	Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities

	<p>The development of the secondary school should incorporate the provision of a 4-court sports hall to Sport England specification, made available for out-of-school hours community use. The provision of such a facility would cost (according to County Council figures) £840,000 at a 2Q 2024 base date.</p> <p>Details of the community sport need to be evident in the S106 and a condition is also added. As the development is providing sports hall provision, the contribution requested would be used as part of the delivery process of the development</p>	<p>scheme (e.g. the school sports provision).</p>	<p>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. Contributions would be towards improvements at Kidlington & Gosford Leisure Centre and/or a new facility in the vicinity.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Hall	<p>The development is expected to provide an on-site community hall facility in the Local Centre in line with the SPD requirements (800m²). We would be seeking agreement on the proposed community facility prior to planning consent being sought. Details of the community facility scheme, alongside a management plan should be submitted to the wellbeing team at an agreed early trigger point. A commuted sum should be associated with the community building towards 15 years maintenance, which should be made available to whoever takes ownership.</p>	Trigger to be agreed	<p>Necessary - Requiring a new community facility on site is in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD.</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>

Community Development Worker	£84,544.78	Trigger to be agreed	<p>Necessary - Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social, and other community needs, reduce social exclusion and poverty and address inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.</p> <p>Directly Related – The contribution shows how the developer will support the initial formation and growth of the community through investment in community development, which enhances well-being and provides social structures through which issues can be addressed.</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>

Community Development fund	£81,000.00	Trigger to be agreed	<p>Necessary – The NPPF (March 2021) paragraph 69 states that planning should aim to achieve places which promote....” opportunities for meetings between members of the community who might not otherwise come in contact with each other”. Paragraph 17 states that planning should “take account and support local strategies to improve health, social and cultural well-being for all and deliver sufficient community and cultural facilities to meet local needs.</p> <p>Directly Related – The contribution towards community development work which will include initiatives to support groups for residents of the development.</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>
A public transport services contribution	£4,064,524 £12,032,379 towards the Mobility Hub* (under review)	First Occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have</p>

			<p>options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Sustainable Transport Infrastructure	<p>£56,136 to be index linked from October 2021 using RPIX Index– Bus stops</p> <p>£100,000 to be index linked from December 2023 using RPIX Index – towards design and study for a future railway station</p> <p>£16,259,396 to be index linked from June 2022 using Baxter Index- A44 Highway Works Package – Bladon to Begbroke Hill* (under review)</p> <p>£12,032,379 to be index linked from June 2022 using Baxter Index towards the Mobility Hub* (under review)</p>	<p>First occupation or alternative agreed trigger</p> <p>At 1,500 homes</p>	<p>Necessary – The contribution is necessary to provide sustainable transport options with the fitting of four bus shelters on the site.</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans	<p>To be agreed and related to the proposed uses.</p> <p>Framework Travel Plan Prior to first occupation an updated Framework Travel Plan shall be submitted to and approved by the</p>	At appropriate stages	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p>

	<p>Local Planning Authority and implemented thereafter.</p> <p>Residential Travel Plan Within three months of first occupation a Travel Plan for the residential dwellings shall be submitted to and approved by the Local Planning Authority and implemented thereafter.</p> <p>School Travel Plan Prior to the first occupation of each school within the development site, a School Travel Plan shall be submitted to and approved by the Local Planning Authority and implemented thereafter</p>		<p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Public Rights of Way</p>	<p>£128,571 index linked from September 2023 using Baxter index plus on-site enhancement</p>		<p>Necessary - to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims. The contribution would be spent on improvements to the public rights of way in the vicinity of the development – in the ‘impact’ area up to 3km from the site, predominantly to the east, south and north of the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved</p>

			<p>signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way would also be included.</p> <p>Directly related - Related to rights of way and improvements arising from the development to support public rights of way enhancement</p> <p>Fairly and reasonably related in scale and kind - Calculated on the basis of the impact arising from the development and the scale of the development</p>
Primary and Nursery Education	£19,200,000 index linked from Index Value 327 of BCIS all in TPI index to deliver on site provision.	Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development and will take into account the local context at that time, but typically, new primary schools within developments of this scale are needed by approximately 400-500 occupations.	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil</p>
Secondary Education	£11,891,068 index linked from Index Value 327 of BCIS all in TPI index Secondary School Contribution	The delivery of the Secondary School complex is shown on the submitted parameter plans. Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development</p>

		and will take into account the local context at that time	Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil
SEN Development	£1,256,374 index linked from Index Value 327 of BCIS all in TPI index	It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation. An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary – 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 Directly related – Related to the expected pupils generated by the development Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil
Other OCC Transport	Traffic Regulation Order - £3,320 per TRO index linked from March 2022 using RPIX Index	To be agreed	Necessary – The highway improvements are identified through the work on the Transport

			<p>Assessment and the works are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate. Proportionate contributions would need to be identified towards the Travel Hub and Cycleway.</p>												
Open Space Maintenance	<p>Up to:</p> <table border="1"> <tr> <td>LAP - £50,279.76</td> </tr> <tr> <td>LEAP - £202,989.56</td> </tr> <tr> <td>Or</td> </tr> <tr> <td>LEAP/LAP Combined - £228,387.53</td> </tr> <tr> <td>NEAP - £493,887.47</td> </tr> <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>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> </table> <p>These figures are the latest available to Officers and may be increased to</p>	LAP - £50,279.76	LEAP - £202,989.56	Or	LEAP/LAP Combined - £228,387.53	NEAP - £493,887.47	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	On transfer of the landscaping/phased contribution payment	<p>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 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 –</p>
LAP - £50,279.76															
LEAP - £202,989.56															
Or															
LEAP/LAP Combined - £228,387.53															
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Swale Maintenance £153.05/lin m															
Balancing Pond £84.02/sq. m															

	reflect current rates in consultation and during the drafting of the s106.		Contributions are sought in relation to the scale and amount of open space on site.
Library Services	<p>£134,070 index linked from Index Value 349 of BCIS all in TPI index towards expanding capacity at Kidlington library</p> <p>£59,098 index linked from December 2022 using RPIX index towards library stock at Kidlington library</p>	On first occupation or alternative agreed trigger	<p>Necessary – This site is served by Kidlington Library, but it is unable to accommodate such expansion. This development will nevertheless place increased pressure on the local library. Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space.</p> <p>Directly related – Kidlington Library is the nearest public library to the application site and is within walking distance of the site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the library facilities, the adopted standard for publicly available library floor space is 23m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5m² per</p>

			1,000 head of population. The forecast population for this site is 894 people. Based on this, the area of the library required is 24.6M2. Library stock requirement based on 1.5 items per resident at a cost of £9.12 per item.
Waste and Recycling (OCC)	£169,128 index linked from Index Value 327 of BCIS all in TPI index plus contribution towards the provision of bins for each property/dwelling.	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 they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 1800 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 7,200 HWRC visits per year</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</p>

Canal Towpath and Bridge	<p>Towpath: £884,090 index linked from October 2023 using Baxter Index</p> <p>Bridge to PR7b - £1,418,760 index linked from November 2023 using Baxter Index</p>	Appropriate timescale to be agreed	<p>Necessary: Policy PR8 sets out that provision for a pedestrian, cycle and wheelchair bridge over the Oxford Canal to enable the site and public bridleways to be connected to the allocated site at Stratfield Farm (PR7b). The development is likely to lead to a significant increase in additional towpath users, but the towpath in this location is not in a suitable condition to accommodate significant increase in users or provide an attractive active travel route.</p> <p>Directly Related: Yes, mitigation is sought as part of policy PR8 to promote movement and linkages. Yes, towpath is one of the key active travel and leisure routes available for the new development</p> <p>Fairly and reasonably related in scale and kind Yes, based on the estimated cost for the works apportioned between the appropriate development sites.</p>
Railway Bridge	Estimated cost of £4-6m. The bridge is to be direct delivered by the applicant unless there is a change in position	500 dwellings or otherwise agreed.	<p>Necessary: Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p>

	from Network Rail during the course of delivery of the development.		<p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
Other on-site Facilities to be provided on site	Allotments Play facilities Central Park	To be agreed and in accordance with the Phasing and delivery of the on-site works.	<p>Necessary: Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
OCC Archaeology	£17,971 index linked from July 2023 using RPIX Index towards enhanced display capability at the Museum Resource Centre at Standlake near Witney	To be agreed	Necessary: To ensure historic evidence is appropriately recorded and stored, as appropriate.

	£8,719 index linked from July 2023 using RPIX Index towards the storage of archaeological archives at the Museum Resource Centre		<p>Directly Related: Yes, this is related to archaeological works and investigations on the site.</p> <p>Fairly and reasonably related in scale and kind Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
CDC Monitoring Fee OCC Monitoring Fee	<p>CDC: A bespoke monitoring fee will be required based on the scale of development.</p> <p>OCC: To be confirmed and a bond will be required in accordance with OCC bond policy.</p>	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule and OCC based on its OCC adopted scale of fees and charges and bond policy.

Agenda Item 9
23/00831/F

**Part Of OS Parcel 7700 Adjoining B4035 And
Swalcliffe Road
Upper Tadmarton**

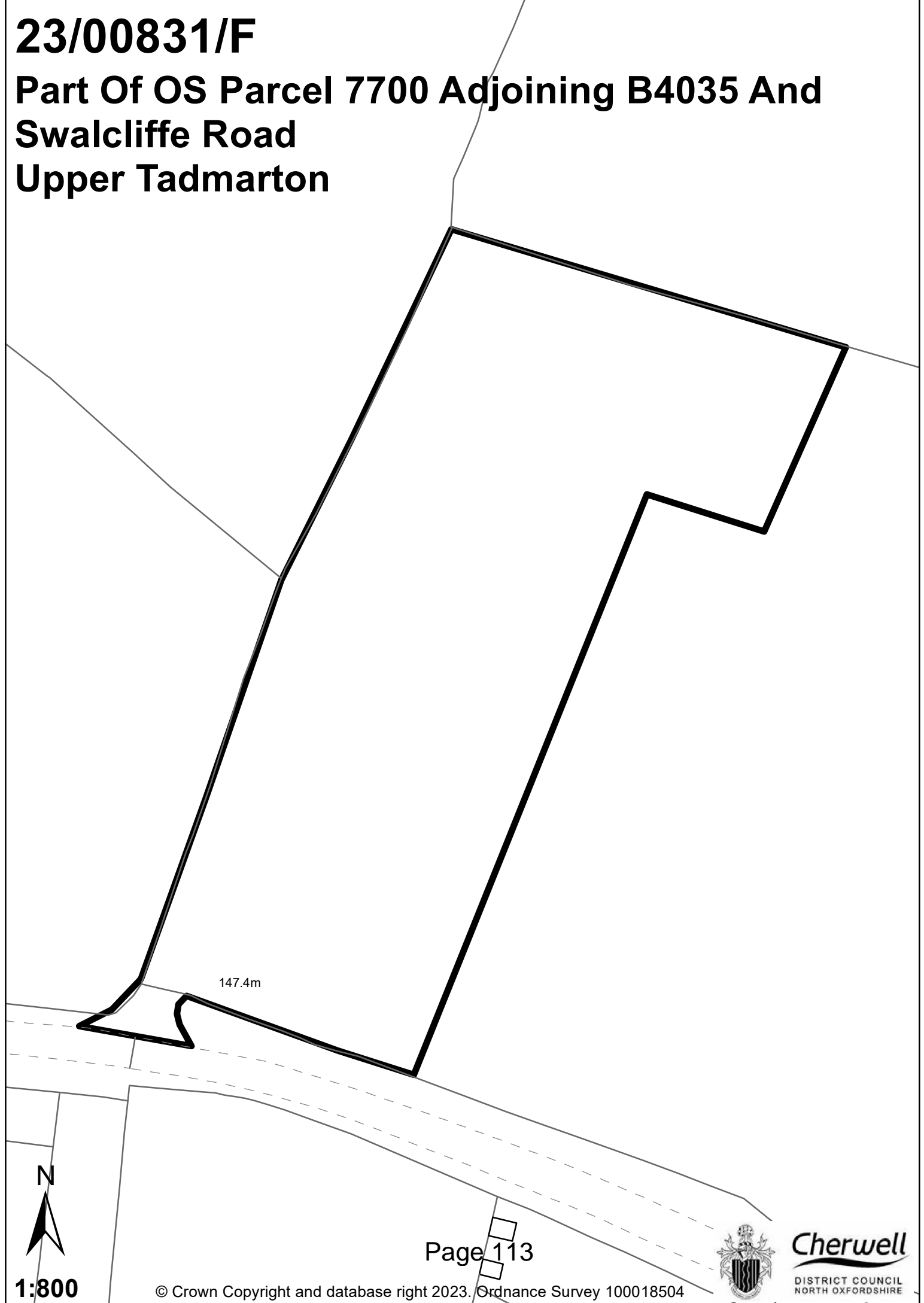


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23/00831/F

Part Of OS Parcel 7700 Adjoining B4035 And Swalcliffe Road Upper Tadmarton



147.4m



1:800

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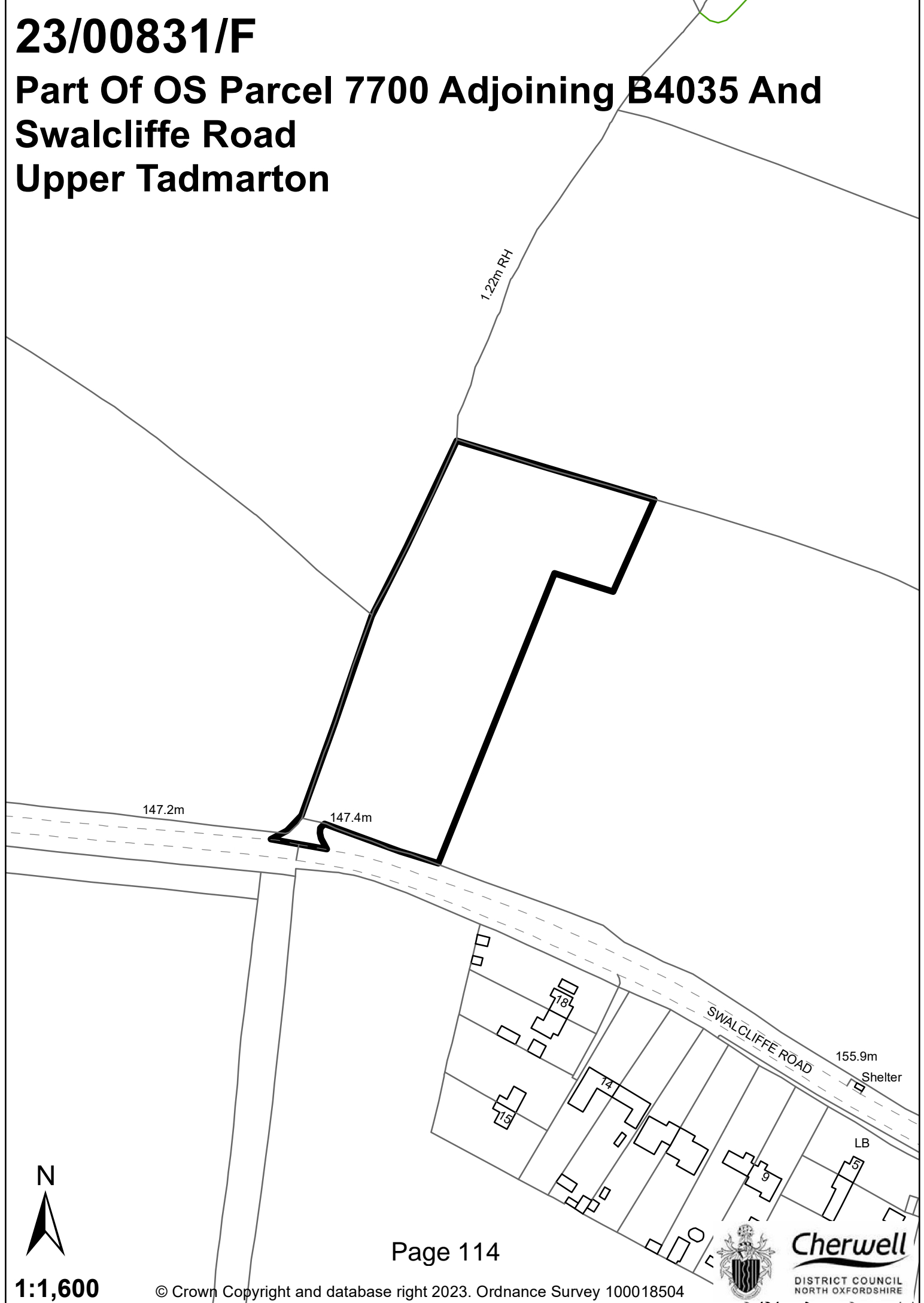
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

23/00831/F

Part Of OS Parcel 7700 Adjoining B4035 And Swalcliffe Road Upper Tadmarton



Case Officer: Katherine Daniels

Applicant: Ms Katie Lavin

Proposal: Erection of a single storey 18 stable block with 2 storey frontage and for feed and bedding storage with tractor access in a courtyard arrangement associated storage. Formation of a 30x60m outdoor riding arena, lunge pen, horse walker and covered trailer parking. Temporary dwelling for a period of 3 years.

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllrs Chris Brant, Phil Chapman, Douglas Webb

Reason for Referral: The application was called in by Councillor Reynolds when he was an elected councillor. The application was called in due to being locally controversial and therefore significant public interest

Expiry Date: 27 December 2023

Committee Date: 5 September 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located to north-west of the village of Tadmarton. The land is undulating and rises toward Tadmarton. There is a mature hedgerow along the boundary of the site with Swalcliffe Road. The field is being used for pasture. Further fields are located to the north and west of the site. Tadmarton village is located to the east of the site, with residential properties located to the south.

2. CONSTRAINTS

2.1. The application site is within an area of Best and Most Versatile land (Category 1).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the erection of a building to house 18 horses, formation of an outdoor arena, lunge pen, horse walker and erection of a temporary dwelling.

3.2. The proposed stable block is proposed in a rectangle with a courtyard in the middle and has a footprint of 42.5m by c.27.4m. The tallest part of the building is 5m. The building is proposed to be externally constructed primarily in timber with metal sheeting, with an element which is proposed to be constructed externally in plain clay roof tiles and brick.

3.3. The outdoor arena measures 60 by 30m.

3.4. The proposed temporary dwelling is proposed in timber cladding with lightweight roof tiles. The building measures 18m by 6.47m with a height of 3.75m.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

5.2. 22/02573/PREAPP: 18 Stable Block with storage, outdoor riding arena, single detached dwelling with garage;

5.3. No objections in principle to the proposal but would have to demonstrate the need for a new residential dwelling on site, and any dwelling would have to be temporary.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **13 June 2024** although comments received after this date and before finalising this report have also been taken into account.

6.2. Letters of representation have been received from 70 households. There are several residents who have commented on the application multiple times, following the re-consultation. The comments raised by third parties are summarised as follows:

- Dwelling is not acceptable in principle; there are other properties available in the village
- Impact on the character and appearance of the locality
- Detrimental impact on highway safety; large increase in traffic
- Loss of agricultural use
- Noise
- Light Pollution
- Smell
- Overdevelopment of the site
- Flooding

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. TADMARTON PARISH COUNCIL: **Objects** on the grounds of over-development; outside the village confines; adding to traffic problems in the area, design, ecology and impact upon the character of the locality

7.3. SWALCLIFFE PARISH COUNCIL: **Objects** on the landscape and visual impact, the size and scale of the development, highway safety concerns.

OTHER CONSULTEES

- 7.4. OCC HIGHWAYS: **No objections** subject to the imposition for access, construction management plan
- 7.5. CDC BUILDING CONTROL: **Comment.** Temporary dwelling will need a building regulations application.
- 7.6. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to noise, contaminated land, odour and lighting details.
- 7.7. CDC ECOLOGY: **Comments** a preliminary ecological appraisal should be undertaken.
- 7.8. CDC LAND DRAINAGE: **No comments or objections**
- 7.9. CDC LICENSING: **No comments**
- 7.10. CRIME PREVENTION DESIGN ADVISOR: **No objections** but recommends the applicants consult the guidance with secured by design
- 7.11. SANHAM (AGRICULTURAL ADVISOR): **Acceptable.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in favour of sustainable development.
- SLE1: Employment Development
- SLE4: Improved transport and connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 6: Sustainable Flood Risk Management
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New Dwellings in the open countryside

- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the countryside
- C28: Layout design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental Pollution
- AG2: Construction of farm buildings
- AG5: Development involving horses

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)

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
- Ecology impact
- Drainage
- Sustainable Construction

Principle of Development

Policy Context

- 9.2. Paragraph 12 of the NPPF confirms the statutory status of the development plan as the starting point for decision making. The Development Plan comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 ('CLP 1996').
- 9.3. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.

- 9.5. Policy 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). Tadmarton is a Category C village.
- 9.6. Saved Policy AG5 of the CLP (1996) normally permits horse related development provided that the development would not have an adverse effect on the character and appearance of the countryside, or the amenity of neighbouring properties and the proposal complies with the other policies in the plan.
- 9.7. Saved Policy H18 of the CLP (1996) allows for new dwellings in the open countryside if it is essential for agriculture or other existing undertakings and would not conflict with other policies of this plan.

Assessment

- 9.8. The proposal relates to two separate components – (1) the stables, outdoor riding arena and (2) the temporary dwelling associated with the equine enterprise.

The Stables and Riding Arena

- 9.9. This would be a new equine enterprise within open countryside to the north-west of the village of Tadmarton, with full livery for 17 horses. The riding arena would be used for exercising the livery horses and would also be open to the public.
- 9.10. Policy AG5 allows for horse related development, provided it does not have an adverse impact on the character and appearance of the locality, nor residential amenity.
- 9.11. The principle of stables and riding arena could therefore be considered acceptable. However, overall acceptability will be dependent on other considerations, such as the impact on the locality, as well as the impact on the amenities of local residents. These issues are considered further in the paragraphs below.

The Temporary Dwelling

- 9.12. Tadmarton is a category C village which allows for infilling and conversions. The site is located outside the built-up limits of the village; therefore the proposal conflicts with policy Villages 1 of the CLP 2015.
- 9.13. Saved Policy H18 allows for new dwellings in the open countryside where it is demonstrated that there is a need for an agricultural or equestrian worker. This is echoed within paragraph 84 of the NPPF.
- 9.14. The applicant has provided evidence of the need for a temporary workers dwelling for the site. The Council's Agricultural Advisor agrees that there is a need for the proposed business to have an overnight presence at the site, and therefore that a temporary dwelling is acceptable. Given the enterprise is a new enterprise, a permanent dwelling is not acceptable, and would require a further planning application in the future once the business has been established for 3+ years and can demonstrate financial viability.
- 9.15. The proposal for the temporary dwelling is considered to be acceptable.

Conclusion

- 9.16. Overall, it is considered that the principle of both the temporary dwelling and stables and outdoor arena is acceptable.

Design and Impact on the Character and Appearance of the Locality

Policy

- 9.17. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.*
- 9.18. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.19. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

Assessment

- 9.20. The site comes under the Rolling Village Pastures and the upstanding Village Farmlands. Some of the key characteristics are a strong undulating landform of rounded hills and small valleys, densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside.
- 9.21. The applicant submitted a LVIA in support of the application, which suggested that the impact on the character of the locality would negligible.
- 9.22. The proposals have been amended on several occasions since the original submission to seek to address the officers' concerns regarding visual dominance in the character and appearance of the locality. The scheme has been amended to its original location, however there is not as much cut and fill. The development has now reduced its impact on the wider landscape. The building height has also been amended so that all of the buildings are single storey.
- 9.23. There are several concerns raised by local residents, many of whom have written in a number of times (following the re-consultation process) regarding the impact the development would have on the wider landscape.
- 9.24. The field is agricultural land, and the proposal is for an equine development. You would expect to see equine development in a rural setting; it is an acceptable land use in principle, and it would be unreasonable to conclude otherwise.
- 9.25. It is acknowledged that there would be change to the locality; however, officers consider that the harm is not so significant as to warrant a recommendation of refusal.

- 9.26. The scheme has been reduced in height, with a concomitant reduction in visual impact on the wider locality. The site has a mature hedgerow along the boundary with Swalcliffe Road, which would provide some screening for the development. One would still appreciate the wider rural setting. The loss of a view is not a material consideration and not a reason to refuse an application.
- 9.27. The applicant also proposes some additional landscaping and hedgerows to further soften the impact of the proposed development.

Conclusion

- 9.28. The proposal would result in a change to the character and appearance of the locality; however, the impact is not considered to be adverse, and therefore the proposal is considered to be in accordance with the aforementioned policies.

Highways impact

- 9.29. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.30. In addition, paragraph 115 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.31. The Local Highway Authority has raised no objections to the proposal, subject to suitable conditions. Therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore, the proposal is acceptable in highway terms.

Ecology Impact

Legislative context

- 9.32. 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.
- 9.33. 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.

9.34. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.35. 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.

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

Policy Context

9.37. 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.

9.38. 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.

9.39. 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.

- 9.40. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.41. 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.
- 9.42. 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.
- 9.43. 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

- 9.44. 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')
- 9.45. The application is supported by a detailed protected species survey which concluded that the proposal would result in an uplift of 17.38 habitat units. The proposal would also result in a 210.87% biodiversity net gain. There is a proposed gain of 1.38 of hedgerow units, which equates to a 102.03% gain in hedgerow units. The report concluded that conditions could be imposed to ensure the development achieves the biodiversity net gain. The report also recommends conditions regarding lighting details, and enhancements.

9.46. Officers are satisfied, on the basis of the advice from the Council's Ecologist they are unlikely to result in a negative impact on Biodiversity and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Residential amenity

9.47. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the LPA. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

9.48. There have been several concerns raised by local residents about the impact on the amenities through noise, smells and disturbance. Concerns have also been raised on additional lighting, and how that would impact on residential amenity.

9.49. The applicant states that there would not be any events on site, nor would loudspeakers be used. The applicant has agreed to the imposition of a condition to restrict the use of loudspeakers.

9.50. The Council's Environmental Protection team has also commented on the application; they do not object to the proposal provided suitably worded conditions are imposed.

9.51. Officers note the concerns of the local residents; however, in the absence of an objection from the Environmental Health Officer it is considered that the proposal would not result in a detrimental impact on residential amenity through noise and disturbance and smells and it would be difficult to substantiate any refusal reason on this basis. If there is an issue the Environmental Protection team will be able to investigate through their regulations.

9.52. Regarding the lighting concerns of the local residents, this could be controlled by way of planning condition. The applicant does not propose any lighting; however, there is likely to be security lighting. This can be controlled, and this is the recommendation of the ecologist.

9.53. Overall, the impact of the development is considered acceptable, provided suitably worded conditions are imposed to mitigate against the impact of the development; therefore, the proposal is considered to accord with the aforementioned policies.

Sustainable construction

9.54. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national

technical standards. Paragraph 160 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.55. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.56. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.57. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

The applicant has provided details on sustainability measures. These include using best practice guidance to reduce the impacts of the carbon intensive materials, rainwater harvesting. The proposals also include the provision of solar panels on the roof. Further details on these can be controlled by way of a planning condition.

Drainage

- 9.58. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.59. Paragraph 175 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.60. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.61. The current situation is that the site is located within a flood zone 1, which is land which has less than 1 in 1,000 annual probability of river flooding. CDC Land Drainage consultation considers that there would not be an impact on drainage.
- 9.62. The proposal is therefore considered to be acceptable in flooding terms.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal is for the formation of a new equine enterprise on the edge of the village of Tadmarton. It is considered that there is some change to the overall character and appearance of the locality; however, the development is similar to other equine development applications and something that one would expect to see within the rural area.
- 10.2. The proposal would not adversely affect the amenities of the nearby residential properties, and any impacts in this regard can be controlled by way of planning conditions. The proposal is considered not to result in a danger to those using the

highway and would not result in flooding elsewhere. The proposal would result in a biodiversity net gain and would not have a negative impact on ecology. Overall, therefore, the proposed development is considered acceptable or can be made acceptable through the imposition of appropriately worded conditions.

11. RECOMMENDATION

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

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: Proposed scheme site plan (Titled: 5426-29 Rev G), Stables – plans/elevations/section (Titled: 5426-24 Rev C), Areal Elevations (Titled: 5426-25), Temporary Dwelling (Titled: 5426 27), Proposed Scheme Sections (Titled: 5426-22 Rev 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. 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 full accordance with the approved details prior to the first use or 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.

4. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CETMP) has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and shall include working hours. The approved CETMP shall be implemented and operated in accordance with the approved details. The CETMP must be appropriately titled, include the site and planning permission number and must include the following:
 - a. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - b. Details of and approval of any road closures needed during construction.

- c. Details of and approval of any traffic management needed during construction.
- d. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- e. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- f. The erection and maintenance of security hoarding / scaffolding if required.
- g. A regime to inspect and maintain all signing, barriers etc.
- h. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- i. The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- j. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- k. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- l. A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- m. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- n. Any temporary access arrangements to be agreed with and approved by Highways Depot.
- o. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

- 5. No development shall commence unless and until a schedule of materials and finishes to be used in the external walls and roof(s) of the buildings and riding arena has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and shall be retained as such thereafter.

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

- 6. No development shall commence unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

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

(d) details of the enclosures along the boundaries of the site.

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.

7. No sound-amplifying equipment shall be installed or operated on the premises.

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.

8. Prior to the first use of the development hereby approved details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be retained and operated as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment

and to ensure the site is suitable for the proposed use to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. If a potential risk from contamination is identified as a result of the work carried out under condition 9, prior to the commencement of the development hereby permitted a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

12. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

14. The development hereby permitted shall be carried out in accordance with the recommendations set out in [**] of the [**] by [**] dated [**] unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Government guidance contained within the National Planning Policy Framework.

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

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

16. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-D inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order with or without modification) no enlargement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The living accommodation hereby approved shall be occupied solely in conjunction with and ancillary to equine use hereby approved and shall not be sold, leased or occupied as a separate unit of accommodation.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. At the expiration of three years from the date hereof the temporary dwelling shall be removed from the site and the land shall be restored to its former condition on or before that date.

Reason: Planning permission has only been granted in view of the essential need for a new dwelling in accordance with saved Policy H18 of the CLP 1996 and government guidance contained within the National Planning Policy

Framework and because of the temporary nature of the building.

CASE OFFICER: Katherine Daniels

TEL: 01295 753 736

23/03408/F

Turpins Lodge

Tadmarton Heath Road

Hook Norton

Oxfordshire

OX15 5DQ



1:1,200



23/03408/F

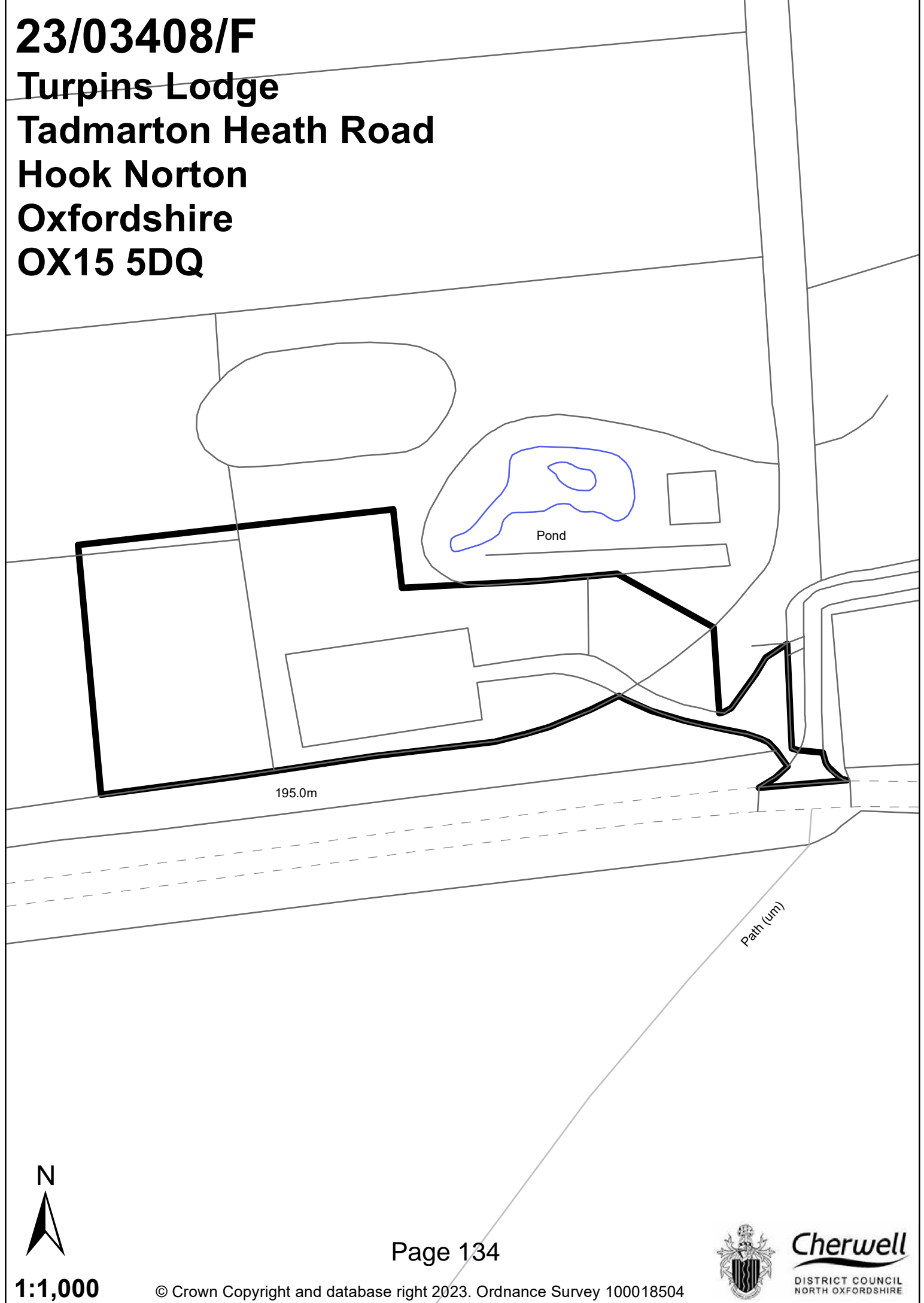
Turpins Lodge

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Hook Norton

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OX15 5DQ



1:1,000



23/03408/F

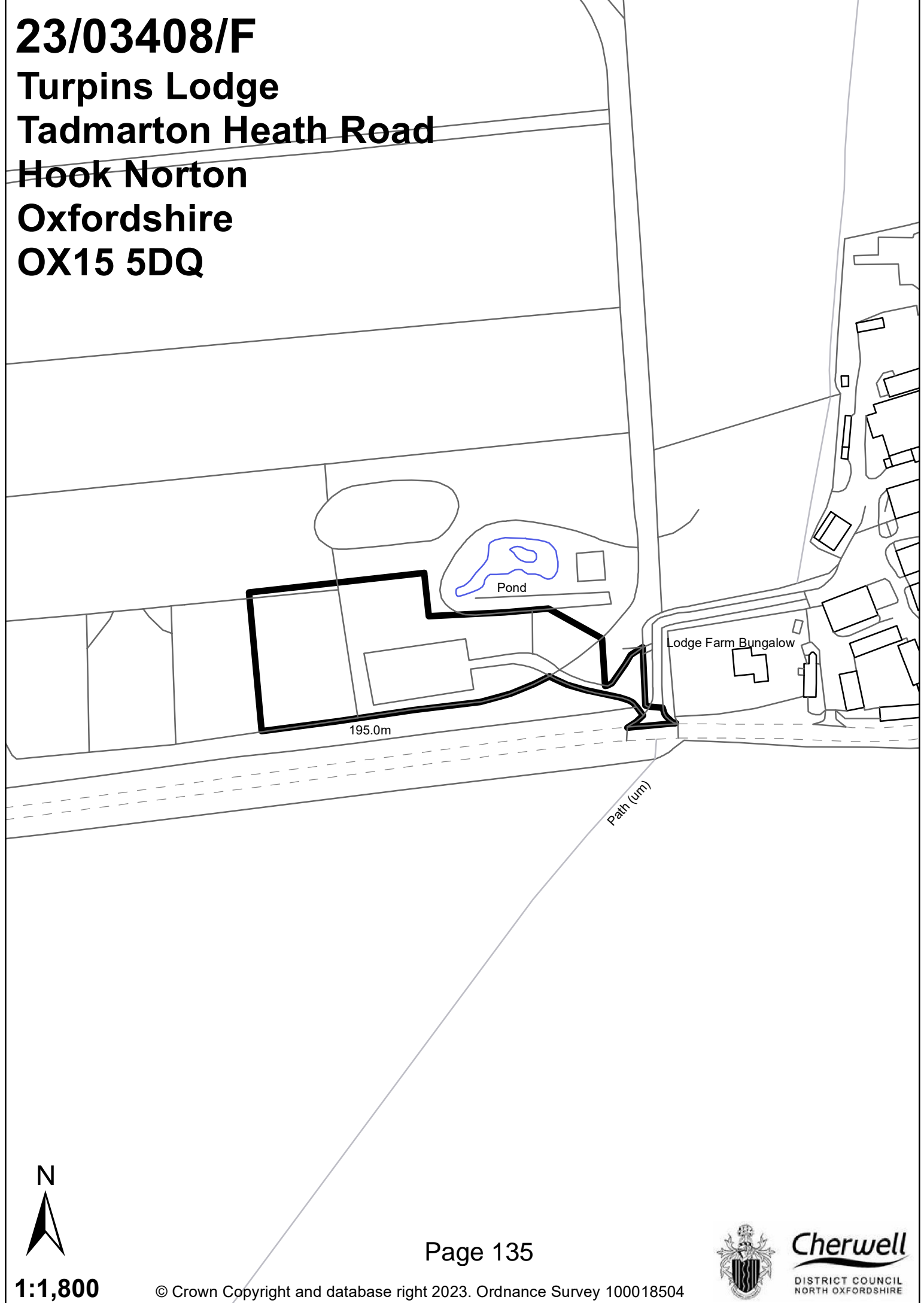
Turpins Lodge

Tadmarton Heath Road

Hook Norton

Oxfordshire

OX15 5DQ



1:1,800



Case Officer: Katherine Daniels

Applicant: John Romer

Proposal: Erection of riding school building including grooms' accommodation and forage store

Ward: Deddington

Councillors: Councillors McHugh, Reeves and Rogers

Reason for Referral: Major development of 1,000+ sq. m floor space

Expiry Date: 31 July 2024

Committee Date: 5 September 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND S106

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located off the Tadmarton Heath Road, between Milcombe and Hook Norton. The site is located to the west of the existing Riding School. There is a strong vegetation cover on the boundary with the main road. At present the area is being used in conjunction with the riding school. The ground slopes away to the north.

2. CONSTRAINTS

2.1. The application site is within the open countryside close to an existing footpath.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the construction of an indoor arena and a forage store. The indoor arena measures 40m by 26m with a height of 11.4m (8m to eaves). The indoor arena comprises of storage, grooms' accommodation, 12 stables, viewing gallery. The Forage Store measures 16m by 16m. The height is 5.7m (3.5m) to the eaves.

4. RELEVANT PLANNING HISTORY

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

4.2. **99/01794/F:** Variation of Condition 2 of 97/02104/F to allow use of part ground floor for an instructors' flat, part office, tack room, including alterations to internal layout. Approved.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. 19/00035/PREAPP – Erection of Riding School. No objections in principle, provided it would be in keeping with the character and appearance of the locality.

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 **1 March 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. HOOK NORTON PARISH COUNCIL: **No objections**
- 7.3. OCC HIGHWAYS: **no objections**
- 7.4. CDC ENVIRONMENTAL PROTECTION: **No objections**
- 7.5. OCC ARCHAEOLOGY: **No objections** subject to the imposition of conditions
- 7.6. NATURESPACE: A district licence will be required.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in favour of sustainable development.
- SLE1: Employment Development
- SLE4: Improved transport and connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 6: Sustainable Flood Risk Management
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New Dwellings in the open countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the countryside
- C28: Layout design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental Pollution
- AG2: Construction of farm buildings
- AG5: Development involving horses

HOOK NORTON NEIGHBOURHOOD PLAN

- HN CC1: Protection and enhancement of local landscape and character of Hook Norton
- HN CC2: Design
- HN CC5: Lighting

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact

Principle of Development

Policy Context

9.2. Paragraph 12 of the NPPF confirms the statutory status of the development plan as the starting point for decision making. The Development Plan comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (‘CLP 2015’) and the saved policies of the Cherwell Local Plan 1996 (‘CLP 1996’).

- 9.3. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.5. Policy 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). Hook Norton is a Category A village.
- 9.6. Saved Policy AG5 of the CLP (1996) normally permits horse related development provided that the development would not have an adverse effect on the character and appearance of the countryside, or the amenity of neighbouring properties and the proposal complies with the other policies in the plan.
- 9.7. Saved Policy H18 of the CLP (1996) allows for new dwellings in the open countryside if it is essential for agriculture or other existing undertakings and would not conflict with other policies of this plan.

Assessment

- 9.8. This would be an extension to an equine enterprise within open countryside to the north-east of the village of Hook Norton. The proposal seeks the replacement of the existing indoor arena and stables. The site offers classes as well as livery. A Legal Agreement would be required for the removal of the existing stables and indoor riding arena which are subject to the replacement by the current proposal.
- 9.9. Policy AG5 allows for horse related development, provided it does not have an adverse impact on the character and appearance of the locality, nor residential amenity.
- 9.10. The principle of stables and riding arena could therefore be considered acceptable. However, overall acceptability will be dependent on other considerations, such as the impact on the locality, as well as the impact on the amenities of local residents. These issues are considered further in the paragraphs below.
- 9.11. There is some additional groom accommodation within the riding arena. The site has an extant permission for grooms' accommodation. This development has been implemented, but the groom's accommodation was never implemented. The applicant is willing to enter into a legal agreement to ensure the extant permission is not used as grooms' accommodation. Subject to completion of this legal agreement, the applicant therefore has got a fallback position
- 9.12. The proposal would ensure the accommodation is closer to the stables rather than separated. Given there is a fallback position and, if the application is approved, this would be subject to a legal restriction only allowing one additional grooms accommodation on site and subject to the legal agreement the principle of the additional accommodation is acceptable.

Conclusion

- 9.13. Overall, the principle of both the residential accommodation and indoor arena is acceptable.

Design and Impact on the Character and Appearance of the Locality

Policy

- 9.14. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.*
- 9.15. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.16. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

Assessment

- 9.17. The site comes under the Rolling Village Pastures. Some of the key characteristics are a strong undulating landform of rounded hills and small valleys, densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside.
- 9.18. The applicant submitted a LVIA in support of the application, which suggested that the impact on the character of the locality would be low. The current site is being used for equestrian use, ancillary to the existing Turpins Lodge.
- 9.19. It is acknowledged that there would be change to the locality; however, officers consider that the harm is not so significant as to warrant a recommendation of refusal.
- 9.20. The existing site is well screened, and there will be some changes to the site, however it will be seen in conjunction with the existing buildings and facilities at Turpins Lodge. A condition can be imposed to ensure the redundant buildings associated with the riding school are removed from the site. This would further reduce the dominance of buildings within the rural area.
- 9.21. Additional landscaping is proposed this can be conditioned to ensure appropriate landscaping for the site is delivered.

Conclusion

- 9.22. The proposal would result in a change to the character and appearance of the locality; however, the impact is not considered to be adverse, and therefore the proposal is considered to accord with the aforementioned policies.

Highways impact

- 9.23. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.24. In addition, paragraph 115 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.25. The Local Highway Authority has raised no objections to the proposal; therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore, the proposal is acceptable in highway terms.

Ecology Impact

Legislative context

- 9.26. 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.

- 9.27. 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.

- 9.28. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.29. 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.
- 9.30. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.31. 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.
- 9.32. 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.
- 9.33. 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.
- 9.34. 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.

- 9.35. 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.
- 9.36. 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.
- 9.37. 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

- 9.38. 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')
- 9.39. The application has submitted an ecological report with the application. NatureSpace has commented on the application, and it has advised the applicants to enter into a District Licence with NatureSpace given its closeness to an existing pond. In addition, it is located within an Amber area for Great Crested Newts.
- 9.40. Officers are satisfied, on the basis of the submitted information and the absence of any objection from Natural England, and subject to conditions and the applicants getting a district licence, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Residential amenity

- 9.41. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the LPA. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

- 9.42. The proposal is sufficiently away from any residential properties not to result in harm. In addition, the Council's Environmental Protection Officer raises no objection to the proposal.
- 9.43. Overall, the impact of the development is considered acceptable; therefore, the proposal is considered to accord with the aforementioned policies.

Sustainable construction

- 9.44. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 160 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.45. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.46. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.47. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality

design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 9.48. The applicant has not provided details on sustainability measures. However, in order to accord to this policy a suitably worded condition is recommended in order to ensure the development complies with policy.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal is for the expansion/improvement to an existing equine business within the rural area. The proposal would have some impact upon the character and appearance of the area; however, the proposal would be seen within its rural context and subject to conditions would not adversely impact on the character and appearance of the locality. The principle of the groom's accommodation is considered acceptable in the terms set out in this report.
- 10.2 The proposal would not adversely affect the amenities of the nearby residential properties. The proposal is considered not to result in a danger to those using the highway and would not result in flooding elsewhere. The proposal would not result in a negative impact on ecology.
- 10.3 Overall, therefore, the proposed development is considered acceptable or can be made acceptable through the imposition of appropriately worded conditions and completion of a legal agreement in relation to the grooms' accommodation.

11. RECOMMENDATION

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

- **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - (a) for the removal of the existing stables and indoor riding arena**
 - (b) to ensure the extant permission is not used as grooms' accommodation.**

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 Site Location Plan, Site Plan Topography Plan with excavation, indoor arena ground floor, indoor arena first floor, indoor arena second floor, indoor arena south elevation, indoor arena west elevation, indoor arena east elevation, indoor arena north elevation, forage barn floor plan, forage store east elevation, forage store north elevation, forage store south elevation, forage store west elevation, application forms, ecological appraisal.

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

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

Reason: To ensure that the materials are appropriate to the appearance of the locality and to 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. No development shall commence above slab level unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),

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

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

(d) details of the enclosures along the boundaries of the site.

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.

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.

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 living accommodation hereby approved shall be occupied solely in conjunction with and ancillary to Turpins Lodge Riding School and shall not be sold, leased or occupied as a separate unit of accommodation.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with Policies BSC1 and ESD1 of the Cherwell Local Plan 2011-2031, saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Katherine Daniels

Agenda Item 11

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	5 September 2024
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	19 August 2024
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 this report it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold. The spend to date on appeals is £0.327m against a budget provision of £0.100m. This has meant that alternative sources of funding to defend further appeals will need to be identified including the call on the appeals reserve will be necessary for mitigation.

	Kelly Wheeler, Finance Business Partner, 23 August 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. Shahin Ismail, Interim Head of Legal Services, 27 August.2024			
Risk Management	This is an information report where no recommended action is proposed. However, as per the financial comments, it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold, this 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, 23 August 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
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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 23/03376/F – 5 Mill Lane, Adderbury, Banbury, OX17 3LP.

Natural ironstone rear extension with natural slate roof incorporating 1 No conservation rooflight, internal alterations, removal of timber shed and replacement with timber garden studio (revised scheme of 16/01819/F).

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representation (Fast Track)

Appeal Reference: 24/00025/REF.

Start Date: 17.07.2024.

- 4.2 24/00620/F – 7 Launton Road, Bicester, Oxon, OX26 6PX.

Demolition of existing detached garage and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00026/REF.
Start Date: 19.07.2024.

4.3 24/00792/F – 10 Chestnut Close, Chesterton, Bicester, OXON, OX26 1XD.

Single storey side and rear extensions to create a 1 no. new dwelling.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00027/REF
Start Date: 30.07.2024.

4.4 23/02071/F – Land to Rear of Wheelright Cottage, Main Street, North Newington, OX15 6AG.

New Build Dwelling.

Officers Recommendation: Refusal (Committee)
Method of Determination: Written Representation.
Appeal Reference: 24/00028/REF
Start Date: 31.07.2024.

4.5 23/03109/F – Land Adj to 20 Almond Road, Bicester, OX26 2HT.

Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation:
Appeal Reference: 24/00029/REF.
Start Date: 31.07.2024.

4.6 23/02865/F – Slatters Barn, Epwell Road, Shutford, Banbury, OX15 6HE.

RETROSPECTIVE - Installation of two shepherd's huts for use as holiday lets and construction of a driveway to the shepherd's huts - re-submission of 22/02411/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00024/F
Start Date: 01.08.2024.

4.7 24/005421/F – 1 St Peters Crescent, Bicester, Oxon, OX26 4XA.

Proposed detached two storey dwelling and two number car spaces.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00031/F
Start Date: 07.08.2024.

New Enforcement Appeals

None

Appeals in Progress

- 4.8 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.
Appeal Reference: 23/00089/REF
Start Date: 14.08.2023.

- 4.9 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
Appeal Reference Number: 23/00061/ENF
Start Date: 09.002.2023.

- 4.10 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
Appeal Reference Number: 23/00060/ENF
Start Date: 09.02.2023.

- 4.11 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.
Appeal Reference: 23/00080/REF
Start Date: 15.06.2023.

- 4.12 21/00333/ENF – Fairway Cottage, Main Road, Swalcliffe, Banbury, 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.
Appeal Reference: 23/000104/ENF
Start Date: 10.11.2023.

- 4.13 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.
Appeal Reference: 23/000111/REF
Start Date: 07.12.2023.

- 4.14 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
Appeal Reference: 23/00114/REF
Start Date: 07.12.2023.

- 4.15 23/00001/ENF – Ashberry Cottage, Duns Tew, Bicester, 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.
Appeal Reference: 23/00108/ENF.
Start Date: 28.11.2023.

4.16 23/01265/OUT – OS Parcel 0078 North West of Quarry Close, Bloxham, Banbury.

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.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Hearing Date: 08.10.2024. 4 Days.
Appeal Reference: 24/0005/REF.
Start Date: 07.03.2024.

4.17 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.
Appeal Reference: 24/00007/REF
Start Date: 13.03.2024.

4.18 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.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Hearing.
Hearing Date: 26.06.2024
Appeal Reference: 24/00010/REF
Start Date: 19.03.2024.

4.19 23/02470/F – Offside the Green, Barford St Michael, Banbury, Oxon, OX15 0RN.

Erection of a 2-bedroom bungalow on vacant plot

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00011/REF

Start Date: 08.04.2024.

- 4.20 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)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.

Appeal Reference: 24/00012/REF
Start Date: 12.04.2024.

- 4.21 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.

Officers Recommendation: Refusal (Delegated).
Method of Determination: Written Representation.

Appeal Reference: 24/00013/REF
Start Date: 16.04.2024.

- 4.22 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.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.

Appeal Reference: 24/00015/REF
Start Date: 23.04.2024.

- 4.23 23/02346/F – Birdhouse, 43 Lapsley Drive, Banbury, Oxon, OX16 1EN.

Demolish conservatory. Single storey rear extension on footprint of existing conservatory. New door to existing side elevation (revised scheme of 23/00257/F)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.

Appeal Reference: 24/00017/REF.
Start Date: 15.05.2024.

- 4.24 23/01960/PIP – Barn Farm Plants 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.
Appeal Reference: 24/00018/REF
Start Date: 06/06/2024.

4.25 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.
Appeal Reference: 24/00020/F.
Start Date: 27.06.2024.

4.26 21/02058/FUL – Shelswell Inn, Buckingham Road, Newton Purcell, MK18 4AU.

Erection of Barns.

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

4.27 23/02772/PIP – Land Adj And T The West Of Number 42 Green Lane, Upper Arcott, 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.
Appeal Reference: 24/00021/REF.
Start Date: 02.07.2024.

4.28 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.
Appeal Reference: 24/00023/REF.
Start Date:09/07/2024.

4.29 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.
Start Date: 06.07.2024.

Forthcoming Public Inquiries and Hearings between 5 September 2024 and 3 October 2024.

NONE

Appeals Results

4.30 23/03137/F – 17 The Glebe, Hook Norton, Banbury, Oxon, OX15 5LD.

The Inspector **Dismissed** the 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 by Mr Dan Barry.

The planning inspectorate dismissed the Planning Appeal and agreed with the case officer, that the design of the extensions would not be in keeping with the character and appearance of the locality, regardless of if you cannot see it from the public realm. Therefore, the appeal was dismissed.

4.31 23/00853/OUT – Land East of Warwick Road, Banbury,

The Inspector **Allowed** the 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 by Vistry Homes.

In making his decision, the Inspector concluded the following:

- The regulation 18 Cherwell Draft Local Plan cannot be given any weight.
- The Inspector considers that it is difficult to see how there any ambiguity on the requirements of paragraph 67 of the NPPF can be and need for a single housing requirement figure for the whole of their area. The Inspector concluded this point by stating that a single housing requirement figure for Cherwell is appropriate and referenced the single housing requirement figure in the draft Local Plan (Reg 18).
- CDC does not have a five-year HLS when assessed against the need to have a single housing requirement figure.
- The scheme accords with policy BSC1 insofar as it seeks to direct growth to Banbury.

- The proximity of the appeal site to the northern edge of Banbury means that the development would be a logical northern extension to Banbury. The Inspector did not consider the development to be sporadic and provided a definition of sporadic as ‘unplanned, scattered or isolated’. This is despite the appeal site not been allocated the Cherwell LP (2015).
- Policy H18 and C8 are nearly 30 years old. The policies were considered to be more restrictive than the approach to development contained in the NPPF and were therefore considered to be out of date.
- The site does not lie within any local or national landscape designations and is not a valued landscape as set out in paragraph 180a of the NPPF
- The proposed landscaping scheme would keep the most sensitive parts of the site free from built development
- The appeal site does not adjoin the settlement boundary of Hanwell and as such the appeal scheme would not physically unify the two settlements.
- The development will not harm the setting of St Peter’s Church or Hanwell Castle due in part to the distance and lack of intervisibility.
- The level of harm to the significance of the Hanwell Conservation Area would be towards the bottom of less than substantial.
- BMV land is not scarce in this part of the district and the site would only make a limited contribution towards the production of arable crops.
- 40% affordable housing significantly exceeds the Policy requirements
- The levels of housing affordability in the district are ‘staggering’.
- The opening of large part of the site for public access and outdoor recreation attracts significant weight.
- The public benefits attach significant weight sufficient to outweigh the harm to the conservation area, landscape and loss of BMV land.

Therefore, the Appeal was Allowed.

4.32 22/02866/OUT– Land off Ploughley Road, Ambrosden.

The Inspector **Allowed** the 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 by Archstone Ambrosden Ltd, Bellway Homes Ltd and Ros.

On the 8 July 2024, the Planning Inspector allowed the appeal and granted planning permission for up to 120 houses on the above site.

The appeal scheme had been recommended for refusal by the case officer, and Members, at the 13th July 2023 planning committee, supported that recommendation, leading to the application being refused on the 14 July 2023 for the following reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing

settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

Landscape Impact

The Inspector found the existing landscape features and topography to be not important, on either the appeal site or its setting or in combination, because of the surrounding houses. Consequently, the Inspector concluded that the proposed houses and access would result in only limited harm to the character and appearance of the area, reducing to very limited harm after 15 years once the new landscaping is well established.

Moreover, the Inspector concluded that the proposal complies with Policy Villages 2 (PV2), on the grounds that PV2 allows for development which leads to some harm and (in his view) the harm arising from this proposal would be limited/very limited, so significant adverse landscape and impacts would be avoided. The Inspector also considered the parameter plans, secured by condition, to be robust enough to enhance the setting of the existing surrounding houses and, therefore, ensure compliance with policies ESD13 and ESD15 as well.

The Inspector agreed that the proposal would conflict with saved Policy H18 of the adopted 1996 Local Plan. However, he noted that this policy was prepared in the context of PPG7 and pre-dates the Framework which permits a balanced judgment to be made on the effects. For this reason, he gave this conflict very little weight.

Scale of development

The Council had made the case that, in the supporting text to policy BSC1, strategic scale development is defined as being 100 houses or more, and that the local plan directs that scale of development to Bicester and Banbury. On this basis, the Council's position was that a 120 dwelling scheme outside of Banbury would undermine this spatial strategy.

The Inspector took a different view, making the following comments at paragraph 75 of his decision letter

“Similarly, the Council suggested at the Inquiry that 100 houses were in excess of that allowable in Policy PV 2 as such a quantum was akin to a strategic site. However, the wording of the Policy has no such limit, and it would be wrong to interpret it by importing such a figure”.

Policy Village 2 – Distribution of houses

The Inspector concluded that policy PV2 does not specify a particular distribution of houses and, accordingly, the distribution of houses across the PV2 villages is down to the particular constraints and opportunities of each individual village.

Oxford’s Unmet Needs/Partial Review sites

In paragraph 74 of his decision letter, the Inspector commented that the 120 dwellings in the appeal proposal would be relatively small compared to the size of the Partial Review Sites. He also took the view that this scheme would likely come forward before the PR sites are implemented, and, for these reasons, would not prejudice the sites identified for Oxford’s needs.

Five Year Housing Land Supply

The Inspector, on the grounds that he concluded that the appeal scheme complied with the Development Plan as a whole, advised that it was not necessary for him to reach conclusions on the five-year housing land supply position.

Therefore, he was silent on the debate about whether Cherwell’s spatial strategy the Oxford’s unmet need sites were, in fact, a single spatial strategy or two separate strategies; and provided no comments about paragraph 77 of the NPPF and whether the Council needs to have a 4- or 5-year housing land supply.

Planning Obligations

The Inspector agreed that all of the Council’s planning obligations were necessary and relevant in scale and kind and satisfied the CIL Regs and paragraph 57 of the NPPF. The Council’s infrastructure requirements included 35% affordable housing and contributions towards:

- Capacity Improvement works at Ambrosden Village Hall
- Capacity improvement works at local Indoor (Bicester leisure Centre) and outdoor sports facilities (Graven Hill 3g Football pitches).
- Provision of bins
- Towards the provision of a new NHS Surgery in the area
- Community worker and community development
- 6 Apprenticeships
- Monitoring Fees

The Inspector also supported Oxfordshire County Councils developer contributions, which comprised:

- £135,960 contribution towards bus services serving the village
- £30,000 towards improvements to public rights of way; and
- £1,558 is identified for Travel Plan monitoring
- Monitoring Fees.

Overall Planning balance

In short, the Inspector concluded that the proposal would not lead to significant adverse landscape impacts and, therefore, the proposal complies with Policies PV2, ESD 13, ESD 15 and C15.

4.33 23/01667/F – West End Farmhouse, 56 West End, Launton, Bicester, OX26 5DG

Replacement windows and doors.



The Inspector made a split decision on the Appeal, as requested by the applicant, and dismissed the Appeal by Ms Collins as regards to windows FW01, FW02, FW03, and GW03. The appeal was allowed, and planning permission granted insofar as it relates to doors and windows GD00, GW01, GW02, GW04, GW05, GW06, GW07, GW08, GW09, GW10 at West End Farmhouse, 56 West End, Launton, Bicester OX26 5DG

Method of determination: Written representation

Appeal Reference: APP/C3105/Y/23/3331378

Council Reference: 23/01668/LB

Works Proposed: The development proposed is the replacement of existing windows with new heritage windows.

The Inspector identified the main issues as:

- Whether the proposal would preserve the special architectural and historic interest of West End Farmhouse which is a Grade II Listed building

The Inspector noted that West End Farmhouse is a Grade II Listed Building, and that of particular relevance were the historic windows to the house, three at first floor (FW01, FW02 and FW03) and three at ground floor (GW01, GW02, GW03). They have been variously repaired, for example FW01 and FW02 have an opening casement dating from the 20th-century but an earlier fixed casement with historic glass. FW03 and GW03 which are first floor and ground floor windows on the far north-east side of the front façade are even more complete historically, dating from the late 19th-century and with the majority of glass panes containing historic glass, albeit some panes have been replaced.

Other windows to the house are modern in origin.

The proposal was to replace all existing windows on all elevations, including the six on the front elevation. The proposed replacement windows are to be heritage-white spray-painted timber of traditional flush casement design and would match the existing windows on a 'like-for-like' basis. The windows are to be glazed using LandVac vacuum insulated glass which would appear as a single pane of glass with micro dots.

The Inspector felt that the loss of the historic windows was harmful to the listed building when they could instead be repaired, and that the public benefits put forward in this case do not outweigh the heritage harm.

However, they considered that the non-historic windows could be replaced (in agreement with the Council's findings) but contrary to the Council, considered that the Landvac windows could be acceptable for a listed building, stating that "The windows proposed would be of a high quality and would not be constructed using fake glazing bars. On the face of it they would be a good match."

They imposed a condition for the details of the windows:

"Prior to the installation of the doors and windows hereby approved full details at a scale of 1:20 including a cross section, sill, lintel and recess detail, and colour/finish shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall be installed in accordance with the approved details."

This is an interesting case since we have previously taken a stance that Landvac windows, with their dotted surface, and usually applied glazing bars, would not be acceptable on Listed Buildings, and from this Inspector's statement, this appears not to be the case, so long as applied glazing bars are not proposed (given their statement "The windows proposed would be of a high quality and would not be constructed using fake glazing bars").

4.34 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.

Appeal Reference: 24/00019/REF.

Start Date: 19.06.2024.

APPEAL WITHDRAWN BY APPELLANT 07.08.2024.

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
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
Report Author contact details	Sarah.gevaux@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk

Agenda Item 12

This report is Public.	
Planning Performance Report	
Committee	Planning Committee
Date of Committee	5 September 2024
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	27 August 2024
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

This report details the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the report.

2. Executive Summary

- 2.1 This is a report to the Planning Committee on the Council's performance in respect of determining planning applications, with particular reference to major¹ and non-major² applications based on government targets.
- 2.2 Performance is measured using the Department for Levelling Up, Housing and Communities (DLUHC) 'Improving Planning Performance: Criteria for Designation (updated 2022)'. If a Local Planning Authority (LPA) is designated as underperforming in either 'major' or 'non-major' applications then applicants for those types of applications could apply directly to the Secretary of State for determination of those applications, i.e. the LPA potentially lose the power to determine these applications.
- 2.3 The above guidance states that DLUHC will determine whether to designate an LPA as underperforming based (approximately) on the performance **of the previous 2 years**.

¹ Major development is defined as the (a) winning and working of minerals or the use of land for mineral-working deposits; or (b) waste development; or (c) the provision 10 or more dwellinghouses;- or a development on a site area of 0.5 hectares or more if it is not known how many dwellings are proposed; or (d) the provision of a building(s) where the floorspace to be created is 1,000 sqm or more; or a development carried out on a site area of 1 hectare or more.

² Non-major development is defined as any applications for planning permission for development which is not major development.

2.4 The table below sets out the designation thresholds:

Measure and type of Application	Threshold
Speed of major Development	60%
Speed of non-major Development	70%
Quality of major Development	10%
Quality of non-major Development	10%

2.5 **Speed** is measured on the percentage of decisions made:

- (a) within the statutory determination period (8 weeks for non-major development, 13 weeks for major development and 16 weeks for EIA development (applications subject to an Environmental Impact Assessment)), or
- (b) within such extended period as has been agreed in writing between the applicant and the LPA.

2.6 **Quality** is measured on the percentage of the total number of decisions on applications made by the LPA during the assessment period being overturned at appeal.

Implications	Commentary
Finance	<p>Whilst there are no direct implications arising from this report it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold.</p> <p>The spend to date on appeals is £0.327m against a budget provision of £0.100m. This has meant that alternative sources of funding to defend further appeals will need to be identified including the call on the appeals reserve will be necessary for mitigation.</p> <p>Kelly Wheeler, Finance Business Partner, 23 August 2024</p>
Legal	As this report is purely for information there are no legal implications arising from it.

	Kim Maher (Planning Solicitor) Law and Governance (22.08.24)			
Risk Management	<p>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, a per the indicated on the finance implications, will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader, 27 August 2024</p>			
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, 27 August 2024
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

Supporting Information

3. Report Details

Speed of Decisions

- 3.1. The table below sets out the Council's performance against the National Target for 2022, 2023 and 2024 (based on a 2-year period of data).

Speed	Major applications (13/16-week target or agreed extension of time)	Non-major applications (8-week target or agreed extension of time)
National Target	60%	70%
CDC performance 2022 (July 2020 to June 2022)	95% (124/131 apps)	87% (2296/2630 apps)
CDC performance 2023 (July 2021 to June 2023)	96% (112/117 apps)	92% (2310/2490 apps)
CDC performance 2024 (July 2022 to June 2024)	89% (103/116 apps)	87% (2061/2381 apps)

- 3.2. The tables below sets out the Council's rolling performance against the National Target for 2024 (which is based on the period July 2022 to June 2024):

CDC Performance per quarter	Major applications (13/16-week target or agreed extension of time)			Non-major applications (8-week target or agreed extension of time)		
	Per quarter	Rolling Performance		Per Quarter	Rolling Performance	
July-Sept 2022	100% (14/14)	100% (14/14)	-	91% (268/295)	91% (268/295)	-
Oct – Dec 2022	100% (10/10)	100% (24/24)	-	94% (263/279)	93% (531/574)	↑
Jan – Mar 2023	93% (13/14)	97% (37/38)	↓	93% (267/287)	93% (798/861)	-

Mar – Jun 2023	86% (12/14)	94% (49/52)	↓	89% (337/377)	92% (1135/1238)	↓
July – Sep 2023	74% (14/19)	89% (63/71)	↓	88% (226/258)	92% (1331/1496)	↓
Oct – Dec 2023	93% (13/14)	89% (76/85)	-	81% (244/303)	88% (1575/1799)	↓
Jan – Mar 2024	80% (12/15)	88% (88/100)	↓	80% (218/272)	87% (1793/2071)	↓
Mar – Jun 2024	94% (15/16)	89% (103/116)	↑	86% (268/310)	87% (2061/2381)	-

- 3.3. In summary, the Council have been achieving and exceeding the National Targets for the last 3 years.

Quality of Decisions

- 3.4. The table below sets out the Council's performance for 2023 and 2024 based on the government's quality of decision requirements for major and non-major applications.

Quality	Major applications % allowed at appeal	Non-major applications % allowed at appeal
National target	No more than 10%	No more than 10%
CDC performance 2023 (July 2021 to June 2023)	5.1% (6 appeals allowed out of 117 decisions made by the LPA)	1.1% (27 appeals allowed out of 2381 decisions made by the LPA)
CDC performance 2024 (July 2022 to June 2024)	11% (13 appeals allowed out of 116 decisions made by the LPA)	1.04% (25 appeals allowed out of 2381 decisions made by the LPA)

- 3.5. In summary, the Council has exceeded the National Targets for Quality in 2023 and has exceeded the target for Quality for non-major applications in 2024, however, the target for major appeals has marginally gone over the target by 1%.

Comparison with neighbouring councils on Speed

- 3.6. The tables below show a comparison of the performance figures with neighbouring district councils for the year 01/04/2023 to 31/03/2024 (which is the most recent data available).
- 3.7. The tables are split into Majors and non-majors.
- 3.8. In addition to performance figures, additional data is provided regarding the total number of applications received; the use of Extensions of Time (EOT) and Planning Performance Agreements (PPA) and the percentage of applications granted.

Major Applications						
Council	Total number of applications determined	Number determined within time or EOT	% within time or EOT	Number determined within time without using EOT	% within time without EOT	% granted permission
Oxford City Council	29	29	100%	7	24%	100%
South Oxfordshire District Council	50	48	96%	5	24%	76%
Buckinghamshire Council	157	145	92%	36	23%	83%
West Northamptonshire Council	83	76	92%	5	6%	89%
Stratford Upon Avon District Council	61	53	87%	12	20%	80%
West Oxfordshire District Council	45	38	84%	12	27%	76%
Cherwell District Council	58	48	83%	12	21%	67%

Non-Major Applications						
Council	Total number of applications determined	Number determined within time or EOT	% within time or EOT	Number determined within time without using EOT	% within time without EOT	% granted permission
West Oxfordshire District Council	986	944	96%	677	69%	87%
Buckinghamshire Council	4588	4524	93%	2092	46%	88%
South Oxfordshire District Council	1430	1321	92%	888	62%	94%
West Northamptonshire Council	1626	1430	88%	252	15%	92%

Oxford City Council	947	818	86%	510	54%	84%
Stratford Upon Avon District Council	1208	1003	83%	475	39%	88%
Cherwell District Council	1098	915	83%	493	45%	83%

- 3.9. Both tables show that we are meeting and exceeding government targets on determining applications in time. Whilst CDC is at the bottom of the list, we are roughly in line the authorities that share a border with this district. Furthermore, the Percentage of applications determined without the need for Extensions of Time is significantly better than some of the authorities
- 3.10. The table also shows that CDC has the lowest percentage of applications granted compared to the surrounding authorities. However, this may reflect a larger number of poor or speculative applications submitted compared to the surrounding authorities. Particularly in relation to major applications and speculative housing proposals adjacent to our towns and villages.
- 3.11. As part of ongoing planning improvement, we will be enhancing our performance monitoring and an action plan, if necessary, will be agreed with the Portfolio Holder and Chair to ensure we continue to meet the governments planning performance requirements.

4. Alternative Options and Reasons for Rejection

- 4.1. None. This report is submitted for information.

5. Conclusion and Reasons for Recommendations

Speed

- 5.1. Speed of determination for major and non-major applications exceeded the Government's performance targets for 2023 and 2024.

Quality

- 5.2. Based on the quality of decisions, the Council has met the Government's performance for Quality for 2023 (majors and non-majors), but only achieved the target for non-majors in 2024, narrowly missing the target for majors.

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	None
Report Author	Paul Seckington, Development Manager
Report Author contact details	Paul.seckington@cherwell-dc.gov.uk