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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 7 November 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 - 31)

To confirm as a correct record the Minutes of the meeting of the Committee held on 3 October 2024.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

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

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

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

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

Planning Applications

8. **Os Parcels 7685 6871 8775 1582 3675 3173 1865 0250 8545 7331 1724 And Part 0006 Adjoining Stratford Road A422 Wroxton** (Pages 34 - 48) **24/00375/F**

9. **Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA** (Pages 49 - 78) **24/02212/F**

10. **60 Castle Quay Banbury OX16 5UW** (Pages 79 - 86) **24/01980/F**

Review and Monitoring Reports

11. **Appeals Progress Report** (Pages 87 - 99)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

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

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

it be undertaken in a disruptive or otherwise inappropriate manner.

Queries Regarding this Agenda

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

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 30 October 2024

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 3 October 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 Becky Clarke MBE
Councillor Jean Conway
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 Lynne Parsons (In place of Councillor Dr Isabel Creed)

Apologies for absence:

Councillor Dr Isabel Creed
Councillor David Hingley

Also Present:

Councillor Rob Pattenden, (Speaking as Ward Member on application 24/01908/OUT - agenda item 10 / Minute 68)

Officers:

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

Martyn Surfleet, Democratic and Elections Officer

61 **Declarations of Interest**

8. Former Piggery And Land North Of Woodstock Road Yarnton

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

Councillor Fiona Mawson, Other Registerable Interest, as a member of Yarnton Parish Council which had been consulted on the application.

11. Bicester East Community Centre, Keble Road, Bicester, OX26 4TP

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

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

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

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

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

62 **Requests to Address the Meeting**

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

63 **Minutes**

The Minutes of the meeting held on 5 September 2024 were agreed as a correct record and signed by the Chairman.

64 **Chairman's Announcements**

The Chairman made the following announcement:

1. Going forward site visits would be held on the Tuesday of the week of the Planning Committee meeting rather than the day of Planning

Committee, however this was subject to change based on officer recommendation.

65 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

67 **Former Piggery And Land North Of Woodstock Road Yarnton**

The Committee considered application 23/03307/OUT, an outline planning application for a residential development of up to 300 dwellings with associated infrastructure and open space (outline) and new access off the A44 at Former Piggery and Land North Of Woodstock Road Yarnton, for Hallam Land Management Limited, G Smith, K Fletche.

Maddi Simpson, applicant, and Nicky Brock of Carter Jonas, Agent, addressed the meeting in support of the application.

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission subject to:

- i. Resolving the objection of network rail to the Satisfaction of the Assistant Director Planning and Development
- ii. Resolving the objection of the environment agency to the satisfaction of the Assistant Director Planning and Development
- iii. The conditions set out below (and any amendments to those conditions as deemed necessary) and
- iv. In accordance with the heads of terms (annex to the Minutes as set out in the Minute Book), the Completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary)
 - a. Payment of 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.
 - b. Payment of contributions towards transport and public transport enhancements and feasibility work towards a new station and sustainable transport (e.g. travel plan monitoring)

- c. Payment of contributions and land towards Secondary School, SEND and Primary Schools.
- d. Payments of contributions to Police and Health infrastructure.
- e. Payments of contributions to Canal Towpath enhancement and a connecting bridge to Allocation PR7b
- f. Payment of contributions towards archaeology storage, library enhancement and waste services
- g. Appropriate monitoring fees for the delivery of the s106

It was further resolved that if the section 106 agreement/undertaking was not completed within 12 months of this resolution and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, that authority be delegated to the Assistant Director for Planning and Development 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. 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

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

Location plan – 201506_OPN_P001

Parameter plans,

- Land use – 201506_OPN_P003
- Maximum Building Heights, – 201506_OPN_P004
- Access and Movement – 201506_OPN_P005
- Green & Blue Infrastructure – 201506_OPN_P006

Highways Drawings:

- Proposed Traffic Signal Junction Access Arrangement - 8190898_6103_K,
- Proposed Traffic Signal Junction Arrangement, Hallam Only - 8190898_6106_B,
- SWA 12m rigid and Home Delivery Van - 8190898_6201_A,
- SWA 8.2m Fire Tender - 8190898_6202_A,
- SWA 12m Bus and Home Delivery Van - 8190898_6203_A

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

- Illustrative Plan – 201506_OPN_P002

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

5. The development shall be carried out in accordance with the mitigation measures summarised in Chapter 19 in the Environmental Statement.

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

Phasing

6. 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. Construction accesses and temporary facilities (e.g. site compounds and sales offices)
- 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. Strategic foul and surface water features and SUDS;
- h. Formal and informal public open space, allotments, community orchard and parks and play facilities;
- i. Strategic electricity, telecommunications and gas networks;
- j. Infrastructure for the provision of fibre optic cables;
- k. Biodiversity net gain;
- l. Environmental mitigation measures;
- m. 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

7. 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 A.

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)

8. 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 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 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 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)

9. 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)

10. 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

Housing Mix

11. 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

12. 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

13. 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.

- 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.

Contamination Verification Strategy

14. A verification report that demonstrates the effectiveness of the remediation carried out in accordance with the Environmental Statement Contaminated Land Chapter on the site 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

15. 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.

Ecology/BNG condition(s)

16. Prior to the commencement of works, a detailed Biodiversity Improvement Management Plan (including updated survey work as appropriate). The management plan, should set out and include:

- Survey work in relation to breeding birds, water voles and badgers
- the retention and enhancement of the main river running to the south and surrounding landscaping;
- retention and enhancement of existing ponds and ditches on the Site.
- creation of 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.
- Mitigation of badgers and other protected species

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

17.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

18.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 ESD5, ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 and the aims and objectives of the NPPF.

Landscape Reserved Matters

19. 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

20. 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 year 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

21. 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.

22. 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.

23. 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

Residential Travel Plan

24. 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.

Youth and Play Strategy

25. Prior to or concurrently with the submission of the first of the reserved matters submission, a Strategy for Youth Facilities and Children's Play provision across the development, in accordance with the principles set out in the submitted Environmental Statement and the principles of the Design Code (approved under Condition 7), 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 Play (NEAPS, LEAPS)

26. a) A Reserved Matters submission which includes 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)

27. 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

28. 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.

Allotments Strategy

29. 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.

Footpaths, Cycleways and Green Corridors

30. Prior to or as part of the Reserved Matters submission with regard to the relevant phase the submission shall detail:
- i. Footways and cycleways to promote active travel for recreation and commuting across the site and connections to neighbouring developments.
 - ii. The creation of Green Corridors including landscaping, seating, signage and public art
 - iii. The creation of recreational links and access across the land to the north under development proposals 23/02098/OUT
 - iv. The provision of connections to Littlemarsh Playing Field and/or evidence to demonstrate that this is not feasible.

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.

Lighting Strategy

31. 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 public realm and walking and cycling routes
- iv) Areas of ecological areas where lighting will be prohibited.
- v) A strategy for lighting roads and development parcels.
- vi) 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

32. 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

33. 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

34. 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

35. 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

36.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 - 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.

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OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham

The Committee considered application 24/01908/OUT, an outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point with all matters reserved except for means of access (the application was a re-submission of 23/01265/OUT) at OS Parcel 0069 West Of Quarry Close Quarry Close, Bloxham for Gladman Developments Ltd.

Councillor Rob Pattenden, local Ward Member addressed the meeting in objection to the application.

In reaching its decision the Committee considered the officer's report and presentation, the address of the Ward Member and the written updates.

Resolved

That, in line with officers' recommendation, authority be delegated the Assistant Director for Planning and Development to refuse planning permission on the expiry of the press notice for the reasons set out below (and any amendments to those reason(s) as deemed necessary) and that authority be delegated to officers, in consultation with the Chairman of Planning Committee, to add or remove refusal reasons, in the event of an appeal being lodged against the refusal, in light of new evidence becoming available.

REASONS FOR REFUSAL

1. The site is located outside the built form of Bloxham 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 and filling an important gap to Park Farm. Its development would therefore have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside. 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 and result in unsustainable growth. The proposed development would therefore be

contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996, Policies BL2, BL3 and BL11 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework. The proposals due to their distance and poor connection would also not contribute to meeting Oxford's Unmet Housing Needs and be contrary to Policy PR1, PR4a and PR11 of Cherwell Local Plan 2011 - 2031 Part 1 Partial Review.

2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel. Therefore, the proposal conflicts with Policies ESD1, ESD15 and Villages 2 of the Cherwell Local Plan 2011- 2031, saved Policies C28 and 30 of the Cherwell Local Plan 1996, Policy BL3 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance within the National Planning Policy Framework.

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The Pheasant Pluckers Inn Burdrop Oxfordshire OX15 5RQ

The Committee considered application 24/00613/F for an amended design to 16/01525/F - Erection of a single storey building providing 3 no en-suite letting rooms amended to three bedroom cottage for holiday let at The Pheasant Pluckers Inn Burdrop Oxfordshire OX15 5RQ for Blaze-Inn Saddles.

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

Resolved

That, in line with the officer recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary)

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: Block Plan, Proposed elevations and floor plans, Ground Level received 20 June 2024.

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

3. No development above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique. The sample panel shall be constructed in a position that is readily accessible for viewing in good natural daylight. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area and the significance of heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. A schedule of materials and finishes to be used in the external walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior construction above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area and the significance of heritage assets 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.

5. Full details of the use of the garden area associated with the public house and holiday accommodation, including any new boundary treatments, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those holiday let which are intended to be screened, shall be erected prior to the first occupation of the holiday let.

Reason: To safeguard the character and appearance of the area, to safeguard the privacy of the occupants of the existing and proposed holiday let, and to ensure the viability of the public house is not impacted as a result of the development and to comply with Policies SLE3 and 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.

6. The building hereby permitted shall:
 - (a) be used for short-term holiday lets only and shall not be let or occupied by any person, or connected group of persons, for more than 28 days on any one calendar year. A register of occupier(s) including their name(s) and the dates of their arrival and departure shall be kept for each unit and made available for inspection by the Local Planning Authority at all reasonable times; and
 - (b) remain ancillary to the property currently known as the Pheasant Pluckers Inn (formerly Bishops Blaize/Bishops End) and shall not be sold, leased, or used as an independent dwelling unit.

Reason: The building, due to the lack of private amenity space, is not suitable for permanent residential accommodation and in the interests of general amenity and sustainable development and in accordance with Saved Policy T7 of the Cherwell Local Plan 1996, Policies SLE3, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town, and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall, or other means of enclosure shall be erected, at any time.

Reason: In order to retain the open character of the development and 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.

The Committee considered application 24/01933/DISC for the discharge of Conditions 7 (lighting details), 9 (bin storage), 10 (covered cycle parking facilities) & 11 (boundary enclosures) of 22/02491/CDC at Bicester East Community Centre, Keble Road, Bicester, OX26 4TP for Mr Stuart Parkhurst.

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

Resolved

That planning conditions 7, 9, 10 and 11 of 22/02491/CDC be discharged based upon the following:

Condition 7

In accordance with External Lighting document prepared by Dextra Group Plc dated 04.04.2023 and Product Specification document (Opus Column) prepared by Dextra Group Plc.

Condition 9

In accordance with drawing numbers 5046/G/20/003 Rev C7 and 5046/G/20/011 Rev P2.

Condition 10

In accordance with drawing numbers 5046/G/20/003 Rev C7 and 5046/G/20/011 Rev P2.

Condition 11

In accordance with drawing number 5046/G/20/003 Rev C7.

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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.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 5.56 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 7 November 2024

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

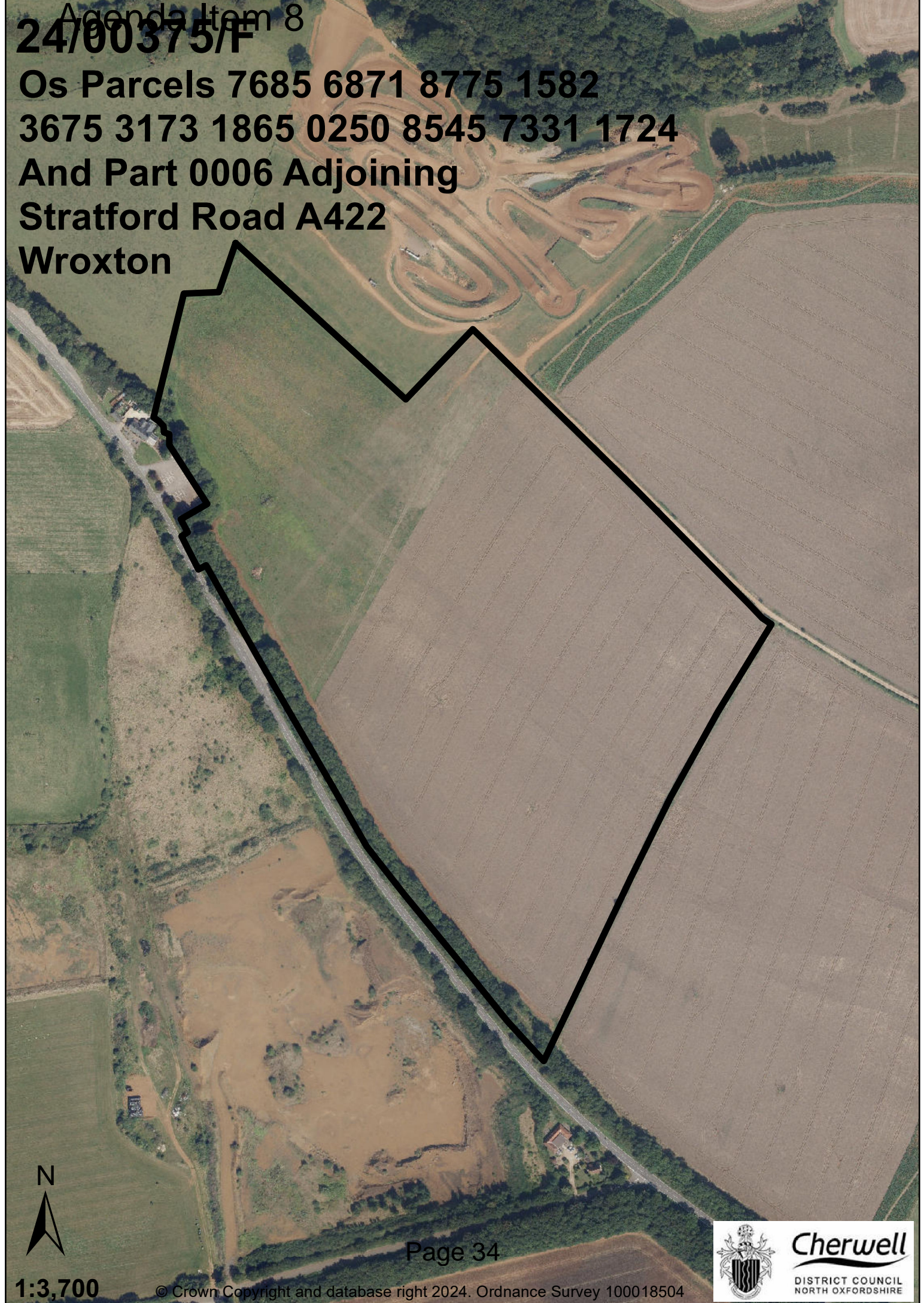
Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Os Parcels 7685 6871 8775 1582 3675 3173 1865 0250 8545 7331 1724 And Part 0006 Adjoining Stratford Road A422 Wroxton	24/00375/F	Cropredy, Sibfords and Wroxton	Refusal	Katherine Daniels
9	Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA	24/02212/F	Kidlington East	Approval*	Tom Webster
10	60 Castle Quay Banbury OX16 5UW	24/01980/F	Banbury Cross and Neithrop	Approval*	Iwona Gogut

*Subject to conditions

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

Agenda Item 8
24/00375/F

**Os Parcels 7685 6871 8775 1582
3675 3173 1865 0250 8545 7331 1724
And Part 0006 Adjoining
Stratford Road A422
Wroxton**



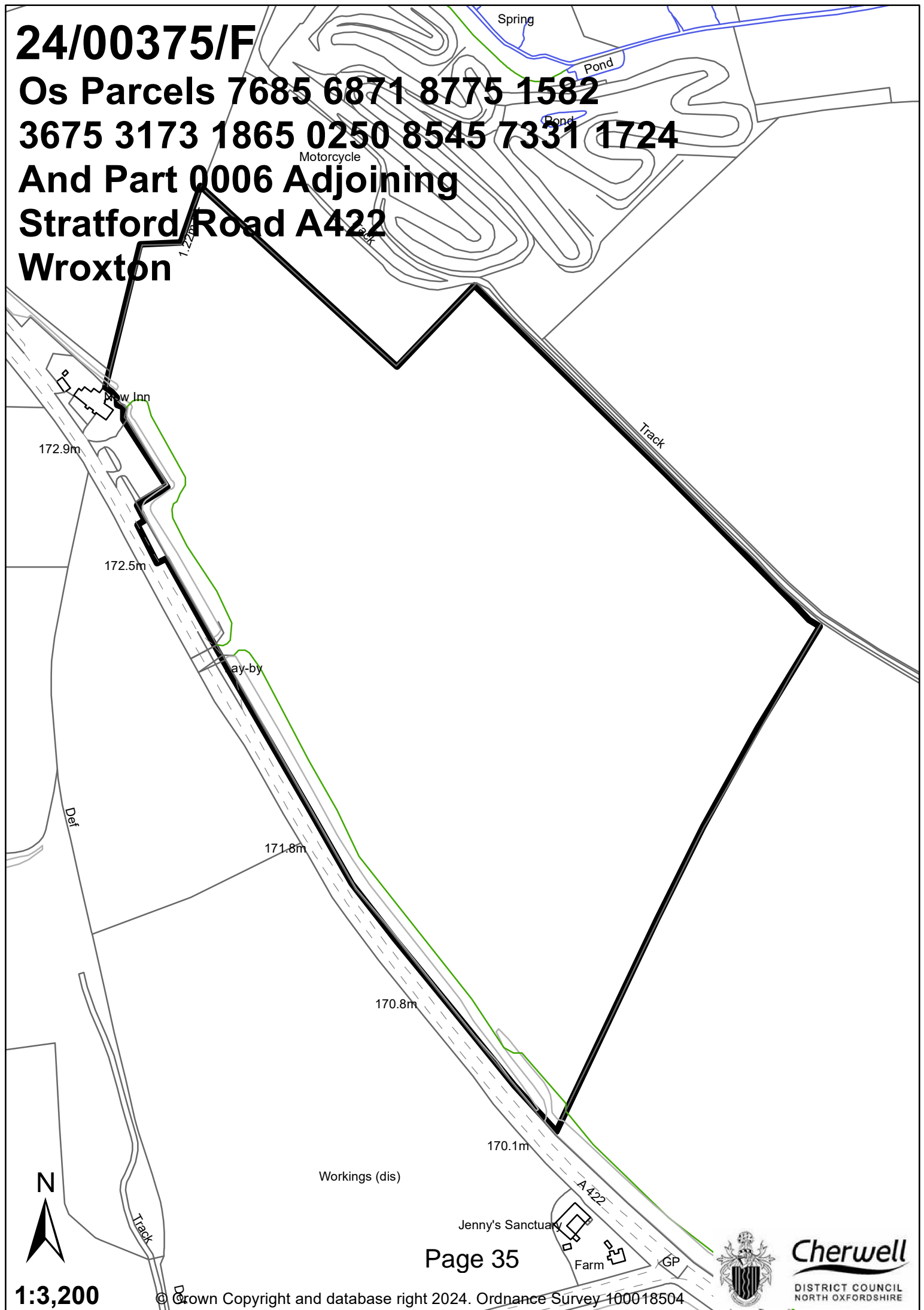
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24/00375/F

Os Parcels 7685 6871 8775 1582

3675 3173 1865 0250 8545 7331 1724

**And Part 0006 Adjoining
Stratford Road A422
Wroxton**

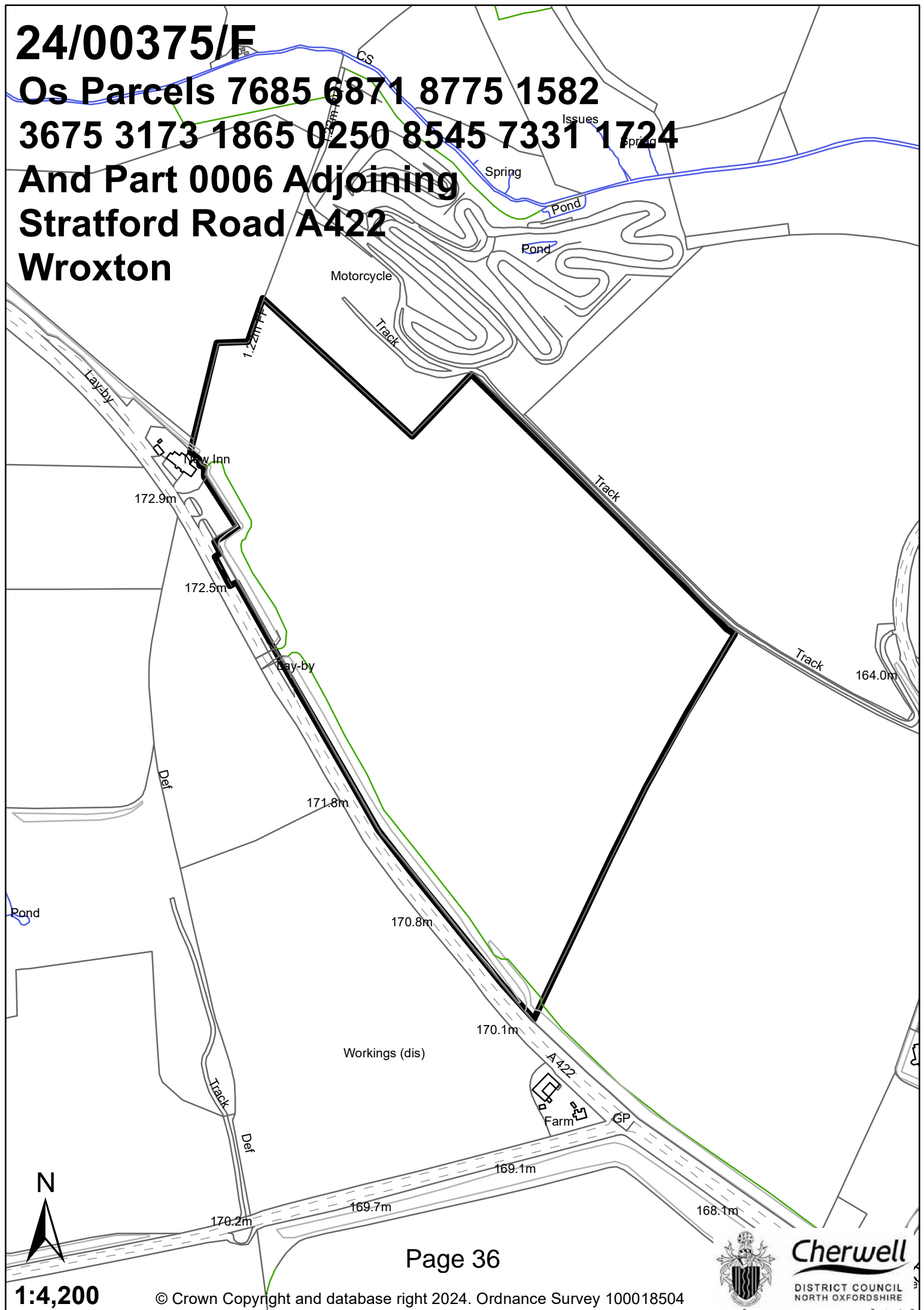


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24/00375/F

**Os Parcels 7685 6871 8775 1582
3675 3173 1865 0250 8545 7331 1724
And Part 0006 Adjoining
Stratford Road A422
Wroxton**



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Case Officer: Katherine Daniels

Applicant: ATE Farms

Proposal: Formation of two fishing lakes, two nursery lakes, the siting of 15 accommodation lodges, 8 pods, a management building and ancillary vehicular access, parking, and landscaping

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Webb, Councillor Brant, and Councillor Chapman

Reason for Referral: 1,000 sq. m floor space created

Expiry Date: 29 November 2024

Committee Date: 7 November 2024

SUMMARY RECOMMENDATION: REFUSAL

This application is subject to a Committee Members Site Visit, taking place on 5th November 2024

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located off the Stratford Road, adjacent to the Indian Queen restaurant. The car park for the Indian Queen is located to the west of the application site. The boundary with the Stratford Road comprises of mature trees. The site is located on a lower level than the road. It is currently being used for arable farming. The ground level undulates within the site. To the northern boundary of the site, the site is screened by hedgerows.

2. CONSTRAINTS

2.1. The application site is within Grade 3 agricultural land. A public right of way (418/14/10) runs through the centre of the site, and another public right of way (418/5/10) is located to the northwestern boundary of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the formation of two fishing lakes, two nursery lakes, 15 holiday accommodation lodges and 8 pods together with ancillary management building and associated access, parking, and landscaping. The management building comprises of overnight accommodation, two showers, a communal area and kitchenette/servery.

3.2. The lodges measure approx. 96 square metres, with the pods measuring 20 square metres. The management building is proposed to be 136 square metres. The two

fishing lakes measure 24,000 square metres and 13,000 square metres. The buildings will be single storey in height.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **26 March 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows: 36 letters of objection have been received to date raising the following:

- No justification
- Light Pollution
- Impact on Ecology
- Impact on character and appearance of the locality
- Highway Safety

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

7. RESPONSE TO CONSULTATION

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

7.2. WROXTON PARISH COUNCIL: **No comments** received.

7.3. SHENNINGTON WITH ALKERTON PARISH COUNCIL: **No objection** provided the sewage flows to Alkerton are not increased.

7.4. HORNTON PARISH COUNCIL: **Objects** due to no identified need, highway safety, noise pollution, no economic case, no waste management. Will be larger.

7.5. OCC LEAD LOCAL FLOOD AUTHORITY: **Objects** due to insufficient information on surface water drainage

7.6. OCC ARCHEAOLGY: **No objections**

- 7.7. OCC HIGHWAYS: **Objections** insufficient information has been received if the access is safe and suitable, insufficient information on sustainable transport measures,
- 7.8. OCC RIGHTS OF WAY: **Comments** that the right of way needs to be kept free of obstruction.
- 7.9. OCC MINERALS AND WASTE: Further information required on how the fishing lakes will be constructed.
- 7.10. CDC ECOLOGY: **Objects** on the grounds that the Preliminary Appraisal Report recommends further surveys. No Biodiversity Net Gain survey has been submitted.
- 7.11. CDC BUILDING CONTROL: Building regulations application is required.
- 7.12. THAMES VALLEY POLICE: Recommends a condition on any approval.

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)

- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy SLE 3: Supporting Tourism Growth
- Policy SLE 4: Improved Transport and Connections
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD 8: Water Resources
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 13: Local Landscape Protection and Enhancement
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 17: Green Infrastructure
- Policy Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy T5: Proposals for new hotels, motels, guesthouses, and restaurants in the countryside
- Policy C5: Protection of ecological value and rural character of specified features of value in the District
- Policy C8: Sporadic development in the open countryside

- Policy C14: Countryside Management Projects
- Policy C28: Layout, design, and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Cherwell Tourism Study August 2008
- Oxford Local Enterprise Partnership: Creating The Environment for Growth - A strategic Investment Plan for Oxfordshire Dec 2015

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area.
- Residential amenity
- Highway Impact
- Flooding and Drainage
- Ecology impact

Principle of Development

Policy Context

9.2. The development plan for the district comprises the Cherwell Local Plan Part 1 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996). The National Planning Policy Framework (NPPF) is a material consideration.

9.3. Policy SLE3 of the CLP 2015 explains that *‘the Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District’*. The policy preamble notes that the Council *‘will support new tourism provision that can demonstrate direct benefit for the local ‘visitor’ economy, and which will sustain the rural economy’* (B.62). The preamble also offers support to an increase in high quality tourist accommodation in Cherwell’s towns (B.63) and notes that the Part 2 Local Plan will include policies encouraging new accommodation and the allocation of smaller sites for tourism related development (B.67). The Part 2 Local Plan has not been produced and instead a new Cherwell Local Plan 2040 (CLP 2040) is being prepared. Therefore, smaller sites for tourism related development have not been allocated.

9.4. Policy SLE4 states that *‘all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling’*.

- 9.5. Policy ESD1 seeks to distribute growth to the most sustainable locations and to deliver development that seeks to reduce the need to travel, and which encourages sustainable travel options.
- 9.6. The NPPF seeks to support economic growth throughout the country with paragraph 88 providing specific support to the rural economy, noting that planning decisions should enable the *'sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'* along with *'sustainable rural tourism and leisure developments which respect the character of the countryside'*.
- 9.7. Paragraph 89 acknowledges that *'sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*
- 9.8. Paragraph 109 notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
- 9.9. The Supporting Statement references policy T1 from the CLP 1996; however, this policy expired on 27 September 2007, as instructed by the Secretary of State on 25 September 2007, and is therefore no longer relevant. The Statement also references policy EMP4 from the CLP 1996; this policy was replaced by policy SLE1 of the CLP 2015 as detailed in Appendix 7 of the CLP 2015, but Policy SLE1 is not considered relevant to this application.

Assessment

- 9.10. In respect of the in-principle acceptability of the lodge accommodation, policy SLE3 remains the most relevant policy. This offers support to tourist facilities but requires these to be in sustainable locations. The accessibility of the site by public or sustainable transport options is limited.
- 9.11. In terms of guests travelling to and from the site at the beginning and end of their stay, as they would likely have luggage (and possibly food) Officers consider they may be less inclined to travel by public transport and more likely to use a private car. The likely reliance on the private car to reach the site presents a conflict with policies SLE3 and ESD1 along with paragraph 88(c) of the NPPF.
- 9.12. In respect of the economic benefits of the proposal, the lodges and fishing lakes would bring investment to the rural area and provide additional units of accommodation which would accord with the general thrust of the Local Plan and NPPF to increase the availability of tourist accommodation. This could also benefit local attractions and businesses such as pubs.

Conclusion

- 9.13. The lodges and fishing lakes would bring additional tourist accommodation to the area, which would bring broad economic benefits and help to address an identified need for more tourist accommodation. Whilst it is likely many guests would travel by car to the site, this is more inevitable given the luggage guests would require.

However, when on site, the distance to local services and attractions and the lack of public transport means that guests are also likely to be reliant on the car whilst staying. Further, no specific local business or community need for the facility in this location has been identified. Officers do not consider the broad support for tourist accommodation nullifies the need to promote sustainable patterns of development and on balance, Officers are of the view that the harm of the proposal, and other areas of harm discussed further in this report, outweighs the benefits. The proposal would therefore, in principle, be contrary to policies SLE3 and ESD1 of the CLP 2015 and paragraphs 88 and 89 of the NPPF.

Design, and impact on the character of the area.

Policy Context

- 9.14. Policy ESD13 of the CLP 2015 seeks to enhance the character and appearance of the landscape through restoration, management or enhancement of existing landscapes, features, or habitats and where appropriate create new ones. Development is expected to respect and enhance local landscape character and development that causes undue visual intrusion into the open countryside, is inconsistent with local character or impacts on areas of high tranquillity, amongst other considerations, will not be permitted.
- 9.15. Policy ESD15 seeks to control new development to ensure it complements and enhances the character of the area through sensitive siting, layout, and high quality design. The policy also aims to control the impact of development on heritage assets, residential amenity, and sustainability.
- 9.16. From the CLP 1996, saved policy C28 aims to ensure new development has sympathetic standards of layout, design and external appearance whilst saved policy C29 requires development adjacent to the canal to be of a high standard. Saved policy C8 resists sporadic development in the open countryside.
- 9.17. Within the NPPF, paragraph 135 requires new development to add to the overall quality of the area in both the short and long term, be visually attractive and be sympathetic to local character. Paragraph 139 states that poor design should be refused.

Assessment

- 9.18. The proposal seeks to create a new access onto the site. The site is lower than the road itself, which would therefore require engineering works to create a new access by the Indian Queen's car park. This would require a large amount of trees to be removed from the boundary with the Stratford Road to accommodate the new access.
- 9.19. No information has been submitted to show how the 4 proposed fishing lakes would be constructed. The proposal includes new plating around the lakes and pods. The applicant has stated that any material dug from the site, would be used elsewhere on the site. However, without knowing how much material would be excavated and how it would be distributed within the site, it is unclear how this would impact upon the character and appearance of the locality.
- 9.20. The access way would also need to have embankments. The details submitted state that these details are yet to be agreed. There are limited details with this application in order to properly assess the overall impact on the character and appearance of the locality. It is noted that there would be a change to the landscape as a result of the proposed development.

- 9.21. No information has been submitted regarding the loss of the trees on site, nor the impact on the wider landscape. Although this information has not been received, it is clear that there is harm to the overall character and appearance of the rural location. The tree belt along Stratford Road, is a key characteristic of the area, and the loss of trees, including the engineering works for the access would result in an urbanisation to the setting of the site, which is rural in character. The proposal would lead to additional light pollution to the locality, which would further exacerbate the development, further impacting on the tranquil nature of the site and its surroundings.
- 9.22. Taken altogether Officers are of the view that the proposed lodges and fishing lakes would introduce a significant new development into the open countryside. The cumulative effect of the overall development would have an urbanising effect on the landscape and appear as sporadic development in the countryside.
- 9.23. The proposed landscaping would soften the impact of the development over time; however, Officers do not consider that landscaping can overcome the fundamental incompatibility of the proposals in the landscape. Further, any landscaping would be less effective in the winter months.

Conclusion

- 9.24. Overall, it is considered that there is insufficient information to assess the impact on the wider locality, however it is clear from the limited information submitted with the application the proposal will have an urbanising impact on the locality which is rural in nature. Therefore, there would be harm to the overall character. It is noted that the proposed development has economic benefits, by increasing the tourist accommodation on offer in the locality. However, it is considered that these benefits do not outweigh the harm to the overall character and appearance of the locality. The proposal is therefore considered to conflict with CLP 2015 Policies ESD13 and ESD15, Saved CLP 1996 Policy C28 and having regard to paragraphs 135 and 139 of the NPPF.

Highway Impact

Policy Context

- 9.25. Policy SLE4 of the CLP 2015 seeks to promote a modal shift in transport and to promote more sustainable locations for employment. Policy ESD15 seeks new development to deliver high quality, safe, attractive, durable, and healthy places to live and work in Paragraph 115 of the NPPF notes that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Assessment

- 9.26. The applicants have provided additional information following the concerns of the Local Highway Authority (LHA). Whilst they have addressed some of the concerns regarding the impact upon the road network. The applicants still have not addressed the concerns regarding the gradient of the access onto the Stratford Road. The first 15m of an access road should be no steeper than 1:40, however this has not been demonstrated. The proposal should include this information at this stage, so the LHA are confident that a safe access onto and off the site is achievable.
- 9.27. Without knowing the full details, this further could have a negative impact on the character and appearance of the locality. This has been highlighted in the paragraphs above.

- 9.28. In addition, there are conflicts within the application, on how many parking spaces there would be on site. The application suggests 60, whereas the highway technical note states 95. Further justification is required for the level of parking, and any overspill that may be required if there would be any fishing events which would take place on site.
- 9.29. The applicants have provided further details on the trip generation for the fishing pegs and lodges; however, further information has not been submitted to show how the café would impact the road network.
- 9.30. It is understood that further work is being undertaken by the applicant to overcome these concerns; however, these have not been submitted to date. If there are any updates, these will be reported to members.

Conclusion

- 9.31. The applicants have not demonstrated that the development would not cause harm to the highway network. The LHA, therefore, objects to the proposal. It is possible that these could be overcome; however, at the time of writing the report, the proposal as it currently stands has a negative impact on the highway network. The proposal is therefore considered to be contrary to the aforementioned policies.

Flooding and Drainage

- 9.32. Policies ESD6 and ESD7 set out the Council's approach to sustainable flood risk management and sustainable urban drainage systems (SUDS) respectively. Paragraph 173 of the NPPF requires local planning authorities to ensure that development does not increase flood risk elsewhere and requires certain planning applications to be accompanied by a Flood Risk Assessment.
- 9.33. No drainage information has been received; therefore, the Lead Local Flood Authority considers there is insufficient information on the acceptability of the proposed surface water drainage. The applicants have not submitted any further information to demonstrate the impact on surface water details.
- 9.34. Insufficient information has been received to demonstrate that the proposal is acceptable in terms of surface water drainage. Therefore, the applicants have not met the above policies.

Ecology Impact

Legislative context

- 9.35. 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.
- 9.36. 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.

- 9.37. 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.
- 9.38. 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.
- 9.39. 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

- 9.40. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.41. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.42. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit

the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.

- 9.43. 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.
- 9.44. 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.
- 9.45. 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.
- 9.46. 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

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

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it is 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 are not affected at each stage (this is known as a 'condition survey')
- 9.48. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.49. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the

development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.50. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.51. Having regard to the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable protected species/ecological survey and proposed mitigation strategy means that it has not been demonstrated that the proposal will not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. The proposal is therefore contrary to Policy ESD10 of the CLP 2015, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.

Other Matters

- 9.52. Concerns have been raised regarding the number of lodges and pods proposed. However, the application is only for 15 lodges and 8 pods. If this proposal were deemed to be acceptable, there would be a requirement for further applications to consider the impact on the wider locality.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed lodges, pods and fishing lakes would bring benefits to the rural and visitor economies and help to meet a need for more visitor accommodation in the area. These benefits attract significant weight.
- 10.2. The proposals are, however, located in an inherently unsustainable location and guests would be reliant on the private car to access the site and to access local services and attractions once on site. No evidence of a specific need for these facilities in this location has been identified. These matters weigh heavily against the proposals.
- 10.3. Officers have also concluded that both parts of the proposal would cause harm to the rural character of the area and given the lack of information to consider the full impact of this proposal on the wider locality, this harm is not outweighed by the economic benefits of the scheme.
- 10.4. At present there is insufficient information to demonstrate there are no highways, ecology, drainage impacts, and therefore these matters weigh against the proposal.
- 10.5. The proposal is therefore considered to be unacceptable and is therefore recommended for refusal.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW:

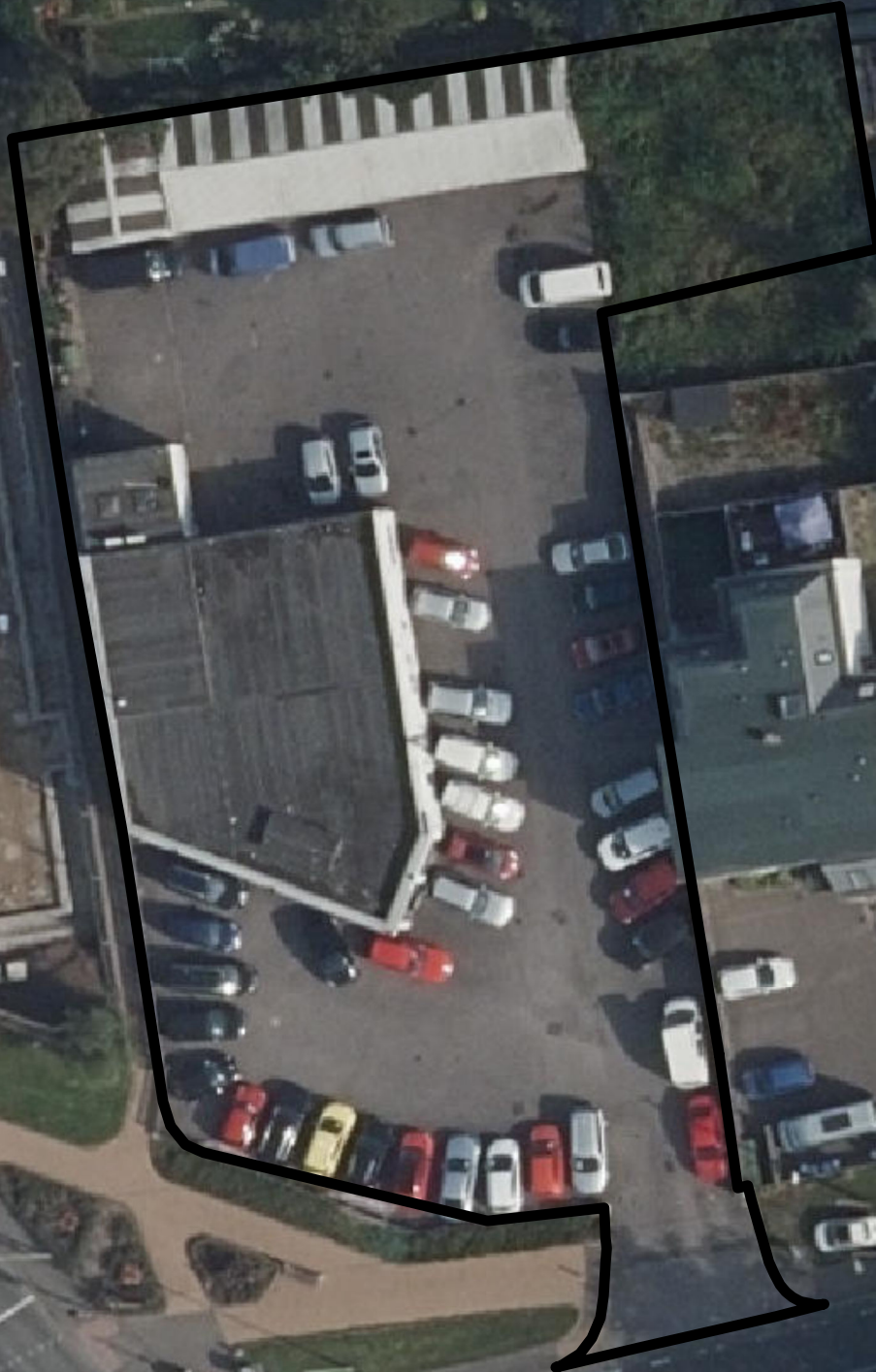
- 1. The proposal is in a location that is reliant on the private car for access and no specific need for the facility has been identified to meet the requirement of paragraph 89 of the NPPF. Further, there is no identified functional need for the proposal to be located in such an inaccessible rural position. Therefore, the proposal represents an unsustainable form of development in the open countryside that is**

contrary to policies SLE3 and ESD1 of the Local Plan and paragraphs 88 and 89 of the NPPF.

- 2. By virtue of the significant mass of the proposed development, created by it is the engineering work involved, location of structures within the site, it is considered to have an unacceptable urbanising effect on the rural landscape and would appear as an isolated addition to the landscape. The harm is exacerbated by the footpaths running through the site. Taken altogether Officers consider the proposed development would therefore unacceptably harm the rural agricultural character of the area and this would be contrary to policies ESD13 and 15 of the CLP 2015, saved policies C8 and C28 of the CLP 1996 and paragraph 134 of the NPPF.**
- 3. Insufficient information has been submitted to demonstrate the acceptability of the proposal on highway safety, therefore it is considered to be contrary to Policies SLE4, ESD15 of the CLP 2015 and paragraph 115 of the Framework.**
- 4. In the absence of any drainage documents, it has not been demonstrated that the proposal would be adequately drained and therefore it is contrary to policies ESD6 and ESD7 of the CLP 2015.**
- 5. Due to the absence of an appropriate protected species surveys as highlighted within the Preliminary Ecological Appraisal Report by Ramm Sanderson dated October 2023, the impact of the proposals on protected species cannot be assessed. Therefore, the Local Planning Authority cannot be certain that the proposals would not harm any protected species. As such the scheme is contrary Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.**

CASE OFFICER: Katherine Daniels

24/02212/F
Kidlington Garage
1 Bicester Road
Kidlington
OX5 2LA



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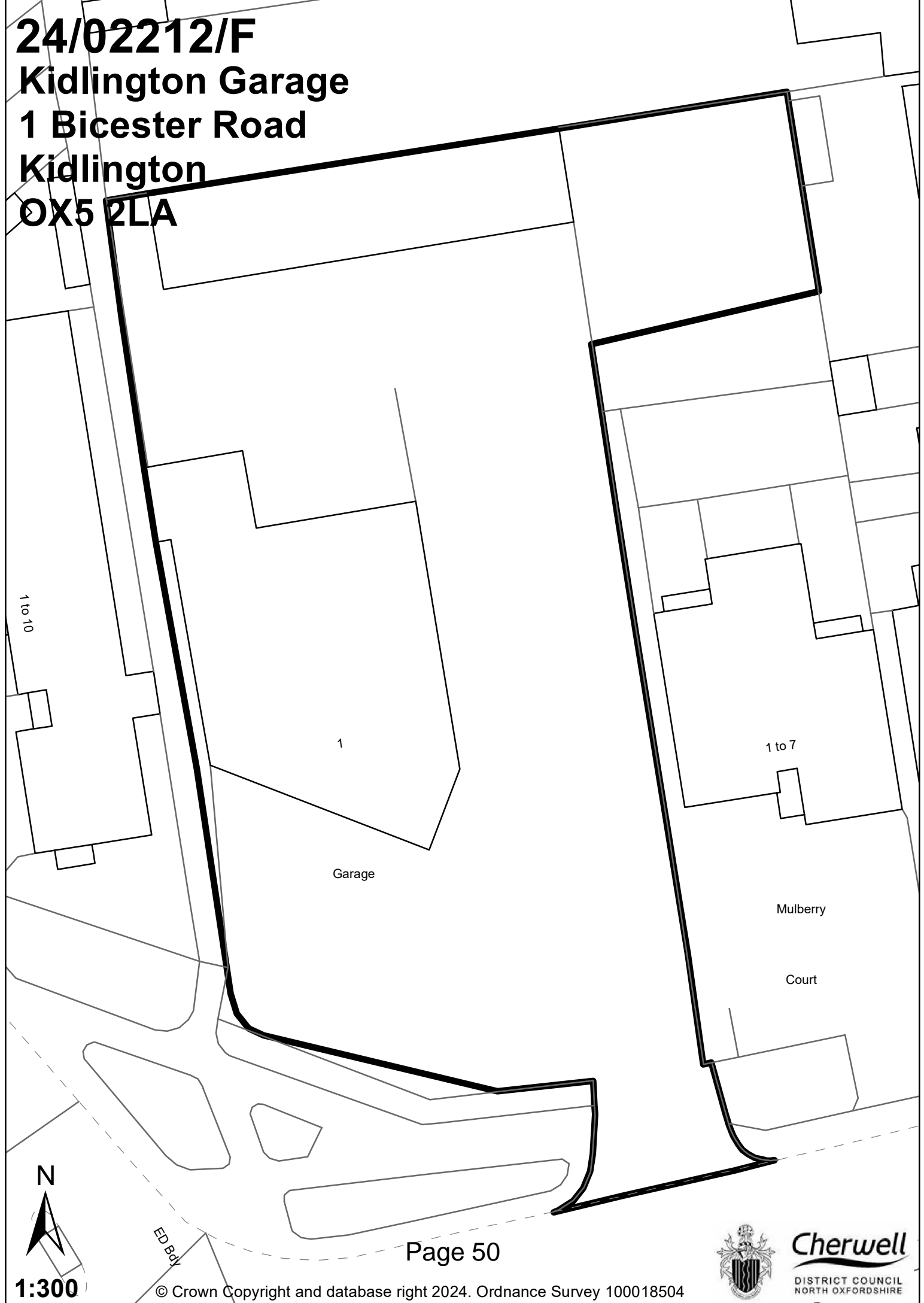
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Kidlington Garage

1 Bicester Road

Kidlington

OX5 2LA



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Garage

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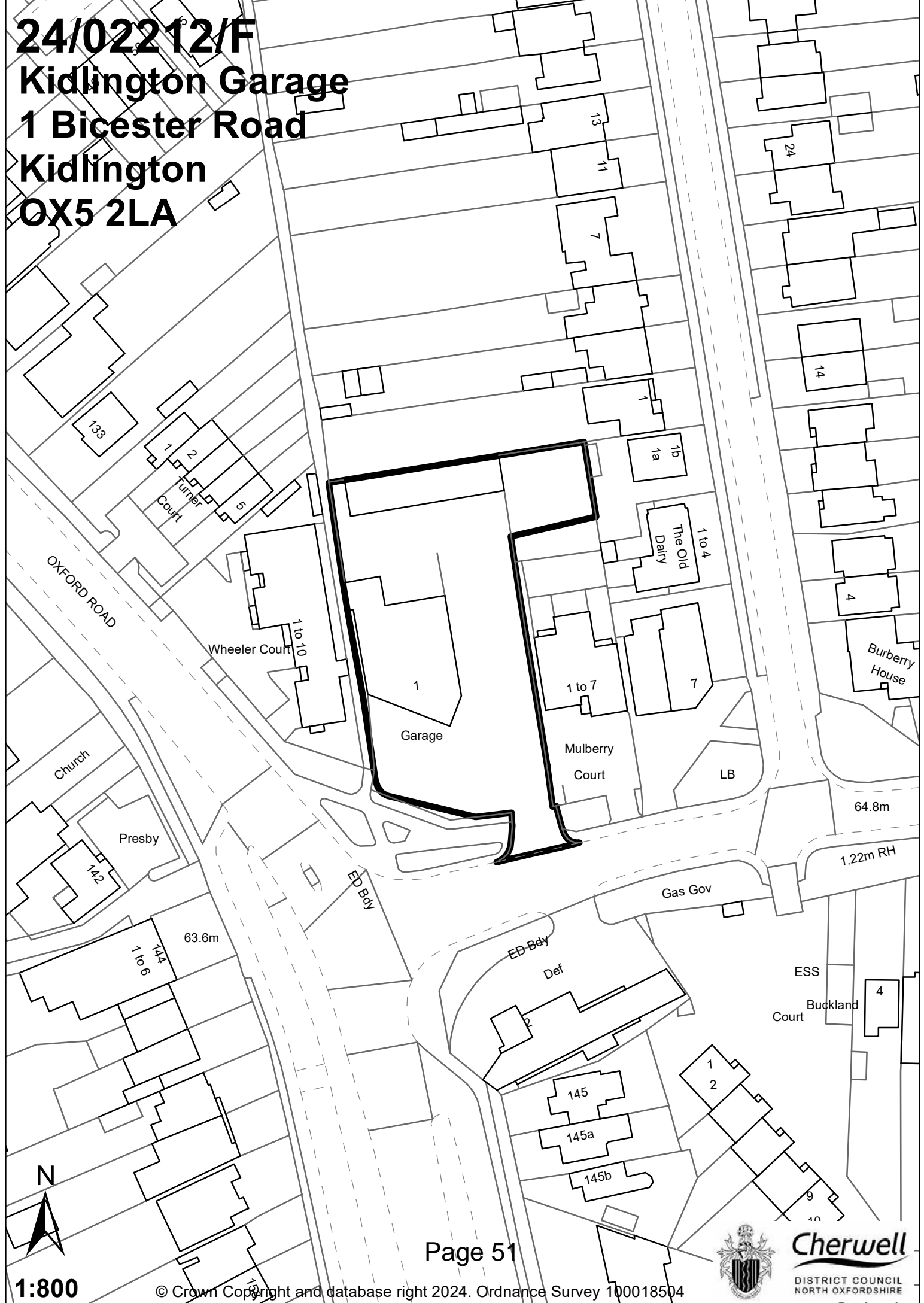


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ED By



24/02212/F
Kidlington Garage
1 Bicester Road
Kidlington
OX5 2LA



Case Officer: Tom Webster

Applicant: Sweetcroft Homes

Proposal: Erection of two buildings, forming eighteen apartments, and associated works

Ward Kidlington East

Councillors: Cllr Mawson, Cllr Middleton and Cllr Ward

Reason for Referral: 10 dwellings or more

Expiry Date: 12 November 2024

Committee Date: 7 November 2024

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND SECTION 106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located close to a T-Junction in a predominantly residential area. The site is currently vacant. The previous car showroom/garage building, and the separate storage building, have both been flattened and removed, and the site is currently being prepared for redevelopment.
- 1.2. The scale of development in the locality ranges from one storey (the car wash building directly opposite) to three storeys. There is also a variety of roof types: pitched, flat, gabled, traditional, and more modern designs.
- 1.3. The site is bounded by 2m high fencing to the north, east, south, and west and is accessed from the Bicester Road. The neighbouring properties to the east (Mulberry Court) and west (Wheeler Court), both comprise three storey residential apartment blocks. Mulberry Court has an unconventional third storey: a combination of mansard roof and a flat roof, set in from the first and second floors below. Wheeler Court, to the west, is L-shaped with a flat roof with each storey repeating itself upwards.

2. CONSTRAINTS

- 2.1. The application site is within a predominantly residential area. The site is in an area of potentially contaminated land. A public footpath runs immediately to the west of the site (FP265/5/10).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. On the 8 May 2024, planning permission (22/00017/F) was granted to demolish the commercial car sales garage and storage buildings that, until recently, stood on this site, and replace them with two residential buildings: Block A and Block B, to provide 15 residential apartments.

- 3.2. Block A was to be three storeys, and would accommodate 12 residential apartments and Block B, (located to the rear of the site) was to be single storey and accommodate 3 residential apartments.
- 3.3. This application seeks planning permission for the same two residential blocks with an additional fourth floor on the larger apartment block (Block A), increasing its height from 3 storeys to four storeys. This extra floor would comprise 3 x 1 bed apartments.
- 3.4. In total, 18 residential apartments would be provided. The housing mix would be:
- 6 x 1 bed apartments
 - 12 x 2 bed apartments
- 3.5. The proposed fourth floor on Block A, with its contemporary design, included a flat, overhanging roof, would be set in from the north, south, east, and west elevations on the floors below by the following approximate amounts:
- Set in 1.8 & 3.8m, respectively, from the front elevations.
 - Set in 2.3m from the east elevation.
 - Set in 4.7m & 2.85 from the west elevations, respectively.
- 3.6. The two flats (401 & 402) which face out onto Bicester Road would have small private balconies which would look out onto Bicester Road. The proposed north facing flat (403) would also have a small north facing balcony space.
- 3.7. The Car Parking bays will comprise:
- 18 residential parking bays (one of which will be an accessible parking bay)
 - 2 visitor parking bays
- 3.8. The cycle parking provision would be:
- 2 x cycle stores in the northeastern corner of the site, which would accommodate 40 cycles bays. -revised plan with 64 cycle bays shown on it.
- 3.9. The design of Block B remains unchanged from the extant permission.

4. RELEVANT PLANNING HISTORY

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

22/00017/F – Demolition of existing vehicle showroom and associated garages. Erection of 2 new housing blocks containing total of 15 flats including car parking and ancillary supporting uses with landscaping – Granted permission on the 8 May 2024

Also relevant:

3 Bicester Road, Kidlington:

11/01419/OUT - Demolition of existing dwelling, construction of building containing 7 apartments and parking, access, and ancillary works – granted permission on the 12 January 2012

12/00149/REM - Reserved matters pursuant to application 11/01419/OUT – granted permission on the 15 March 2012

Kings Two Wheel Centre, 139 Oxford Road, Kidlington

18/01388/F - Demolition of existing vacant workshop and show room buildings. Erection of two and three storey building to provide 10no. dwellings (8 x 2-bed and 2 x 1-bed). Provision of off-street car parking, secure cycle storage and covered refuse/recycling store - resubmission of 18/00130/F – *Granted permission on the 28 March 2019*

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **28 September 2024**, by advertisement in the local newspaper expiring **28 September 2024** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **28 September 2024**.

5.2. Three letters of objection have been raised by third parties. The comments raised by third parties are summarised as follows:

- The extra story adding additional accommodation is not in keeping with the area due to its height relative to adjacent buildings.
- It will also mean an extra level with balconies will lead to the loss of privacy of adjacent properties.
- The absence of any affordable housing.
- Adding extra accommodation will inevitably lead to the need for extra vehicular parking and subsequent increased need for ingress and exit for the vehicles to an already busy and congested junction.
- In the event that planning permission is granted, the minimal mitigation measure that should be put in place is a full rear obscured glass, and obscured balcony (that cannot be peered over - i.e. 6 foot tall like the Old Dairy).
- Lack of a drainage strategy
- Loss of direct sunlight into the gardens of 1 Blenheim Road, Mulberry Court, the Old Dairy Flats, and 1a Blenheim Road; the flats behind 5&7 Bicester road.
- Will lead to on-street parking near an already congested junction.
- The local area will need to be converted to permit parking to be manageable for residents – which, a neighbour hopes, the council/highways team will seek contributions to.
- Would result in a new density precedent for the village;

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Kidlington Parish Council: Objection –

(1) The Council continues to object to this proposal because of the limited onsite parking when there are already problems with nearby roadside, pavement, and verge parking. With the addition of three further flats to those already approved there should be at least three, not two, additional parking spaces.

(2) The three additional flats should be 'affordable'.

(3) Is the area labelled as Amenity Space now owned by the applicant? It was originally for use by Mulberry Court Flats residents.

- 6.3. Local Lead Flood Authority: Holding Objection - The submitted documents include a reference to the use of soakaways, despite cohesive soils and shallow groundwater being recorded in the site investigation report.

No further supporting evidence or drainage plans have been included in the submission.

An alternative drainage strategy must be considered, with full details submitted. The applicant is advised to review the local standards and guidance for drainage submissions, available at www.oxfordshirefloodtoolkit.com.

- 6.4. OCC Education – No objection: Due to the small number of pupils generated and the availability of school places in Kidlington, we would not currently seek contributions towards education costs based on the housing mix provided in the planning statement.

- 6.5. CDC Ecology – No objection: Re: Revised Biodiversity Enhancement Plan. Happy with the changes, it adequately addresses my comments thanks.

- 6.6. CDC Housing: No objection, subject to a s.106 agreement: Given what Pathfinder have confirmed, it doesn't appear that Strategic Housing can have any further input into this, other than to confirm that we would want to see a review mechanism in the S106 which will create the possibility of affordable provision in the future should any surplus arise.

The affordable housing contribution, again as this is confirmed by Pathfinder, will also be set out in the S106 so as far as I am aware there are no further comments we can make as there will be no onsite delivery of affordable units.

- 6.7. CDC Recreation & Leisure: Seek the following contributions:

- Community Hall Facilities: **£44,676**
- Outdoor Sports Provisions: **£36,306.54**
- Indoor Sports Provisions: **£14,485.82**

- 6.8. OCC Highways: No objections, subject to S106 contributions sought in regard to a Traffic Regulation Order, recommended planning conditions and informative.

Access arrangements

Access arrangements for this site are via an existing point onto Bicester Road, previously used for a vehicle sales garage. The access has suitable all-round visibility due to the wide verge.

OCC Transport Strategy have outlined the requirement for a continuous minor road entry treatment with priority for walking and cycling at the site access. Alterations within the highway require the applicant to enter into an S278 agreement. This alteration has been proposed to ensure the development site conforms with the future Bicester Road.

Pedestrian / cycle improvement scheme.

Sustainable transport connectivity/transport sustainability

The site is within comfortable walking distance of Kidlington village centre and the plentiful facilities available. Oxford Parkway rail station is less than two kilometres away and can be reached on foot, by cycle or by the regular bus services, which go on to Oxford City centre and the Headington hospitals.

Public Transport

OCC Public Transport have outlined a financial contribution of 18 x £1,326 = £23,868 (Oct 2023 price base, RPIx) for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes) for employment purposes.

Public rights of way

Public Right of Way 265/5/10 runs alongside the western boundary of the site. This footpath must not be obstructed or altered either during or after construction of the development.

Car and cycle parking Vehicle Parking

OCC's 'Parking Standards for New Developments' (October 2022) outlines that 1-2 bedroom 'town' dwellings are permitted to have 1 vehicle space per dwelling. The proposed site has outlined 18 vehicle spaces + 2 visitor spaces, the proposed residential provision conforms to OCC's adopted parking standards. There is a shortfall of 1.5 visitor spaces.

OCC Transport Strategy state that the previously requested TRO is to be reinstated as part of this application. A contribution of £6225 is sought to fund the provision of parking restrictions in the form of double yellow lining in the vicinity of the site. The greatest effect likely to be on Blenheim Road. Further double yellow lines may be appropriate, if planning permission is granted, OCC will investigate the best way to proceed with additional parking controls.

It is a requirement to have a minimum of 1 e/v charging space per dwelling when parking is allocated. This is in accordance with Policy EVI 8 of the Oxfordshire Electric Vehicle Infrastructure Strategy. This can be secured through the condition below.

Cycle Parking

The total number of bedrooms for this development is 30. OCC's 'Parking Standards for New Developments' states that cycle parking must be provided at a rate of 2 spaces per bedroom. As a result, the residential cycle parking provision must be amended to provide 60 cycle spaces. Through a condition, the applicant must demonstrate the layout, function, and accessibility of the residential cycle stores. Currently, the application shows a space of approximately 0.2m between stands. LTN 120 states that Sheffield stands are preferable and the absolute minimum distance between them is 1.0m.

For Flat / Apartments visitor cycle parking must be provided at a rate of 1 space per unit – therefore the provision for this development must be amended to 18 visitor spaces.

Traffic impact

Using the TRICS data from the Transport Statement submitted under 22/00017/F an 18 flat development can be expected to generate 5.5 2-way movements in the AM peak

and 5.4 2-way movements in the PM peak. A 325sqm car showroom (previous use) generates 6 2-way AM peak movements and 7 2-way PM peak movements. The car showroom was expected to generate 81 two-way movements daily compared to 63.2 from an 18 flat development. It can therefore be determined that the proposed development is unlikely generate any additional traffic flow from the access when compared to the previous use of the site.

CEMP

Before the CEMP is recommended for approval the following points must be addressed:

- How local residents are 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.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

The above points can be addressed through condition.

Contributions

£23,868 Public Transport Service Contribution indexed from October 2023 using RPI-x Towards:

Retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes) for employment purposes.

Justification: To ensure that the opportunity for longer-term viability can be maximised, a contribution for public transport services is required from the development. Calculation: Public Transport Service contributions calculated using a per dwelling approach $18 \times £1,326 = £23,868$.

£6,225 Traffic Regulation Order Contribution indexed using RPI-x. Towards:

The cost of consulting on a TRO and the subsequent introduction of a scheme of parking restrictions or control on streets in the vicinity of the site.

Justification: It is recognised that streets near to the site, particularly Blenheim Road, experience high levels of parking demand and this development can only increase that demand. The adjacent Wheeler Court development has funded double yellow lines around the Oxford Road / Bicester Road signalised junction. It will be investigated whether extended restrictions or a residents' parking scheme is the preferred option to mitigate the increased parking demand.

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including: (include drawings- indicative only if no others available):

- Continuous minor road entry treatment with priority for walking and cycling at the site access.

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

6.10. OCC Waste: £1,834 Household Waste Recycling Centre Contribution indexed from Index Value 379 using BCIS All-in Tender Price Index

6.11. CDC Environmental Protection - No objections, subject to conditions:

General:

Having read the CEMP provided I am satisfied with the contents.

Noise:

Prior to the commencement of the development hereby approved a specialist acoustic consultant's report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority (If appropriate BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates) shall also be used) . Where acoustic glazing and alternative means of ventilation are required to achieve this standard full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Contaminated Land:

Having read the report provided I am satisfied. with its contents and agree that further assessment should be undertaken as per para 10.3.2. and the updated report provided to the LPA Once this has been completed then the remediation strategy should be formed and approved with the LPA prior to its commencement. On completion of the remediation works a verification report should supplied to the LPA. Therefore, the relevant contaminated land conditions should be applied to any permissions granted:

Air Quality:

Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with detailed mitigation measures proposed by the developer, in order to address any adverse impacts on local air quality. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Odour:

No comments Light: Prior to the first use of the development hereby approved details of the external [lighting/security lighting/floodlighting] including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter. If you wish to deviate from the suggested conditions, then this should be discussed with the officer making these comments to ensure the meaning of the condition remains and that the condition is enforceable and reasonable.

6.12. Cherwell Swifts Conservation Project – Is pleased to see that there will be integrated nest bricks for Swifts, Starlings, and House_Sparrows.

However, the proposal to site them below one another on the same wall is not a good idea. The reason for installing nest places is to create as many new nest places as possible for the different species. If Starlings were to use the bricks made for them, they would certainly prevent Swifts or House Sparrows from using the other boxes. They are very territorial birds.

A solution would be to place the starling bricks on the east-facing wall and put the bricks for House Sparrows and Swifts on the west side (or vice versa). Even there I would recommend that the bricks should be side by side and not one set below the others.

Finally, I would propose bricks designed for Swifts are used for both the House Sparrows and Swifts. These would be just as likely to be used by House Sparrows as Swifts, but bricks designed for House Sparrows are not suitable for Swifts (see attached information).

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- Villages 1 – Village Categorisation
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of land – Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development
- C30 – Design of New Residential Development
- ENV1 - Pollution

Other Material Planning Considerations

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

- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Developer Contributions
- Kidlington Framework Masterplan 2016
- Conservation of Habitats and Species Regulations 2017

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highways Safety
- Drainage
- Landscaping
- Affordable Housing
- Ecology Impact
- Planning Obligations
- Other Matters

Principle of development

8.2. The principle of residential use on this site was established on the 8 May 2024 when planning application 22/00017/F was granted planning permission to demolish the existing car showroom and garage and replace with 15 residential apartments.

Design, and impact on the character of the area.

8.3. The NPPF confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design are set out in the Policies C28 and C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and section 12 of the NPPF.

8.4. The National Design Guide (September 2019) is also pertinent and explains (using case studies and examples of good practice) how the Government's expectations for high quality design can be delivered.

8.5. 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.

8.6. 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 ensuring a high-quality design.

8.7. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF states that planning decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- *are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 8.8. The Cherwell Residential Design Guide SPD states that development within Kidlington should look to strengthen the character of the village.
- 8.9. The Design Guide SPD states that new development should avoid architectural focus on individual buildings rather than the overall street composition. The SPD goes on to state that individual buildings should be designed to relate well to their neighbours, creating a harmonious overall composition and work with site conditions.
- 8.10. Kidlington Masterplan SPD, Theme 2: Creating a sustainable community, subheading 'Securing high design standards' states that: "The design of the site layout, access arrangements, scale, massing and appearance will be required to demonstrate a positive relationship with the immediate surrounding context of the site and respect and enhance the townscape character of Kidlington as a whole."
- 8.11. The Kidlington Masterplan SPD also states that, "*In general, new housing should be provided at a net density of at least 30 dwellings per hectare (Policy BSC 2 of the Local Plan). However, the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites.*"
- 8.12. In paragraph 6.17 of the applicants supporting planning statement, the case is made that by "*adding the inset additional floor, the new building would sit more like a gold medal winner on a rostrum slightly proud of its neighbours but for good reason because it will be the centrepiece of the view and should therefore take precedence.*"
- 8.13. Similarly, in the 'Executive Summary' of the applicants' Design and Access Statement (prepared by AndersonOrr), the architects have explained that, as part of their design rationale, they are seeking to achieve a 'Landmark' development:
- "The surrounding wider developments are largely three storey in nature, with building heights naturally stepping up to the corner plot. As such the proposals look to create a landmark corner development that responds to this context.*
- 8.14. It should be noted, though, that this location has never been identified as an appropriate location for a landmark building in any policy or design guidance. The proposed increase in height and scale would exceed the heights of any comparable building in the context in which Block A would be experienced.
- 8.15. However, great care has gone into the proposal to limit its visual impact by significantly setting the fourth storey back from the ridge of the third floor, on all four sides. The majority of the roof is, at 2.3m in height, relatively modest in scale. The roof of the lift shaft, presented as a central turret, rises to 2.9m and would not be an overtly dominant feature.
- 8.16. Moreover, because the footprint of the proposed fourth floor is substantially smaller than the preceding floors (100sqm smaller than each of the other floors), the scale and massing of this proposal would not be disproportionate and would not disrupt or harm the existing character and appearance of the area. In fact, I think it represents a visual improvement on the roofline of the neighbouring Wheeler Court, and particularly Mulberry Court.

- 8.17. It is also noteworthy that there are a number of developments in the immediate locality (Mulberry Court, Bicester Road, and The Old Dairy and Burberry House on Blenheim Road) where the upper floor is set back from the front elevation to allow for private balconies. Each of those roof tops are heavier in design and, proportionately, have a greater mass than this proposal. In summary, the proposal would not be unduly harmful to the street scene.
- 8.18. Although the Kidlington Masterplan SPD does not promote 4 storey residential development outside of the village centre, I do not think this proposal would undermine the intentions of the masterplan. The proposal is confined to a corner plot which is already framed by two 3 storey buildings; and there is little scope for the residential properties which run parallel with the Oxford Road up to the village centre to increase their heights to four storeys. Therefore, a precedent would not be set, if planning permission for this scheme were to be granted.
- 8.19. As referenced above, the Kidlington Masterplan, in line with policy BSC2 of the CLP 2015, requires new housing developments to be provided with a density of at least 30dph to make efficient and effective use of the land. At 90dph, on previously developed land, and in a location which scores very highly from a sustainability perspective, I think the proposal is appropriate and complies with the Kidlington Masterplan, policies C28 and C30 of the CLP 1996 and policies BSC2 and ESD15 of the Local Plan 2015.

Residential amenity

- 8.20. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.21. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states, amongst other things, that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.22. The majority of the proposal has been designed in a neighbourly fashion. The windows on both the east and west flank walls would be obscured glazed and are more than the 7m minimum separation requirement of the Cherwell Residential Design Guide SPD (2018).
- 8.23. The north facing balcony of flat 403 would also be 25.8m from the common boundary line shared with the rear garden of 1 Blenheim Lane, 24.8m from the rear fence belonging to 1b Blenheim Lane and 23m from the rear fence of The Old Dairy. These are significant distances and, whilst I do appreciate the neighbours' concerns, set out in their objection letters (and summarised in this report), I am of the opinion that they would not lead to a significant loss of daylight/sunlight or an undue loss of privacy for those residents.
- 8.24. However, the proposal would, if not mitigated, result in the significant loss of privacy to the rear gardens of the immediately neighbouring Mulberry Court. The separation distance between the outdoor balcony area of flat 403 would only be 9.2m, 9.5 and 13.5m from the three rear gardens of Mulberry Court, respectively, which is not an adequate arrangement and would greatly reduce the quality of private amenities currently enjoyed by the existing residents, if not mitigated. This is a shortcoming of the scheme.

- 8.25. Nonetheless, this shortcoming could be addressed through the imposition of a planning condition (see condition 20) which requires the rear balcony to be permanently screened by a privacy screen, thereby removing the potential for overlooking. As this balcony is to the rear of the building and not to the front, the privacy screen would not undermine the character and appearance of the area, so represents a genuine design solution.
- 8.26. Regarding the amenity space of the occupiers of the proposed three new flats, I note that all of the new residential accommodation satisfies the space standards set out in the Department for Communities and Local Government's (DCLG's) Technical Housing Standards -Nationally Described Space Standard" (2015) and would benefit from having small private balconies in addition to use of the 125sqm of shared private amenity space in the north eastern part of the site. Moreover, the site is within close proximity to two public parks: Orchard Recreation Ground and Ron Groves Community Park.
- 8.27. The Council's Environment Protection Officer has also, subject to appropriate conditions, raised no objection from an air quality, noise or light perspective.
- 8.28. In short, subject to appropriately worded conditions, the scheme would be acceptable from an amenity perspective and complies with Policies C30 and ENV1 of the CLP 1996 and Policy ESD15 of the CLP 2015.

Highway Safety

- 8.29. 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.
- 8.30. 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.
- 8.31. Policy ESD15 of the CLP 2015 states that, "*new development proposals should be designed to deliver high quality safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.*"
- 8.32. A small number of neighbouring residents have expressed concerns that the development would put pressure on a busy junction and would result in on-street parking. Concerns were also raised about the need for an increased ingress and egress into and from the site.

- 8.33. One parking space is to be provided per property, one of which is a disabled space. Two additional visitor spaces are also being proposed. Whilst this is below OCC's standards, the Local Highway Authority (LHA) has confirmed that this approach has been used in numerous occasions within developments based in Kidlington, due to the high transport sustainability of the site. Further to this, the LHA has raised no objections to the proposals, subject to conditions.
- 8.34. Moreover, the LHA has requested a financial contribution towards additional double yellow line provision, in the form of a Traffic Regulation Order. This is considered reasonable and necessary to make the development acceptable to minimise on-street parking. The applicants agreed to this contribution as part of the previous application (it was secured via the s.106 agreement) and, in paragraph 6.34 of their Planning Statement, they have agreed to this contribution again:
- “..a contribution was sought to restrict ad hoc parking from overspill parking. A similar contribution will be provided again to mitigate against any harm from car borne traffic.”*
- 8.35. The site is in a highly sustainable location, with frequent bus services within close proximity to the site (and the LHA are seeking a contribution towards these bus services). There are also a number of nearby amenities close to the site, and good levels of cycling infrastructure in place. The application includes suitable cycle parking provision, subject to additional details required by condition relating to the specific stand details. This would further promote the use of sustainable forms of travel.
- 8.36. The LHA request for an electrical charging condition has not been imposed due to changes to Building Regulations which now capture electric vehicle charging points.
- 8.37. For these reasons, it is considered that the proposals comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF and would, therefore, be acceptable in highway safety terms.

Drainage

- 8.38. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraphs 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.
- 8.39. Paragraph 173 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.

- 8.40. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 8.41. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 8.42. The applicants, in their submission documents, have included a reference to the use of soakaways, despite cohesive soils and shallow groundwater being recorded in the site investigation report. Consequently, it is not an approach that the Local Lead Flood Authority can support, which is why they have raised a holding objection.
- 8.43. At the time of writing this report, no further supporting evidence or drainage plans have been submitted. The Local Lead Flood Officer has made clear (in his comments) that an alternative drainage strategy must be considered, with full details submitted.
- 8.44. This information can be secured through a pre commencement condition (a replica of the condition attached to the extant consent). Therefore, whilst this aspect of the proposal does not currently comply with policies ESD6 and ESD7 of the CLP 2015, it would not form a reason for refusal, as it can be addressed prior to development taking place.

Landscaping

- 8.45. The application includes an area of shared amenity space and planting along the boundary lines and soft landscaping around the buildings. However, precise details of the landscaping treatment to be provided have not been submitted as part of this application.
- 8.46. For this reason, it is considered reasonable and necessary to provide details of the landscaping, and its management, to ensure that the proposals are suitable in the context of the site. My view is that these details, as with the previous application, could be secured by way of a suitably worded condition to bring this element into full compliance with Policy ESD15 of the CLP 2015.

Affordable Housing

- 8.47. Housing delivery is a top planning priority for England. House prices are arguably one of the most significant issues facing the Southeast and there is also a significant need for affordable housing in Bicester: it experiences homelessness and a reliance on temporary accommodation, and the market sales and rental prices are high.
- 8.48. Therefore, it is of very great importance that affordable housing, where a scheme is viable, is delivered as part of all major residential developments in Kidlington, either on-site or through an off-site contribution.
- 8.49. This approach is in line with the Government guidance set out in paragraph 64 of the NPPF. This paragraph states that *“where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*

b) *the agreed approach contributes to the objective of creating mixed and balanced communities.*

- 8.50. Paragraph 66 of the NPPF also makes it clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 8.51. In this instance, 10% affordable home ownership would not exceed the level of affordable housing in Kidlington and would, instead, contribute to reducing the shortfall in affordable housing provision.
- 8.52. This need for affordable housing in Kidlington is why Policy BSC3 of the CLP 2015 requires residential development with 11 dwellings or more, in 'Kidlington', to deliver 35% affordable housing provision. That would equate to 6.3 affordable housing units on site.
- 8.53. Notwithstanding this, policy BSC3 of the Local Plan, in line with Government guidance, allows for applicants in the district to submit an 'open book' viability assessment, where the viability of the scheme is a concern.
- 8.54. Paragraph 6 of policy BSC3 also allows for a reduced amount of affordable housing to be delivered if it is demonstrated that the viability of a scheme would be compromised through affordable housing provision. It states:
- "Where development is demonstrated to be unviable with the affordable housing requirements, further negotiations will take place. These negotiations will include consideration of: the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant/funding and the percentage of affordable housing to be provided."*
- 8.55. This part of policy BSC3 is triggered in this instance because the applicant has raised concerns over their ability to provide affordable housing either on site, or through an off-site affordable housing contribution. They submitted a viability appraisal (written and prepared by Savills) which concluded that the sales prices have not kept pace with current construction costs, and, therefore, the scheme would be unviable with any affordable housing provision.
- 8.56. The report also concludes that a 100% market housing scheme (based on RICS accepted practice of 15.5% to 20% developer profits) would also be unviable with any developer contributions beyond the £36,914 offered by the applicant. Savills' modelling testing concluded that there would need to be an increase in private sales values of 10% and a decrease in build cost of 10% for the scheme to become viable and pay further developer contributions and an off-site affordable housing contribution.
- 8.57. The Council sought an independent review of Savills viability appraisal and instructed Pathfinder to undertake this work. Regarding affordable housing provision, Pathfinder reached the same conclusion as Savills: which is that the scheme would not currently be viable with any affordable housing provision.
- 8.58. Although Pathfinder had a different view of the Existing Use Value to Savills, they reached the same conclusion overall, which is that it is a *"reasonable judgment that a*

viable scheme is one which contains the provision of £36,914 of commuted sum contributions in total for a scheme that is entirely market housing for sale” (para 9.3).

- 8.59. It should be noted that the property market has experienced significant changes (in house prices and build costs) in recent years which is why viability reports are often considered to be historic documents after 6 months. Therefore, the viability of a scheme may be notably different by the time this scheme is implemented, due to uncertainties in relation to aspects of a viability assessment at the application stage, and the potential for changes to market conditions.
- 8.60. In view of the changeable nature of the property market, the practice of reviewing development viability to ensure that proposals are based on an accurate assessment of viability (once an agreed percentage of market housing has been sold) has become well established across the country.
- 8.61. Moreover, given the pressing need for affordable housing in Kidlington, it is vital that the Council tries to ensure that the appropriate amount of affordable housing is provided in line with Policy BSC3. It is on this basis that Officers informed the applicant on the previous application (where viability became an issue for the applicants), that a viability review mechanism should be included in the Section 106 Agreement. The applicant agreed to the inclusion of that viability review mechanism in the s.106 agreement. The same applicant (Sweetcroft Homes Limited) for this scheme has, via their planning agent, once more agreed to the inclusion of a viability review mechanism in the S106 Agreement.

Ecology Impact

- 8.62. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.63. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.64. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 8.65. 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.

- 8.66. 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.
- 8.67. 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.
- 8.68. The PPG 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.
- 8.69. The applicants have submitted a revised Biodiversity Enhancement Plan (prepared by Windrush Ecology). This document proposes to place integrated bat tubes, swift bird boxes, starling bird boxes and house sparrow bird box on the east and west elevations.
- 8.70. The Council's Ecologist had objected to the previous version of the Biodiversity Enhancement Plan as she was concerned that, on the eastern elevation, they were too close to windows which might cause light spill and disturbance to the species and/or render them unused. In her consultation response, she had requested that the applicant amends their submission materials so that integrated bat tubes, swift bird boxes, starling bird boxes and house sparrow bird box are moved into positions on the east elevation, as far away from windows as possible.
- 8.71. The applicants have responded positively to this advice and the Ecologist has confirmed that her concerns have been adequately addressed.
- 8.72. The Cherwell Swifts Conservation Project, in their comments, advised that it would not be advisable to have nest bricks for Swifts, Starlings and House_Sparrows. below one another because Starlings are very territorial.
- 8.73. One of their suggested solutions would be to ensure that the respective nest bricks are placed side by side instead of one set below the others. The applicants have amended their Biodiversity Enhancement Plan accordingly.
- 8.74. Therefore, the proposal complies with ESD10 and ESD11 of the CLP 2015 and the NPPF.

Planning Obligations

- 8.75. As with the extant consent for 15 residential apartments, a S106 Legal agreement will be required to be entered into to mitigate the impacts of the development both on and off site. This would bring compliance with the requirements of Policy INF1 of the CLP 2015, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; and

- Fairly and reasonable related in scale and kind to the development

8.76. The table in Appendix 1 sets out the required Heads of Terms and the justification for those requests.

Other Matters

8.77. Officers noted in the representation received from Kidlington Parish Council that one of their concerns related to the ownership of the amenity space the applicants are proposing, in the northeastern part of the application site.

8.78. Whilst land ownership disputes are not materially relevant to the consideration of the application, there are procedural matters that are associated with land ownership that must be adhered to, for the application to be valid.

8.79. The role of the Local Planning Authority in land ownership is to ensure that where the applicant does not own all of the land within the red-edged site location plan, appropriate notices are served on any landowners. Accordingly, the applicant has signed Certificate B of the application forms, stating that they are not the sole owner of the land and have listed the other parties that have been notified of the planning application. This list amounts to one additional interested party, with notice having been served on 9 August 2024.

9. PLANNING BALANCE AND CONCLUSION

9.1. The delivery of housing is high on the Government and District Council's agendas. Having regard to the above, the proposal would secure additional housing provision, in a sustainable location on brownfield land, thereby optimising the use of the site.

9.2. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

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

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

II. 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) Off-site outdoor sports facilities provision at Stratfield Brake - £14,485.82
- b) Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre - £36,306.54
- c) Community Hall Facilities (Exeter Hall) - £19,831.18
- d) Waste and Recycling Facilities - £1,834
- e) Traffic Regulation Order - £6225
- f) Public Transport Services (for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes). - £23868

- g) Off-site affordable housing contribution (Subject to viability review mechanism)
- h) CDC - £1,500 towards monitoring fees
- i) OCC - £730.00 towards monitoring fees

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 12TH NOVEMBER 2024 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

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.

Approved Plans

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

- 18112 -LP010 -A - Location Plan dated 30.10.2023
- 18112 0011 C – Site Layout
- 18112-PP0010-B – Block Plan
- 18112-PP1030-B – Block A Floor Plans
- 18112-PP2031- Block B Floor Plans
- 18112-PE1011-B – Block A Elevations
- 18112-PE2012- Block B Elevations
- 18112-PS0013-A – Site Sections
- Biodiversity Enhancement Plan – updated October 2024

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

Landscape Scheme

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

- 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),
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and steps.

Such details shall be provided prior to the development progressing above slab level, other than demolition works, or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall be carried out in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

Materials

4. No development shall commence above slab level unless and until full details of the materials to be used in the construction of the external walls and roof of the building (including samples) as well as how these materials are to be applied on each building have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

Doors and windows details

5. No development shall commence above slab level except for demolition unless and until full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

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

Access

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

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

Car Parking

7. No dwelling shall be occupied until car parking space to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

Drainage

8. No development shall commence except for demolition unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - (in a treatment train approach to improve water quality)
- Network drainage calculations.
- Phasing
- Flood routes in exceedance.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policies ESD6 and

ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Risk Assessment

9. Once the site has been cleared and the existing buildings demolished, 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 "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

Contaminated Land Risk Assessment

10. If contamination is found by undertaking the work carried out under condition 9, prior to the commencement of the development hereby permitted, other than demolition works, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

Contaminated Land Remedial Works

11. 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 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

Contaminated Land Remediation Strategy

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

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

Cycle Storage Design

13. Prior to the first occupation of the dwellings hereby approved, full design details of the cycle storage area, including elevations and materials, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the approved cycle storage area shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 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.

Waste Management

14. Prior to the occupation of the development hereby approved, a waste management strategy including details of how waste would be collected from the site, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Boundary Treatments

15. No development shall commence above slab level except for demolition unless until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Thereafter, boundary treatments shall be implemented prior to the occupation of any unit on the site and retained in accordance with the approved details. Any close boarded fencing shall have hedgehog holes provided.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Noise Levels

16. Prior to the development commencing, except for demolition, a report should be provided and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (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.

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

CEMP

17. The development shall be carried out in accordance with the approved Construction Environmental Management Plan, dated 30 April 2024

Reason: In the interests of the residential amenities of the area, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Lighting

18. Prior to the first use of the development hereby approved details of the external lighting and security lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter. No additional lighting shall be added without the approval of the Local Planning Authority.

Reason: In the interests of the residential amenities of the area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Obscure to Eastern Windows of Block A

19. The windows at ground floor, first floor, second floor and third floor level in the eastern side elevation that serve the habitable living areas of flats 101, 201, 301, 401 and 403, as shown on 18112-PP1030-B – Block A Floor Plans, shall be permanently retained with purpose made obscure glazing and shall only have operable parts that are above 1.7m above the floor level of the room in which the window is installed.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Privacy Screen

20. Prior to the commencement of development, details of a privacy screen to be installed to the northern elevation of the balcony area, which serves flat 403, shall be submitted in writing to the Local Planning Authority for its approval, and unless the approved privacy screen is constructed prior to the first occupation of the building,

the use of the balcony area shall cease until such time as the approved privacy screen is constructed. Once erected, the privacy screen shall thereafter be retained.

The details of the privacy screen shall include:

- confirmation of the height of the screen, as measured from the surface on which it is mounted. It will need to be at least 1.8 metres in height for the entire length of the screen.
- confirmation of the exact length and position of the screen, by showing it on a scaled plan.
- confirmation of the construction of the screen. Obscured glass must comply with same level of Pilkington Level 3 or higher. There should be no gaps in the screen.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Water Usage (110 litres) – PC

21. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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

APPENDIX 1 – Heads of Terms for Section 106 Agreement/Undertaking

Planning Obligation			
Detail	Amounts (all to be index linked)	Trigger Points	Regulation 122 Assessment
Off-site affordable housing contribution	Tbc but would be equivalent to the cost of providing 6 affordable units on site which is 35% of the total, to be delegated to Officers.	To be confirmed in the viability review mechanism	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant to Policy BSC3 of the Cherwell Local Plan</p> <p>Directly Related – the affordable housing would be provided off-site due to relatively small-scale of the proposal and requirements for registered providers to take on affordable housing on site. The requirement is directly generated from the proposal, above the affordable housing threshold set out in Policy BSC3.</p> <p>Fairly and reasonably related in scale and kind – the contribution will be based upon the Cherwell Local Plan requirement for the percentage of affordable housing and the associated cost of providing this off-site.</p>
Off-site outdoor sports facilities provision at Stratfield Brake	£14,485.82	Prior to the occupation of any unit on site	<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>
Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre	£36,306.54	Prior to the occupation of any unit on site	<p>Directly Related – the future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – calculations have been based on the final mix of housing proposed and the likely number of occupants as set out in the Developer Contributions SPD.</p>
Community Hall Facilities (Exeter Hall)	£19,831.18	Prior to the occupation of any unit on site	
Waste and Recycling Facilities	£1,834	Prior to the occupation of any unit on site	<p>Necessary – the dwellings will require adequate recycling facilities and waste collections for future occupants and in accordance with the advice in the Developer Contributions SPD.</p> <p>Directly Related – the need for these comes from the provision of new residential accommodation.</p> <p>Fairly and reasonably related in scale and kind – costs in accordance with the advice in the Developer Contribution SPD.</p>
Traffic Regulation Order	£6225	Likely prior to the occupation of any unit	Necessary – the proposal will place an additional demand on street parking and further management through the provision of double yellow rules around

		on site, to be delegated to Officers.	<p>Oxford Road/Bicester Road are required to mitigate any harm from off-site parking.</p> <p>Directly Related – the need for this arises from the provision of new residential accommodation and a reduction in on-site parking below OCCs standards.</p> <p>Fairly and reasonably related in scale and kind – the costing of this TRO is directly related to the scale of additional yellow lines that required as a result of the scale of the proposed development and reduction in parking below the standard required.</p>
Public Transport Services (for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes).	£23868	Likely prior to the occupation of any unit on site, to be delegated to Officers.	<p>Necessary – A financial contribution towards public transport services is required to ensure a credible and attractive bus service remains in place to provide residents with transport to the village centre, Oxford and the Eastern Src (Hospitals/Brookes) to enable:</p> <ul style="list-style-type: none"> • private car journeys to be minimised to an acceptable level; and • those without access to a car to be able to reach local services. <p>Directly Related – Financial contributions are always used to maintain or improve bus services operating in the vicinity of the site so that they are directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – the cost is £1,326 per dwelling and based on the amount required to improve the bus service per average occupancy residential apartment.</p>
CDC and OCC Monitoring Fees	CDC - £1,500 OCC - £730.00	On completion of S106	The CDC charge is based upon its recently agreed Fees and Charges Schedule which set.

24/01980/F
60 Castle Quay
Banbury
OX16 5UW

Agenda Item 10



1:200

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

24/01980/F
60 Castle Quay
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60



1:100

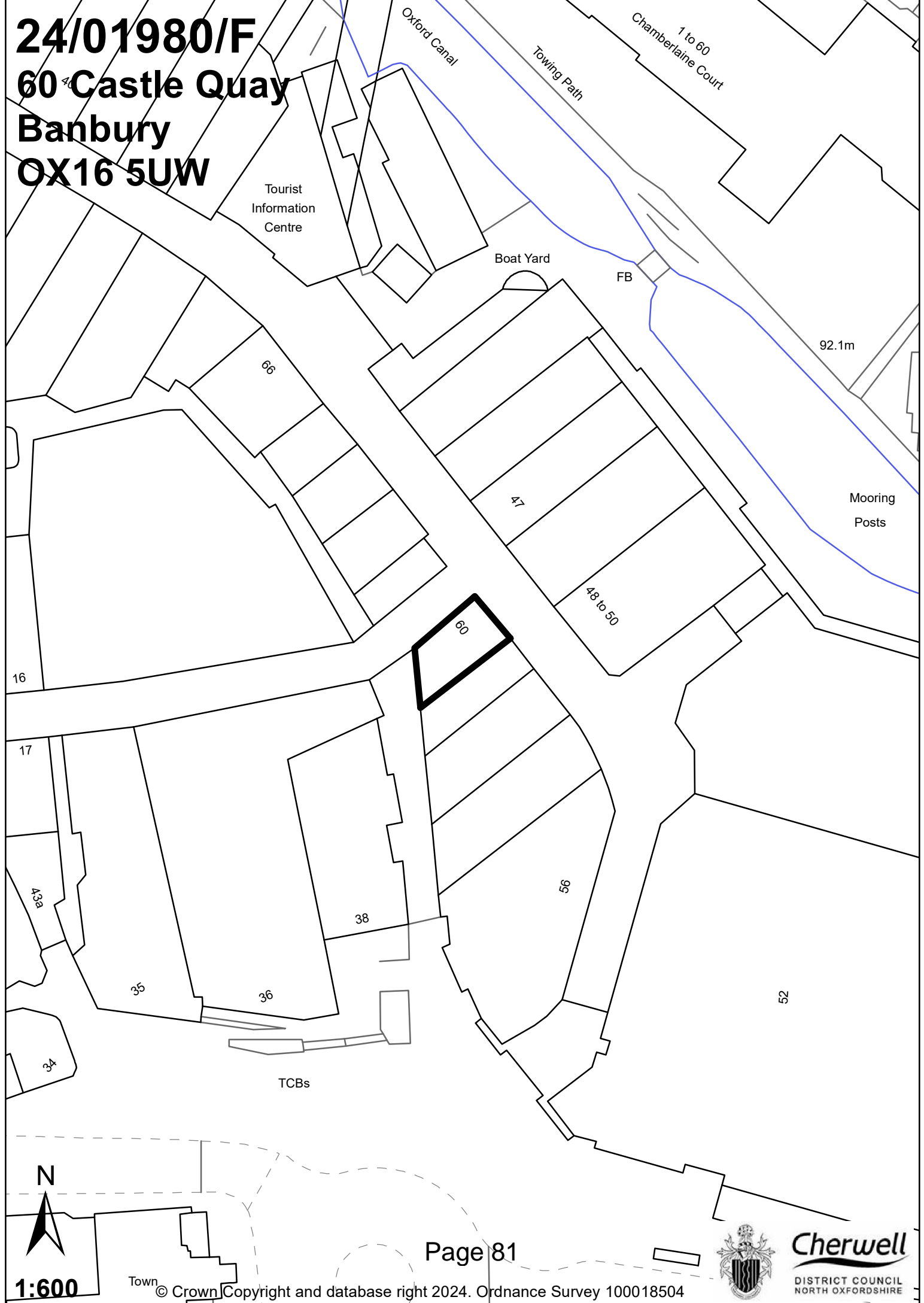
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

24/01980/F
60 Castle Quay
Banbury
OX16 5UW



1:600

Town

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Case Officer: Iwona Gogut

Applicant: Mr Mehdi Mohajeri

Proposal: Change of Use from Class E to F1 Educational support

Ward: Banbury Cross And Neithrop

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

Reason for Referral: Application affects Council's own land

Expiry Date: 11 November 2024

Committee Date: 07 November 2024

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within the existing Castle Quay shopping centre which lies within Banbury town centre. The site was last used as a retail unit and has been vacant for a prolonged period of time. The site is within a predominantly commercial area for the shopping centre.

2. CONSTRAINTS

2.1. The site is located adjacent to but outside of the designated Banbury Conservation Area and Historic Town Core which is considered to be of archaeological interest. There are numerous Grade II listed buildings located to south and west of the site within the Banbury Market Place.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the change of use from class E to class F1 at unit 60 Castle Quay. The proposal is for the unit to operate as a Kumon centre which provides English and Maths tuition for children from as young as two years old up to teenagers. The focus is on key study skills such as independent learning, time management plus building character and resilience.

3.2. The proposal would require the use of the ground floor area only, would serve between 40-50 students per day and would employ between 6 and 8 staff.

4. RELEVANT PLANNING HISTORY

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

96/00923/F. Redevelopment to form extension of Castle Centre and new covered shopping centre, new link road from Castle Street to Inner Relief Road, car parking, landscaping, and ancillary facilities. Relocate bus station. Amended Plans 14.10.96. Permitted.

19/00535/CLUP. Certificate of Lawfulness for Proposed Development - Internal works for the relocation of public toilet provision to a new location within the existing shopping centre and external alterations to install 2 louvres to external northeastern elevation facing service yard. Permitted.

24/01317/T56. Change of Use from Class E to F1 Educational support - Kumon Banbury. Refused.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **25 September 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

7.2. BANBURY TOWN COUNCIL: No objections

7.3. BANBURY CIVIC SOCIETY: Comment. More clarity required on 'Education Support' and concerns over loss of the unit for non-commercial use.

7.4. CONSERVATION: No objections

7.5. WARD COUNCILLOR: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 - The Character of the Built and Historic Environment
- SLE2 – Securing Dynamic Town Centres
- Banbury 7 – Strengthening Banbury Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area.
- Residential amenity
- Highway safety

Principle of Development

Assessment

- 9.2. The proposed change of use stands to be assessed in light of the government advice on ensuring the vitality of town centres and the guiding principles contained within the National Planning Policy Framework (NPPF). The application site is within a retail shopping centre and the wider area has a number of different uses such as tourism, restaurants, leisure or cultural and community uses. F1 uses are not referred in the NPPF (Paragraph 7) that identifies ‘main town centre uses’.
- 9.3. The application seeks planning permission for the change of use of the current Class E retail unit to Class F1 educational centre to support children’s normal school education by providing additional English and maths tuition. Although not a state funded school, the use is still classed in the F1 category, in that it provides an educational use.
- 9.4. The unit has been empty for some time; CDC’s Senior Property Officer has confirmed in an email (received on 19/09/2024 at 14:00hrs) that the premises was vacated by Thorntons (chocolate store) on 17/05/2021 and that the unit was occupied on a short-term basis by DAM Health and has been vacant since October 2022 (however, the lease ran from 19th April 2022 to 18th April 2023).
- 9.5. Policy SLE2 of the CLP 2031 requires main town centre uses to be directed towards the existing town centre of Banbury, Bicester, and Kidlington. The proposal is within the town centre and although the proposed use is not considered to be a main town centre use as defined in the NPPF, officers are of a view that it would be appropriate for the area.
- 9.6. It is considered that whilst Policy SLE2 and Policy Banbury 7 direct certain uses to the town centre, they do not exclude other appropriate uses being permitted in these areas. Other relevant planning consideration would need to be taken into account such as (a) maintaining the vitality of the area through the re-use of the existing vacant unit (as stated above, the unit has been empty since October 2022) (b) the size of premises required for the business (the applicant has confirmed that only the ground floor would be used) (c) and the associated benefits of accepting this type of business

in the town centre (footfall generation, benefits to local shops and businesses, parking etc.) would also be in the proposal's favour.

- 9.7. The proposal is considered to represent a sustainable form of development and would provide both social and economic benefits through the services offered and by bringing the unit back into active use. In addition, the council has an opportunity to support town centre businesses as they adapt and create new opportunities to meet the evolving habits and demands of the district's residents.
- 9.8. Policy Banbury 7 further state that the proposals for town centre uses would be considered against Policies SLE2, ESD10 (not relevant in this instance) and ESD15. Subject to compliance with Policy ESD15, the principle of the proposed development is considered to be broadly acceptable, subject to the further considerations discussed below.

Design and impact on the character of the area.

Assessment

- 9.9. The proposed change of use would not have any significant impact on the visual amenity of the site as there would not be any external alterations (other than the insertion of external signage) to the existing unit. The proposal development would therefore accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

Residential amenity

Assessment

- 9.10. The site lies within an area that is commercial in character and would not have any significant impact on neighbouring occupiers. As such, it is considered that the proposal would not adversely affect the living conditions of neighbouring properties and would therefore accord with Policy ESD15 of the CLP 2015 in this respect.

Highway safety

Assessment

- 9.11. The Highway Local Authority was consulted on the previously submitted T56 application (Change of Use from Class E to F1 Educational support - Kumon Banbury) and raised no objections and advised that 'the site has sufficient vehicle and cycle parking within Castle Quay to cope with additional demand'. Therefore, it is considered that the application is acceptable in terms of highway safety.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

**TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW
(AND ANY AMENDMENTS 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 form and following approved plans and documents: site location plan, proposed floor plan, Kumon Planning Statement and information received by email on 30/09/2024 at 15:39hrs from Louise Mohajeri

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

CASE OFFICER: Iwona Gogut

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	7 November 2024
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	29 October 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	<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 £0.499m against an original budget provision of £0.100m. This has meant it has been necessary to call upon the appeals reserve to mitigate the overspend on spend to date. Any further cost incurred in defending appeals will require alternative sources of funding.</p>

	Kelly Wheeler, Finance Business Partner, 28 October 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. Cobi Bonani Locum Planning Solicitor 29 October 2024			
Risk Management	This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Celia Prado-Teeling, Performance Team Leader. 29 October 2024.			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/01766/PIP	Former Paddocks, Land off Backside Lane, Sibford Gower, OX5 5RS.	Permission in Principle - construction of up to 5no. dwellings.	Delegated Refusal	04.10.2024.
23/01616/F	Leys Farm, Hook Norton, Banbury, OX15 5BZ.	Change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.	Delegated Refusal	08.10.2024.

24/00917/LB	Village Farm, Blackbull Lane, Fencott, Kidlington, OX5 2RD.	Single storey front, rear, end extensions and carport with associated internal/external works.	Delegated Refusal	11.10.2024.
24/01732/F	54 Dashwood Ave, Yarnton, Kidlington, OX5 1NJ	Erection of three-bedroom dwelling to the rear, accessed off Meadow Way (Self-Build).	Delegated Refusal	15.10.2024.

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00150/CLUE	Unit 22 Beaumont Close, Banbury	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)	Delegated Refusal	15.06.2023.
22/03245/F	Apollo Office Park, Ironstone Lane, Wroxton	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.	Committee Refusal (Officer recommended refusal)	16.04.2024
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.

23/02346/F	Birdhouse, 43 Lapsley Drive, Banbury	Demolish conservatory. Single storey rear extension on footprint of existing conservatory. New door to existing side elevation (revised scheme of 23/00257/F)	Delegated Refusal	15.05.2024
23/01960/PIP	Barn Farm Plants Garden Centre, Thorpe Road, Wardington	To develop the site for 7-9 dwellings with associated access, parking and amenity space.	Delegated Refusal	06/06/2024.
24/00698/PIP	81 North Street, Fritwell	Permission in Principle - proposed 7-9 dwellings	Delegated Refusal	27.06.2024
21/02058/FUL	Shelswell Inn, Buckingham Road, Newton Purcell	Erection of Barns	Delegated Refusal	02.07.2024
24/00628/Q56	Quarry Farm, Rattlecombe Road, Shenington	Change of Use and associated building operations to convert existing agricultural building to single dwellinghouse.	Delegated Refusal	09/07/2024.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. 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 Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.

23/03376/F	5 Mill Lane, Adderbury, Banbury	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).	Delegated Refusal	17.07.2024.
24/00620/F	7 Launton Road, Bicester	Demolition of existing detached garage and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.	Delegated Refusal	19.07.2024
24/00792/F	10 Chestnut Close, Chesterton, Bicester	Single storey side and rear extensions to create a 1 no. new dwelling	Delegated Refusal	30.07.2024.
23/02071/F	Land to Rear of Wheelright Cottage, Main Street, North Newington	New Build Dwelling.	Delegated Refusal	31.07.2024.
23/03109/F	Land Adj to 20 Almond Road, Bicester	Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.	Committee Refusal (Overturn)	31.07.2024.
23/02865/F	Slatters Barn, Epwell Road, Shutford	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.	Delegated Refusal	01.08.2024.
24/005421/F	1 St Peters Crescent, Bicester	Proposed detached two storey dwelling and two number car spaces	Delegated Refusal	07.08.2024.

24/00466/F	15A South Street, Banbury	Alterations and extension to existing house and outbuildings.	Delegated Refusal	20.08.2024
24/00342/F	141 Bismore Road, Banbury	Erection of Single Storey Garage	Delegated Refusal	21.08.2024
24/01225/F	14 Bismore Road, Banbury	Erection of a single-storey flat roof garage at end of driveway into rear garden	Delegated Refusal	21.08.2024
23/02780/F	Land to West of Griffin Gate, Station Road, Blackthorn	Detached dwelling/holiday let and associated works.	Delegated Refusal	27.08.2024
24/01017/F	Vine Cottage, Main Street, Hethe	Replace existing driveway gate with a clad electric hardwood gate.	Delegated Refusal	02.09.2024
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00633/F	14 Sandford Green, Banbury	Demolition of outbuilding and erection of single storey rear extension with sliding door to the rear and 2no roof windows; external walls to be insulated and rendered	Delegated Refusal	03.09.2024
24/00779/F	6 Railway Cottages, Shipton on Cherwell	1m extension to existing ground floor with new first floor extension over - re-submission of 23/03177/F.	Delegated Refusal	06.09.2024
24/00753/F	40 Ardley Road, Fewcott	Removal of existing 1m height 'close boarded' timber fencing and replacement with 1.8m height, including gated	Delegated Refusal	09.09.2024

		vehicular entrance (Retrospective).		
24/01391/F	82 High Street, Banbury	Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis).	Delegated Refusal	17.09.2024
24/00298/Q56	Malthouse Farm, North Aston Road, Duns Tew	Change of Use of two agricultural buildings to form five dwellinghouses	Delegated Refusal	19.09.2024

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/02355/F	Waverley House, Registrar, Queens Street, Bicester	Demolition of existing building and construction of 33 No apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure	Committee Refusal (Overturn)	23.08.2024

Public Inquiries

4.5. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/03428/OUT	Land East of J11 of the M40, (OS Parcel 5616 South West of Huscote	Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with	Officers Recommendation. Committee.	14.10.2024.

	Farm and East of Daventry Road, Banbury, Oxon, OX17 2FJ	ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.		
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4.6. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/01265/OUT	OS Parcel 0078 North West of Quarry Close, Bloxham	Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.	Committee Refusal (Officer recommended refusal)	07.12.2023 Inquiry Start Date: 08/10/2024 (4 days)

Enforcement Appeals

4.7. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

4.8. **In Progress/Awaiting Decision**

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	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'.	Enforcement Notice	10.11.2023 Written Reps
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	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)	Enforcement Notice	28.11.2023 Written Reps
20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024 Written Reps

Appeals Results

- 4.9 a) **21/00078/ENF – Cherwell Concrete – Station 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.

Ground (a) - The development is acceptable and deemed permission should be granted.

The enforcement notice followed the refusal of retrospective planning application ref. 21/02214/F at Planning Committee. The Inspector agreed that the development would give rise to an increased noise above background level causing an adverse impact on the living conditions of occupants of a neighbouring dwelling. This impact could not be sufficiently mitigated through conditions such as sound proofing or acoustic barriers. The highway access, particularly the acute angle for entry/egress

in the easterly direction, was unsuitable for HGVs causing an unacceptable effect on highway safety. Due to an absence of information, the Inspector could not conclude there would be no adverse impacts to protected species or ensure preservation of the Oxford Canal wildlife corridor. Consequently, the development was found to be in conflict with the Development Plan and no material considerations outweighed this conflict; the Inspector concluded that deemed permission should not be granted.

Ground (g) – The compliance timeframe is insufficient.

The Inspector agreed that the 3 months compliance timeframe was sufficient, having regard to the highway safety imperative of ceasing the use against the need to safeguard employment and ensure business continuity. The compliance date is 11/12/2024.

4.10 **21/00078/ENF – Mr & Mrs Murphy – Land at Station 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.

Ground (e) – The notice was not properly served on everyone with an interest in the land.

The inspector found that few details were supplied about other tenants and moreover, the 2021 retrospective planning application suggested that the site was not occupied by other tenants at that time. Furthermore, the appellants did not seek to argue that anyone had been prejudiced by not receiving a copy of the notice and therefore that any failure in terms of service should be disregarded.

Ground (b) – The matters have not occurred.

The Inspector found that the appellant did not seek to argue the development had not occurred and therefore the appeal on this ground failed.

Ground (c) – The matters which have occurred do not require planning permission.

The Inspector found that the site's lawful use is Use Class B8 (storage and distribution), and that concrete batching involves manufacturing and industrial processes of significant scale. As a matter of fact, and degree, the concrete batching use fell within Use Class B2 (general industrial). Changing between use classes constitutes development for which no express planning permission had been granted and no permitted development rights applied. Furthermore, the concrete batching apparatus were of sufficient size, permanence and physical attachment to be considered building operations for which no express permission had been granted. The Inspector concluded that both the change of use and associated operational development required planning permission.

Ground (d) – It is too late to take enforcement action.

The Inspector found that the use commenced in early 2021, i.e. well within the period for taking enforcement action.

4.11 **23/02772/PIP - Land Adj And To The West Of Number 42 Green Lane, Upper Arccott.**

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

The Appeal sought Permission in Principle for the construction of up to two dwellinghouses at the site, which is located on the northern outskirts of Arccott to the rear of Green Lane and is bounded to the rear by MOD land. There is woodland to the remaining boundaries and the village playing fields and hall are beyond this to the south. The application was refused on the grounds that the site is outside the built-up limits of the settlement and is therefore an unsustainable location for development. Arccott is a Category A village.

The Inspector acknowledged that the site has historically appeared to be towards the edge of the village but found that the settlement has changed significantly and, by virtue of the continuation of residential development beyond the playing fields, the site is no longer at the edge of the village. The contribution of the undeveloped appearance of the site to preventing coalescence between the village and the MOD land was also acknowledged, however the Inspector considered that the layout could be designed to retain an aspect of openness and was mindful that the woodland beyond the site would also remain. It was therefore considered that there is a clear physical and visual connection with the surrounding built development and that the site is within the built-up limits of the settlement, in light of which the Appeal was allowed.”

4.12 **23/03376/F - Cobb Cottage, 5 Mill Lane, Adderbury.**

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).

The application was refused due to the impact of the proposal on the neighbouring amenities on outlook, light and overbearingness. The appeal inspector concluded that there will be an impingement on the neighbouring property, however the site was subject to another permission which had similar impact. This permission has since expired. The inspector gave this weight and allowed the appeal.

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