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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 16 April 2026
Time: 4.00 pm
Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Barry Wood (Chair)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Robert Parkinson
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Councillor Amanda Watkins (Vice-Chair)

Councillor John Broad
Councillor Becky Clarke MBE
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor Chris Pruden
Councillor Les Sibley
Councillor Douglas Webb

Substitutes

Councillor Rebecca Biegel
Councillor Andrew Crichton
Councillor Rob Pattenden
Councillor Nigel Simpson
Councillor Linda Ward
Vacancy (Labour Group)

Councillor Nick Cotter
Councillor Dr Chukwudi Okeke
Councillor Edward Fraser Reeves
Councillor Dorothy Walker
Councillor John Willett
Vacancy (Independent Group)

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 Chair to report on any requests to address the meeting.

Requests to address the meeting (including the application, whether you will speak in support of or objection to the application, your contact details) should be submitted to democracy@cherwell-dc.gov.uk

The deadline for requests to address this meeting is noon on Wednesday 15 April 2026.

Addresses can be made virtually or in person. Full details of public participation at Planning Committee meeting is available in the Constitution, [Planning Committee Procedure Rules](#).

4. **Minutes** (Pages 5 - 45)

To confirm as a correct records the Minutes of the meetings of the Committee held on the 19 and 26 March 2026.

5. **Chair's Announcements**

To receive communications from the Chair.

6. **Urgent Business**

The Chair 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.

Review and Monitoring Reports

8. **Planning Performance Report** (Pages 46 - 53)

Report of Assistant Director Planning

Purpose of report

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

Recommendations

The Planning Committee resolves:

1.1 To note the position on planning performance contained within the report.

9. Appeals Progress Report (Pages 54 - 68)

Report of Head of Development Management

Purpose of report

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

Recommendations

The Planning Committee resolves:

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

Planning Applications

10. **Buildings Dovecote Farm, Heyford Road, Somerton (Pages 71 - 90)**
26/00086/F

11. **Tuthill Park, Banbury Road Through Wardington, Wardington (Pages 91 - 105)**
26/00044/OUT

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge 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.

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Queries Regarding this Agenda

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

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 8 April 2026

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 26 March 2026 at 4.00 pm

Present:

Councillor Barry Wood (Chair)

Councillor Chris Brant
Councillor John Broad
Councillor Phil Chapman
Councillor Ian Harwood
Councillor David Hingley
Councillor Fiona Mawson
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill
Councillor Douglas Webb

Substitute Members:

Councillor Rebecca Biegel (In place of Councillor Amanda Watkins)
Councillor Rob Pattenden (In place of Councillor Lesley McLean)

Apologies for absence:

Councillor Amanda Watkins
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor Lesley McLean

Officers:

Paul Seckington, Head of Development Management
Sean Tilbury, Planning Enforcement Team Leader
Caroline Ford, Team Leader - South Area Major Developments
Michael Sackey, Senior Planning Officer
Lewis Knox, Senior Planning Officer
Denzil Turbervill, Head of Legal Services
Martyn Surfleet, Democratic and Elections Officer
Matt Swinford, Democratic and Elections Officer

106 **Declarations of Interest**

9. Land West of Oxford Road and South of Newton Close, Bicester.

Councillor John Broad, Other Registerable Interest, as a member of Bicester Traffic Advisory Group which had been consulted on the application.

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

11. Parcel of Land South of Bailey Road Adjacent to Wilson Road, Banbury, OX16 1JE.

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

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

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

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

12. Great Thatch Cottage, Main Street, Hanwell, Oxfordshire, OX17 1HN.

Councillor Chris Brant, Disclosable Pecuniary Interest, advised that as the Applicant for the item he would leave the meeting for the duration of the item.

107 **Requests to Address the Meeting**

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

108 **Minutes**

The Chair advised that as the previous meeting of the Committee, held on 19 March 2026, was after publication of the agenda for this meeting, the Minutes would be submitted to the next meeting of Planning Committee.

109 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting at the time instructed by the Chair and members of the public should remain quiet during the meeting and not cause disturbance.

2. The Chair reminded Members that should they need to leave the room for any reason, that they should be mindful of timing and that they should aim to be present for officers' presentation and participate in the debate. Members were advised that voting is ultimately a matter for the member's own judgment.
3. The Chair reminded members that an additional meeting of the Planning Committee had been arranged for Thursday 16 April.

110 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

112 **Planning Enforcement Report**

The Assistant Director Planning submitted a report which updated Members on planning enforcement activity since 1 January 2024.

The Head of Development Management explained that, following a pause, quarterly enforcement reports would be submitted to the Committee to ensure Members had clear visibility of trends and performance.

Resolved

- (1) That the report be noted.
- (2) That the resumption of quarterly enforcement performance reporting be endorsed.

113 **Land West of Oxford Road and South of Newton Close, Bicester**

The Committee considered application 25/01444/HYBRID, a Hybrid application comprising development of up to 72 dwellings (C3 Use Class) and a care home with up to 75 bedrooms (C2 Use Class) with other related infrastructure and associated works (in outline), and access to Wincanton Road (in full) at Land West of Oxford Road and South of Newton Close Bicester, for Countryside Properties (Bicester) Limited.

Pearce Gunne-Jones, the agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Pruden and seconded by Councillor Dr Thornhill that the application be approved, in line with the officer recommendation.

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

Resolved

- (1) That, in line with the officer's recommendation, permission be granted for application 25/01444/HYBRID subject to:
 - i. The conditions set out below (and any amendments to those conditions as deemed necessary) and
 - ii. The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the mitigation set out at paragraph 9.94 (and any amendments as deemed necessary).

CONDITIONS

Time Limit

1. The development to which this permission relates in respect of the proposed access into the site shall be begun not later than the expiration of three years beginning with the date of this permission.

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

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England) Order 2025 (as Amended).

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and Article 6 of the Town and

Country Planning (Development Management Procedure (England)
Order 2015 (as amended).

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 form and following approved plans and documents: Air Quality Assessment Rev C dated April 2025; Arboricultural development Statement dated May 2025; Habitat Maintenance Management Plan; Biodiversity Net Gain Assessment; Ecological Impact Assessment dated May 2025; Ecology Note dated 15th August 2025; Ecology Technical Note produced by EDP dated 2nd October 2025; Foul and Surface Water Drainage Strategy Rev D; Energy and Sustainability Statement Noise Impact Assessment Rev E; Transport Statement; Transport Statement Addendum Rev I dated October 2025; Flood Risk Assessment Rev C; Planning Statement; Amended Design and Access Statement; Design Code Version 3; Drawing Numbers: Layout drawing 180601 U19C-SK011; 874/02/709/D; Turning and Swept Path Analysis PD04 Rev A; Red Line boundary PP001 Rev A; Site Location Plan; Blue Line boundary; Illustrative Masterplan; Parameter Plans – land use, residential and building heights; swept path analysis refuse PD03 AT01.

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

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

Reason; To ensure that risks from land contamination to 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 within the National Planning Policy Framework.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5 above, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy

proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM) and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

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

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

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

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

9. Prior to the commencement of the development, an odour impact assessment following the IAQM Guidance on the assessment of odour for planning (latest version) will be required due to the proximity of the proposed development to the nearby commercial food premises and service station. Should mitigation be required the approved system shall be installed and operated in accordance with the approved scheme at all times the building is in use for the purposes hereby permitted.

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

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

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

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

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

12. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the 'Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire'
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change
 - A Flood Exceedance Conveyance Plan
 - comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
 - detailed drainage design layout drawings of the SUDS proposals including cross-section details

- detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and
- details of how water quality will be managed during construction and post development in perpetuity
- confirmation of any outfall details
- consent for any connection into third party drainage systems

Reason: To ensure development does not increase the risk of flooding elsewhere, in accordance with Paragraph 155 of the National Planning Policy Framework and Local and National Standards.

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

- as built plans in both .pdf and .shp file format
- photographs to document the completed installation of the drainage structure on site
- the name and contact details of any appointed management company information

Reason: In order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF 2024.

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: to safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of

the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF 2024.

16. Prior to first occupation a Travel Plan Statement and Residential Travel Information Pack which shall meet the criteria contained within the template in appendix 4 of the OCC guidance document Transport for New Developments – Transport Assessments and Travel Plans March 2024, shall be submitted to and approved in writing by the Local Planning Authority. The Residential Travel Information Pack shall be distributed to all residents at the point of occupation; the development shall be occupied thereafter in accordance with the approved Travel Plan.

Reason: In the interest of sustainability and to ensure all residents and employees are aware from the outset of the travel choices available to them and in accordance with Government guidance within the National Planning Policy Framework

17. Prior to first occupation a full Travel Plan for the care home shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be updated within 3 months of full occupation once a robust survey opportunity is available and submitted to and agreed in writing by the Local Planning Authority. The content of the travel plan should meet the criteria contained within appendix 5 of the OCC guidance document. The development shall thereafter be occupied in accordance with the approved Travel Plan.

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

18. Prior to first occupation, a Service and Delivery Management Plan for the care home shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Service and Delivery management plan.

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

19. Prior to the commencement of any development on the site, a Construction Environment and Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. The CETMP shall include the following:
 - details of wheel cleaning/wash facilities, to prevent mud from being carried onto the adjacent highway by vehicles
 - contact details of the Project Manager and Site supervisor responsible for on-site works
 - details of how appropriately trained banksmen will be used for guiding vehicles and unloading
 - details of where staff and visitors to the construction site will park

- details of times for deliveries to and the removal of materials from the site
- layout plan of the site that shows haul roads, site storage, compound and pedestrian routes
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours;

The development shall be undertaken in accordance with the approved CETMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times, and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. No development shall commence unless and until full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

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

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

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

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

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

Reason: To comply with Policies SLE4, ESD1, ESD3 and ESD5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

24. No development shall commence until a Biodiversity Method Statement or Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures approved shall be carried out prior to first occupation of the development and shall thereafter be retained in full accordance with the approved details.

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

25. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP Biodiversity shall include as a minimum

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'biodiversity protection zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works or similarly competent person
- Use of protective fences, exclusion barriers and warning signs
- The approved cemp biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

Cherwell Local Plan 2011-2031 Part 1 and government guidance within the National Planning Policy Framework.

26. Prior to the commencement of development, a lighting design for bats as detailed in the Ecological Impact Assessment Section 7 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

27. The care home hereby approved shall be a C2 use only in accordance with the application submitted.

Reason: To ensure that the development is carried out in accordance with the submission and ensure the provision of sufficient infrastructure in accordance with government guidance within the NPPF.

28. The reserved matters applications shall be accompanied by a detailed energy and sustainability report which sets out the energy and water efficiency proposals for the development. The development shall be carried out in accordance with the approved document.

Reason: In the interests of sustainability and to accord with Policy ESD3 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

- (2) It was further resolved that as the statutory determination period for this application expired on 10 April 2026, if the section 106 agreement/undertaking was not completed and the permission was not able to be issued by this date and no extension of time had been agreed between the parties; delegated authority be granted to the Assistant Director Planning to refuse application 25/01444/HYBRID for the following reason:

In the absence of a signed 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 provisions and contributions related to affordable housing, open space, highways, education, health and other social infrastructure, necessary to make the impacts of the development acceptable in planning terms. The proposal therefore runs contrary to Policies, BSC 3, BSC 7, BSC8, BSC 10-12, SLE 4 INF1 of the Cherwell Local Plan (2015) and Policies CSD 22-23, COM 2, COM 15 - 17 COM 20-21, COM 23-24 of the Cherwell Local Plan Review (2042), Cherwell District Council's Developer Contributions

Supplementary Planning Document (2018) and Government guidance within the National Planning Policy Framework.

114 **Land Adjoining And At 81 North Street, Fritwell, Oxfordshire, OX27 7QR**

The committee considered application 25/02906/OUT, an outline application for the erection of 12 no dwelling houses with all matters reserved except for access and layout, at land adjoining and at 81 North Street Fritwell Oxfordshire OX27 7QR for BHK Preston Ltd.

Peter McCorkell, agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Rogers and seconded by Councillor Webb that application 25/02906/OUT be refused, in line with the officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, and the addresses by public speaker.

Resolved

- (1) That, in line with the officer's recommendation, permission for application 25/02906/OUT be refused for the following reasons:
 1. The proposed development would be an urbanising form of development which by reason of its location and the proposed land use would result in an isolated cluster of dwellings poorly related to the existing village and falling outside the settlement area defined by Policy PD1 of the MCNP. The proposal would adversely impact the rural setting of the village and would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character and appearance and quality of the area. In addition, it would cause damage to the significance of the adjacent designated heritage asset by irrevocably removing the rural setting of the Conservation Area. The proposal would not provide an appropriate housing mix for the provision of affordable housing of development. This identified harm would significantly and demonstrably outweigh the benefits of the proposal. The proposal is therefore contrary to Policies PD1 and PD4 of the Mid-Cherwell Neighbourhood Plan 2018-2031, Policies BSC2, BSC3, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.
 2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future residents would be highly reliant on the private car to meet their day to day needs which would not reduce the need to travel and would result in increased car journeys and hence carbon

emissions. The proposed development therefore conflicts with Policies ESD1 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.

3. By virtue of a lack supporting information the proposals have failed to demonstrate that the proposal would be acceptable in terms of (i) highway safety and pedestrian safety, (ii) biodiversity and the natural environment of the site and (iii) potential archaeological deposits at the site. As such the proposal is contrary to Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
4. By virtue of a lack supporting information to enable an appropriate technical assessment the proposals have failed to demonstrate that an appropriate sustainable drainage strategy for the site utilising sustainable drainage systems (SuDS) can be delivered. As such the proposal is contrary to Policy ESD7 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
5. In the absence of the completion of a satisfactory Section 106 Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

115

Parcel of Land South of Bailey Road Adjacent to Wilson Road, Banbury, OX16 1JE

The Committee considered application 25/02862/F, a full planning application for 9 no. residential dwellings, pedestrian and vehicular access, landscaping and associated infrastructure, at Parcel of land south of Bailey Road Adjacent to Wilson Road Banbury OX16 1JE, for Bloor Homes Western.

Jon Bryan, the agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Wood and seconded by Councillor Webb that the application be approved, in line with the officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, and the addresses by public speaker.

Resolved

- (1) That, in line with the officer's recommendation, authority be delegated to the Assistant Director Planning to grant permission for application 25/02862/F subject to:
 - i. The conditions set out below (and any amendments to those conditions as deemed necessary) and
 - ii. The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary):
 - A) the sum of £275,000 for the value of the land towards employment opportunities within Banbury

Conditions/reasons for refusal

Time limit

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

Reason: to comply with the provisions of section 91 of the town and country planning act 1990, as amended by section 51 of the planning and compulsory purchase act 2004.

Compliance with plans

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

Site location plan – we080-pd-036a

Site layout – we080-sl-3001d

Presentation layout – we080-pd-1021b

External works – we080-sl-3030a

Material layout - we080-sl3020b

Landscaping layout - we080-ls-038c

Vehicle tracking - we080-emp-en-101

Drainage and levels - we080-en-emp-100

Housetype plans and elevations

Banbury rise design and access statement dated august 2025

Drainage technical note

Energy statement – briary energy august 2025

Transport/highways technical note – pja

Planning statement October 2025

Preliminary ecological appraisal version 4 – Nicholsons October 2025
Biodiversity net gain report version 1 – Nicholsons October 2025
Biodiversity net gain metric - Nicholsons

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

Reason: in the interests of sustainability, to ensure a satisfactory form of development and to comply with government guidance contained within the national planning policy framework.

4. 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.

5. No development shall commence unless and until a landscape and ecology management plan (lemp), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved lemp.

Reason: to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with policy esd10 of the cherwell local plan 2011-2031 part 1 and government guidance contained within the national planning policy framework.

- (1) It was further resolved that as the statutory determination period for this application expired on 31 March 2026, if the section 106 agreement / undertaking was not completed and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, delegated authority be given to the Assistant Director Planning to refuse application 25/02862/F for the following reason:

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 compensation for the value of the land to the detriment of

both existing and proposed residents and contrary to policy ban3 of the Cherwell local plan (2015)

116 **Great Thatch Cottage, Main Street, Hanwell, Oxfordshire, OX17 1HN**

The Committee considered application 26/00196/LB, for the installation of a domestic electric vehicle charging unit to the front elevation of the existing garage, at Great Thatch Cottage Main Street Hanwell Oxfordshire OX17 1HN for Chris Brant.

It was proposed by Councillor Wood and seconded by Councillor Broad that the application be approved, in line with the officer recommendation.

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

Resolved

- (1) That, in line with the officer's recommendation, permission be granted for application 26/00196/LB subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

Time Limit

1. The development and works hereby permitted shall be begun not later than three years from the date of this consent.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 Site Location Plan (dated 26 January 2026) and the document titled 'Proposed Front Elevation – Garage Showing EV Charger' (dated 16 January 2026)

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.

Informative Note - The charger should be removed when no longer in use.

The meeting ended at 6.16 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 19 March 2026 at 4.00 pm

Present:

Councillor Barry Wood (Chair)
Councillor Amanda Watkins (Vice-Chair)
Councillor Chris Brant
Councillor John Broad
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill
Councillor Douglas Webb

Substitute Members:

Councillor Rob Pattenden (In place of Councillor David Hingley)

Apologies for absence:

Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Dr Isabel Creed
Councillor David Hingley

Officers:

Paul Seckington, Head of Development Management
Ian Boll, Executive Director Place & Regeneration
Denzil Turbervill, Head of Legal Services
Lewis Knox, Senior Planning Officer
Rebekah Morgan, Principal Planning Officer
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

9. Land West of Denbigh Close Adjacent to Broughton Road, Banbury.

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

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

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

10. 38 Longfields, Bicester, OX26 6QL.

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

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

11. 73 High Street, Kidlington, OX5 2DN.

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

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

13. Dashwood Apartments, Dashwood Road, Banbury, OX16 5HA.

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

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

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

95 **Requests to Address the Meeting**

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

96 **Minutes**

The Minutes of the meeting held on 15 January 2026 were agreed as a correct record and signed by the Chair.

At the request of the Committee, the Head of Development Management gave an update on application reference 25/01346/OUT under minute reference 87.

97 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting at the time instructed by the Chair and members of the public should remain quiet during the meeting and not cause disturbance.
2. The Chair discouraged Members from leaving the Chamber during an agenda item, however if they were in a situation where they had to leave the meeting urgently, to do so but be mindful of timing if intending to stay in the meeting.

98 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

100 **Appeals Progress Report**

The Assistant Director Planning 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.

101 **Land West of Denbigh Close Adjacent to Broughton Road, Banbury**

The Committee considered application 25/02174/OUT, an outline application for the erection of up to 58 dwellings, associated public open space, sustainable urban drainage systems, other infrastructure and access from Broughton Road at Land West of Denbigh Close, Adjacent to Broughton Road, Banbury for Lone Star Land Limited.

Councillor Kieron Mallon addressed the Committee as a Local Ward Member.

Andy Wilkins, the agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Harwood that the application be deferred until the Section 106 legal agreement was completed. The motion was not seconded and therefore fell.

It was proposed by Councillor Watkins and seconded by Councillor Dr Thornhill that the application be approved, in line with the officer recommendation.

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director Planning to grant permission for application 25/02174/OUT subject to:

- i. The conditions set out below (and any amendments to those conditions as deemed necessary) and
- ii. The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary)
 - a) provision of 30% affordable housing on site
 - b) contribution to CDC for the provision or enhanced facilities at The Hill, Sunshine Centre or community facilities at Woodgreen Leisure Centre - £63,911.50
 - c) contribution to CDC towards outdoor sport provision - £162,804
 - d) contribution to CDC towards indoor sport at Woodgreen Leisure Centre or a new indoor sport facility in the locality - £61,655
 - e) contribution to CDC towards initiatives to support groups for residents - £6,750
 - f) contribution to CDC towards public art within the vicinity - £16,290
 - g) payment of the District Council's monitoring costs of £5,000
 - h) contribution to OCC of £79,112 for enhanced public transport
 - i) contribution to OCC of £583,478 for secondary education provision
 - j) contribution to OCC of £56,364 for secondary education land
 - k) contribution to OCC of £47,215 for special education needs
 - l) contribution to OCC of £6,003 for household waste and recycling centres
 - m) payment of the County Council's monitoring costs – TBC
 - n) contribution to BOBICB for health care enhancements – TBC and
 - o) contribution to Thames Valley Police for enhanced policing resource – TBC
1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate mitigation required as a result of the development and necessary to make the ecological, landscape and highway impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to development plan

policies SLE4, ESD10, ESD13, INF1, C7, C8 and C28 and national guidance contained in the National Planning Policy Framework.

Conditions of Approval

Time limit

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

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

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of 18 calendar months beginning with the date of this permission.

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

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

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

Compliance with Plans

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

Site Location Plan – RL01

Parameter Plan – 04

Parameter Plan Green Infrastructure – 05

Site Access Connection (included within Transport Statement) – 27014-01

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

5. Prior to the first use or occupation of the development hereby approved, details of the revised position of the northbound bus stop should be submitted and approved in writing by the Local Planning Authority. Thereafter the bus stop shall be implemented in accordance with the approved details.

Reason: To promote sustainable travel modes.

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

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

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details. The CTMP will need to incorporate the following in detail:
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and the residential amenities of neighbouring occupiers.

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

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

9. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:
- Discharge rates based on 1:1 year greenfield run off rate
 - Discharge Volumes
 - SUDS
 - Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers.
 - Network drainage calculations
 - Phasing
 - Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)
 - A detailed maintenance regime for all proposed drainage features and SuDS features.
 - A detailed surface water catchment plan.

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

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

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

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

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

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

Reason: To ensure that 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

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation

in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

14. If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

15. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

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

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

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

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

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

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

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

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

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.

22. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and

scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

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

23. No development shall commence, including any demolition and any works of site clearance, unless and until a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

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

24. No development shall commence until a wildlife-sensitive lighting scheme, in line with Bat Conservation Trust guidance on bats and artificial lighting at night (GN08/23) has been submitted to and approved in writing by the LPA. Thereafter, the development shall not be carried out other than in accordance with the approved lighting scheme.

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

25. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall detail proposed site security measures, to include (but not be limited to):

- Perimeter fencing and hoarding details
- Access control measures for personnel and vehicles
- Lighting, surveillance, and alarm provisions during construction
- Measures to prevent unauthorised access outside of working hours

- Security protocols for storage of tools, materials, and plant machinery.

The approved CMP, including the site security measures, shall be implemented in full for the duration of the construction works and adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the security of the site, protect public safety, and prevent crime and anti-social behaviour during the construction phase, in accordance with DES1 of the South Oxfordshire Local plan and the aims of the National Planning Policy Framework (NPPF).

26. As part of any reserved matters application an LVA shall be submitted, the LVA shall include:

- 3D modelling, wirelines, or rendered photomontages (LI Visualisation Types 2-3) to show how the scheme responds positively to the underlying topography and its landscape context. The visualisations must be supported by narrative that identifies the mitigation measures inherent to the scheme and how these are necessary to protect landscape character.

The LVA must conform to best practice and guidance including demonstration that alternative layouts have been considered and the mitigation hierarchy has been followed as part of an iterative and coordinated design process.

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

102

38 Longfields, Bicester, OX26 6QL

The Committee considered application 25/03231/F, an application for change of use from 5 bedroom Dwelling (class C3) to 8 bedroom HMO (class sui generis) at 38 Longfields, Bicester, OX26 6QL for Hexiqon Homes Ltd.

Councillor Donna Ford addressed the Committee as a Local Ward Member.

Jack Piccaver, applicant, addressed the Committee in support of the application.

It was proposed by Councillor Watkins and seconded by Councillor Conway that application 25/03231/F be approved, in line with the officer recommendation.

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

Resolved

That, in line with the officer's recommendation, permission be granted for application 25/03231/F subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: - Drawing number BP.01 Rev A – [Block Plan/Location Plan] - Drawing number P.01 – [Proposed Elevations] - Drawing number P.02 – [Proposed Layout Plans] - Drawing number P.03 – [Proposed Kitchen and En-suite Layouts] - Drawing number P.04 Rev B – [Proposed Site Plan] - Drawing number P.05 – [Proposed Bin and Bike Stores] - Drawing number P.06 – [Proposed Drainage Plans]

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

3. The development hereby approved shall not be occupied until details of how Secured by Design measures have been incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be implemented in accordance with the approved detail and be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

4. Prior to the first occupation of the development hereby approved, the parking and manoeuvring area shall be provided in accordance with the plans approved (drawing numbers P.04 Rev B and P.05 and drawing titled 'Dropped kerb and swept path analysis Rev A') and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with drawing number P.04 Rev B and P.05. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use or occupation of the development hereby permitted, bin storage facilities shall be provided on the site in accordance with drawing numbers P.04 Rev B and P.05. The bin storage facilities so provided shall thereafter be permanently retained.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. The House in Multiple Occupation, hereby approved, shall only be let as a single room occupancy to limit the tenant numbers to not more than 8 persons.

Reason: In order to safeguard the amenities and character of the area, in the interests of highway safety 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.

103

73 High Street, Kidlington, OX5 2DN

The Committee considered application 25/03055/F for a first floor extension over an existing converted garage (part retrospective) at 73 High Street, Kidlington, OX5 2DN for Mr and Mrs Parshad.

Councillor Dorothy Walker addressed the Committee as a Local Ward Member.

Mr Robert Packard, neighbour, addressed the Committee in objection to the application.

It was proposed by Councillor McLean and seconded by Councillor Parkinson that application 25/03055/F be refused against officer recommendation, as the application would have an adverse impact on the character, appearance and significance of the application property and would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996, The Kidlington Masterplan 2016 and Government guidance contained within the National Planning Policy Framework (exact wording for reasons for refusal to be delegated to officers).

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

Resolved

That, against the officer's recommendation, application 25/03055/F be refused for the following reason:

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

104

Hadsham Farm Hornton Lane, Horley, OX15 6BN

The Committee considered application 25/01284/F, for the erection of venue buildings including an events barn, marriage ceremony barn, wedding suite, sauna cabin, guest eco cabins and associated landscaping at Hadsham Farm, Hornton Lane, Horley, OX15 6BN for Hadsham Farm Weddings.

It was proposed by Councillor Brant and seconded by Councillor Webb that application 25/01284/F be approved, in line with the officer recommendation.

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 25/021284/F subject to:

- i) The Local Lead Flood Authority removing their objection
- ii) The conditions set out below (and any amendments to those conditions as deemed necessary) and
- iii) 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) The submission and approval of a Habitat Management and Monitoring Plan on land outside the red line boundary.
 - b) Payment of the Council's monitoring costs

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 in accordance with the application form and the following plans and documents: 03 152 P1, 03 200 P1, 03 300 P1, 03 301 P1, 03 302 P1 (X2), 03 303 P1, 03 304 P1, 03 305 P1, 03 306 P1, 05 303 P1, 05 304 P1, 05 301 P1, 05 305 P1, 03 150 P1, 03 151 P3, 03 160 P2

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.

Events

3. The number of events per week shall not exceed three.

Reason: In the interests of visual amenity and to ensure the transport impact remains as assessed and does not increase without further consideration.

4. No wedding or event shall take place until a Event Management Plan has been submitted to an approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character of the area and the amenities of residential properties in the local area in accordance with saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Materials

5. No development shall commence above slab level until details of the external materials have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Cycle Parking

6. Prior to the first use of the development, covered and secure cycle parking shall be provided in accordance with the approved plans and thereafter permanently retained.

Reason: To promote sustainable transport in accordance with NPPF and Local Plan Policy SLE4.

Electric Vehicles

7. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points and shall comply with OCC's Electrical Vehicle Infrastructure Strategy - Policy EVI 8. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 117(e) of the National Planning Policy Framework.

Taxi Parking

8. Prior to the first use of the development, a designated taxi and service vehicle turning area shall be provided and retained thereafter.

Reason: In the interest of highway safety and the free flow of traffic, and to ensure safe on-site vehicle manoeuvring

Travel Information Pack

9. A Travel Information Pack for event guests and staff shall be submitted to and approved by the Local Planning Authority prior to first occupation. It shall include details of public transport, walking, cycling routes, taxi services, and car-sharing options.

Reason: To encourage sustainable travel in accordance with Local Plan Policy SLE4.

Ecology

10. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

11. An updated badger survey, which should take place no earlier than 6 weeks prior to commencement shall be submitted to and approved by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

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

12. No wedding or event shall take place until a detailed lighting plan which includes a lux contour plan, to demonstrate that key habitats for bats such as the woodland, lake, and hedgerows will not be subject to lighting above recommended thresholds has been submitted to and approved by the local planning authority. This should follow the guidance set out in the BCT/ILP document Bats and Artificial Lighting in the UK (ILP, 2023). The development shall be carried out in accordance with the approved details.

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

13. No development shall commence above slab level until a method statement for enhancing the bat and bird boxes, hedgehog highways, hibernacula has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

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

Landscaping

14. No development shall commence above slab level until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme 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.

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

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

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

105

Dashwood Apartments, Dashwood Road, Banbury, OX16 5HA

The Committee considered application 25/02139/F for change of use from serviced apartments (Use Class C1) to their original use (Use Class C3) and as specialist supported accommodation at Dashwood Apartments, Dashwood Road, Banbury, OX16 5HA for Stepper Point.

It was proposed by Councillor Watkins and seconded by Councillor Webb that application 25/02139/F be approved, in line with the officer recommendation.

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 25/02139/F 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 in accordance with the application form and the following plans and documents:
Site Location Plan: Ra 3546 s3 001
Existing Site Plan Ra 3546 s3 002
Existing Floor Plans – Block 1 Ra 3546 s3 040
Existing Floor Plans – Block 2 Ra 3546 s3 045
Proposed Site Plan Ra 3546 s3 200
Proposed Floor Plans – Block 1 Ra 3546 s3 400
Proposed Floor Plans – Block 2 Ra 3546 s3 450
Existing and Proposed Elevations Ra 3546 s3 300

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.

Use

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the apartments shall be used as supported living accommodation falling within Class C3(b) and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of residential amenity, heritage and highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2015.

Landscaping

4. No development shall commence until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme 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 hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

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

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

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

Cycle Parking

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local planning authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

The meeting ended at 7.30 pm

Chair:

Date:

Agenda Item 8

This report is Public.	
Planning Performance Report	
Committee	Planning Committee
Date of Committee	16 April 2026
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	08 April 2026
Report of	Assistant Director for Planning – David Peckford

Purpose of report

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

1. Recommendations

The Planning Committee resolves:

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

2. Executive Summary

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

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

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

2.4 The table below sets out the designation thresholds:

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

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

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

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

Implications	Commentary
Finance	<p>This report is provided for information only. However it is important to note that the quality of major decisions have exceeded the 10% threshold in 2025. Should Cherwell District Council be designated as underperforming, applicants may choose to submit their planning applications directly to the Secretary of State. In such cases, application fees are paid to and retain by the Secretary of State, resulting in a potential loss of income for Cherwell District Council.</p> <p>Also, the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% quality threshold. To date, expenditure on appeals is £304,882.11 against a budget of £100,000. These costs are currently being managed within the</p>

	<p>service, supported by additional Development Management income generated from the recent national fees increase in planning fees.</p> <p>If the service is no longer able to absorb appeal related costs, a request may need to be made to draw on the appeals reserve.</p> <p>Kimberley Digweed – Finance Business Partner – 07 April 2026</p>			
Legal	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill, Head of Legal – 07 April 2026</p>			
Risk Management	<p>This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk, as per the indicated on the finance implications, will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.</p> <p>Celia Prado-Teeling, Performance Team Leader, 07 April 2026</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader, 07 April 2026
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable

Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

Supporting Information

3. Report Details

Speed of Decisions

3.1. The table below sets out the Council's performance against the National Target for 2021, 2022, 2023, 2024 and 2025. It also sets out the current performance for 2026.

Speed	Major applications (13/16 week target or agreed extension of time)	Non-major applications (8 week target or agreed extension of time)
National Target	60%	70%
CDC performance 20/21 (Apr 2020 to Mar 2021)	92% (54/59 apps)	79% (600/895 apps)
CDC performance 21/22 (Apr 2021 to Mar 2022)	96% (72/75 apps)	91% (1289/1409 apps)
CDC performance 22/23 (Apr 2022 to Mar 2023)	96% (52/54 apps)	93% (1145/1230 apps)
CDC performance 23/24 (Apr 2023 to Mar 2024)	88% (49/56 apps)	83% (914/1096 apps)
CDC performance 24/25 (Apr 2024 to Mar 2025)	87% (48/55 apps)	87% (846/978 apps)
CDC performance 25/26** (Apr 2025 to Mar 2026)	79% ** (31/39 apps)	80% ** (656/824 apps)

*** The data for 2026 is not yet complete, as it runs to the 31st March 2026*

- 3.2. In summary, the Council have been achieving and exceeding the National Targets for the past 6 years.
- 3.3. In a recent article published by Planning Resource, the Council is identified as being within the bottom 20 Council's with the lowest percentage of 'non-major' decisions made within eight weeks or agreed time in 2025 (12 months to December 2025) with percentage at 80.7% (the monitoring period is different to the table above). This remains above the threshold of 70% but is a matter to monitor and manage going forward.

Quality of Decisions

- 3.4. The table below sets out the Council's performance for 2023, 2024, 2025 and 2026 based on the government's quality of decision requirements for major and non-major applications.

Quality	Major applications % allowed at appeal	Non-major applications % allowed at appeal
National target	No more than 10%	No more than 10%
CDC performance 2023 (April 2021 to Mar 2023)	5.0% (7 appeals allowed out of 141 decisions made by the LPA)	1.1% (27 appeals allowed out of 2381 decisions made by the LPA)
CDC performance 2024 (April 2022 to Mar 2024)	10.4% (12 appeals allowed out of 115 decisions made by the LPA)	1.1% (21 appeals allowed out of 1943 decisions made by the LPA)
CDC performance 2025 (April 2023 to Mar 2025)	11.6% (13 appeals allowed out of 112 decisions made by the LPA)	1.5% (31 appeals allowed out of 2079 decisions made by the LPA)
CDC performance 2026*** (April 2024 to Mar 2026)	5.3% *** (5 appeals allowed out of 95 decisions made by the LPA)	1.3% *** (23 appeals allowed out of 1804 decisions made by the LPA)

*** The data for 2026 is not yet complete, as it runs to the 31st March for decisions on applications, then allows a period until December 2026 for the appeals of applications decision between Apr 2024-Mar 2026 to be decided.

- 3.5. In summary, the Council has met the National Targets for non-majors Quality for the past four years.
- 3.6. For Major Quality decisions, we went over 10% in 2024. MHCLG wrote to us in March 2025 advising that we had breached the threshold (for 2024 accounting period) and gave us an opportunity to put an exceptional circumstances case to them to avoid designation. This was submitted and MHCLG agreed that the Council, while going over the 10% threshold was not poor performing, recognising the improvements the Council was putting in place, but that they “will continue to closely monitor the authority’s performance. If the authority fails to show continued improvement, the Secretary of State may designate the authority in the future”.
- 3.7. We have gone over 10% again for Major Decisions in 2025 (11.6%). We have now received a letter from MHCLG and been provided with the opportunity to put an exceptional circumstances case forward. Given it is a two year accounting period a number of the appeal decisions were also contained in the 2024 accounting period.
- 3.8. For 2026 accounting period for major decisions we are currently at 5.3%. However, at present we have three outstanding appeals, and one refusal where an appeal is expected. If all four of these appeals are allowed this would take the number of appeals allowed up to 9.5%. if any other major applications are refused and also appealed and successful at appeal, this could result in the number of major appeals being allowed to go over 10% for the third year running.

Comparison with neighbouring councils on Speed

- 3.9. The tables below show a comparison of the performance figures with neighbouring district councils for the year 01/10/2024 to 30/09/2025 (which is the most recent data available).
- 3.10. The tables focuses on Majors applications
- 3.11. In addition to performance figures, additional data is provided regarding the total number of applications received; the use of Extensions of Time (EOT) and Planning Performance Agreements (PPA) and the percentage of applications granted.

Major Applications						
Council	Total number of	Number determined	% within	Number determined	% within	%

	applications determined	within time or EOT	time or EOT	within time without using EOT	time without EOT	granted permission
Oxford City Council	33	31	94%	1	3%	100%
South Oxfordshire District Council	41	37	90%	8	20%	73%
Buckinghamshire Council	158	140	89%	36	23%	86%
West Oxfordshire District Council	28	25	89%	3	11%	91%
West Northamptonshire Council	66	58	88%	8	12%	92%
Cherwell District Council	47	41	87%	9	22%	94%
Stratford Upon Avon District Council	64	54	84%	7	11%	75%

- 3.12. The tables show that we are meeting and exceeding government targets on determining applications in time. Whilst CDC is second from the bottom of the list we are roughly in line with the authorities that share a border with this district. Furthermore, the percentage of applications determined without the need for Extensions of Time is one of the best compared to our border authorities.
- 3.13. The table also shows that CDC has one of the highest percentage of applications granted compared to the surrounding authorities.
- 3.14. As part of ongoing. planning improvement, we will be enhancing our performance monitoring.

4. Alternative Options and Reasons for Rejection

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

5. Conclusion and Reasons for Recommendations

Speed

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

Quality

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

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	None
Report Author	Paul Seckington, Head of Development Management
Report Author contact details	Paul.seckington@cherwell-dc.gov.uk

Agenda Item 9

This report is Public	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	16 April 2026
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	08 April 2026
Report of	Head of Development Management, Paul Seckington

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>There are no direct financial implications arising from this report, as the appeals outlined are minor cases that do not present a significant financial risk to the Council and will be met within existing budget for financial year 26/27. However, it should be noted that if future appeal costs were to exceed core budget and if the service is unable to absorb the costs, then a request for use of reserves will be necessary, however the position will be closely monitored.</p> <p>Kimberley Digweed, Finance Business Partner, 08 April 2026</p>

Legal	As this report is purely for information there are no legal implications arising.			Denzil Turbervill, Head of Legal – 07 April 2026
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 – 07 April 2026
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 – 07 April 2026
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 Enforcement Notice served. 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 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

4.1. Planning Appeals

New Appeals

Written Representations	Informal Hearing	Public Inquiry
2	0	0

4.1.1 The 2 new **Written Representations** appeals are:

- 7 Bignell View, Chesterton, Bicester, Oxfordshire – Proposed double garage to front of property.
- 71 Ravencroft, Bicester, Oxfordshire – Retrospective Change of Use of amenity land to garden and installation of new fence to site boundary.

4.1.2 Details of the new appeals can be found at appendix 1

In Progress/Awaiting Decision

Written Representations	Informal Hearing	Public Inquiry
14	0	0

Details of all the planning appeals can be found at Appendix 1

4.2. Enforcement Appeals

New Appeals

4.2.1 There are no new enforcement appeals

In Progress/Awaiting Decision

4.2.2 There are 3 enforcement appeals awaiting decisions

4.2.3 Details of all the enforcement appeals can be found at Appendix 2

4.3. Forthcoming Public Inquiries and Hearings

None

4.4. Award of costs

None

4.5. Appeals Results

4.5.1 25/00002/REF – 34 George Street, Bicester, OX26 2EQ

Two-bedroom dwelling (Self-Build) and widening of existing dropped-kerb.

Appeal Dismissed

The appeal concerned a proposal to build a new dwelling on the side garden of a semi-detached property on a prominent corner plot. The Inspector found that the area is characterised by two-storey semi-detached houses with a consistent building line and a traditional appearance. The proposed detached one-and-a-half storey house, set close to the pavement and boundaries, would appear cramped, overly prominent, and out of keeping with the established street scene. Its positioning, scale and half-hip roof design were considered incongruous and discordant when viewed in context.

Examples of nearby bungalows were given limited weight, as they were located in a different part of the street where such forms are more common and were better integrated into their surroundings. Although the Council accepted that it could not

demonstrate a five-year housing land supply, and the proposal would provide some social and economic benefits, these were regarded as relatively modest. Matters such as parking, flood risk, biodiversity, and neighbour impacts were neutral, and limited weight was attached to the self-build argument due to the lack of a legal agreement.

Overall, the Inspector concluded that the proposal would cause significant harm to the character and appearance of the area, conflicting with local plan policies and national guidance on good design. Even taking into account the housing land shortfall and the presumption in favour of sustainable development, the adverse design impacts were found to significantly and demonstrably outweigh the benefits. As a result, the appeal was dismissed and planning permission refused.

4.5.2 **25/00059/REF – The Old Cottage, Godington, Bicester, OX27 9AF**

Removal of Condition 4 (window) of 23/03303/F - Pre- occupation condition requiring manufactured obscure glazing and non-opening window unit.

Appeal Allowed

The appeal relates to a two-storey detached house in a rural location that has recently been extended. Concerns were raised about overlooking from a first-floor side-facing window serving a main bedroom, which has views towards the neighbouring property, The Briars. However, the Inspector noted that there is already some mutual visibility between the properties due to existing rear windows. The distance between the side window and the shared boundary is considerably greater than that from other existing windows, and vegetation and fencing along the boundary provide additional screening. As a result, the extent of overlooking from this window is limited.

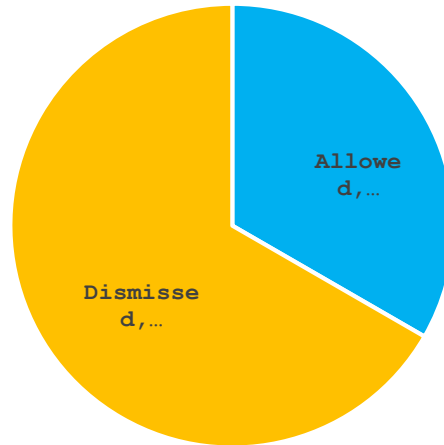
The Inspector also considered the layout and use of the window, concluding, that it is a secondary window. This reduces the likelihood of sustained views toward the Briars. Furthermore, The Briars benefits from a large front garden with hedging, meaning not all areas are visible for the appeal property, and it also has a rear garden that continues to provide private amenity space. Overall, the Inspector found that the proposal would not lead to a significant loss of privacy or harm to living conditions.

On this basis, the appeal was allowed and planning permission granted, removing the requirement for obscure glazing to the side-facing window. While the standard commencement condition was omitted due to the development already being built, other relevant conditions, including those relating to approved plans and external materials, were re-imposed. The development was found to comply with local plan policies relating to residential amenity and privacy.

4.6. **Appeal Decision Data**

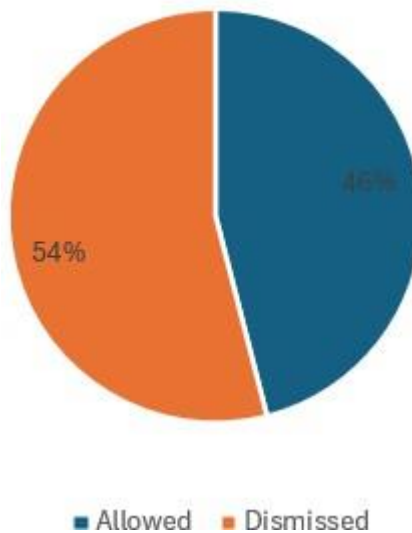
4.6.1 So far in 2026 there have been 15 appeal decisions, 5 allowed and 10 dismissed.

Appeal Decisions 2026
(so far)

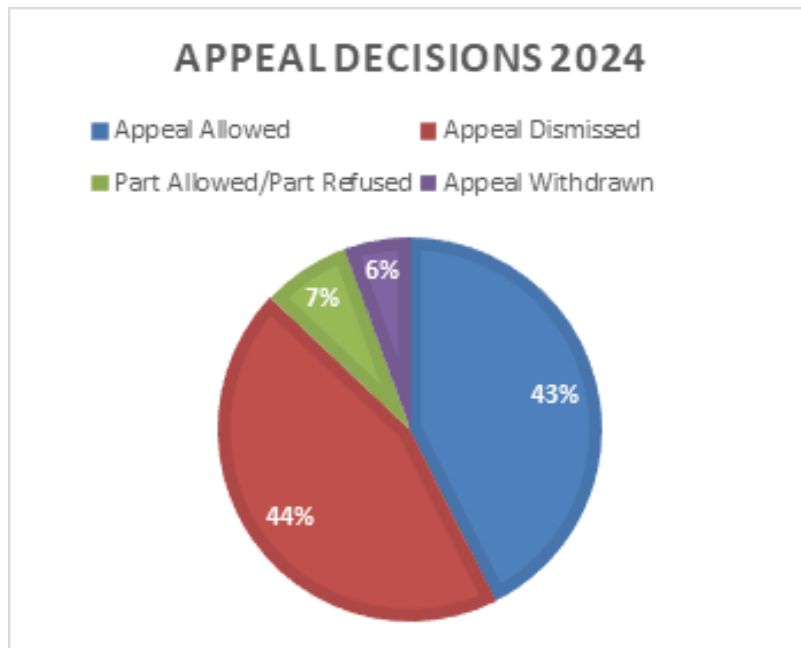


4.6.2 In 2025 there were 63 appeal decisions, 29 allowed, 34 dismissed

Appeal Decisions 2025



4.6.3 In 2024 there were 54 appeal decisions, 23 allowed, 24 dismissed, 4 split decisions and 3 withdrawn



4.6.4 The above data shows that the proportion of appeals being allowed is decreasing.

Delegated/Committee Decisions

2026

4.6.5 So far in 2026, there have been 15 appeal decisions following delegated decisions, and 1 following a committee decision (The Bell Inn Great Bourton, a committee overturn)

4.6.6 Of the 14 delegated decisions, 5 were allowed (35.71%) and 9 were dismissed (64.21%). The 1 committee decision was dismissed (100%)

2025

4.6.7 In 2025, there were 52 appeal decisions that followed delegated decisions, and 11 appeal decisions that followed Committee decisions. Of the 11 committee decisions, 8 were committee overturns,, and 3 went with recommendation.

4.6.8 Of the 52 delegated decisions at appeal, 32 were dismissed (62%) and 20 allowed (38%).

4.6.9 Of the 8 overturns, 1 was dismissed (12%), and 7 were allowed (88%). Of the 3 committee decisions that went with officer recommendation, 1 dismissed (33%) and 2 were allowed (66%).

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	Planning Appeals Details
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Tracy Bennett, Appeals Administrator
	Paul Seckington, Development Manager
Report Author contact details	tracy.bennett@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk
Executive Director Approval (unless Executive Director or Statutory Officer report)	David Peckford Assistant Director – Planning on behalf of Executive Director Place and Regeneration, Ian Boll

Appendix 1 - Planning Appeals

New Written Reps Appeals received

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/02324/F	7 Bignell View, Chesterton, Bicester, Oxfordshire, OX26 1UJ	Proposed double garage to the front of the property	Refused Delegated	12.03.2026
25/01513/F	71 Ravencroft, Bicester, Oxfordshire, OX26 6YE	RETROSPECTIVE - Change of Use of amenity land to garden and installation of new fence to site boundary.	Refused Delegated	20.03.2026

Page 62

New Informal Hearing Appeals Received:

None

New Public Inquiry Appeals Received:

None

Written Reps Appeals Outstanding :

Application Number	Location	Description (summary)	LPA Decision:	Start Date
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.	Refused Delegated	
24/00658/ CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Refused Delegated	
24/01646/ CLUP	Greenhill Leisure Park, Greenhill Farm, Station Road, Bletchingdon, Kidlington, OX5 3BQ	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation.	Refused Delegated	
25/00762/F	113 Danesmoor, Banbury, OX16 1QE.	RETROSPECTIVE - raising of front garden to level off	Refusal Delegated	
24/02234/F	Field Farm, Stratton Audley Road, Stoke Lyne, Bicester, Oxon, OX27 8FT	Self-Build - Alterations and conversion of 3 no. existing barns to form 3 no. residential dwellinghouses (re-submission of 23/02255/F)	Refused Delegated	

25/00794/TPO	4 Paxman Place, Banbury, Oxon,	Tree T1 - Maritime Pine - Remove to ground, grind stump and replant with 1 No Sweet Gum (pot grown, 3-4m high) in same location - subject to TPO 13/1991	Refused Delegated	
25/02123/F	The Old Cottage, Godington, Bicester, OX27 9AF.	Removal of Condition 4 (window) of 23/03303/F - Pre- occupation condition requiring manufactured obscure glazing and non-opening window unit.	Delegated Refused	
25/01288/F	56-58 Broad Street, Banbury, OX16 5BL.	Variation of Condition 2 (plans) to remove "agreement to re-route pizza outlet extraction" and removal of Condition 12 (flue) of 23/00199/F.	Delegated Not Determined (Appeal on the basis of non-determination)	
25/01304/Q56	Oxhay Farm, Oxhey Hill, Cropredy, Oxfordshire, OX17 1DR	Prior approval application for conversion of agricultural building to form 2 semi-detached dwellings at Oxhay Farm.	Refused Delegated	
25/02506/ADV	Opposite 52 Bridge Street Banbury Oxfordshire OX16 5PN	The proposed installation of 1no BT Street Hub with 2no digital internally illuminated display screens and removal of associated existing BT payphone(s)	Refused Delegated	
25/02505/F	Opposite 52 Bridge Street Banbury Oxfordshire OX16 5PN	The proposed installation of 1no BT Street Hub with 2no digital internally illuminated display screens and removal of associated existing BT payphone(s)	Refused Delegated	

25/01235/F	6-8 Bowmont Square Bicester Oxfordshire OX26 2GJ	RETROSPECTIVE - On-site use and location of commercial shipping container for stock storage purposes only; installation and mounting of external wall mounted condenser fan units for the use of the shop; installed air con and cabinet chillers and construction of permanent access ramp/steps with guardrail, to provide inclusive shop access.	Refused Delegated	
25/02983/F	Land in Between Rose View and Gold Hill Cottage, Main Street, Hethe, Oxfordshire, OX27 8HD	Erection of a new single dwellinghouse and new home office	Delegated Refused	
25/02964/CLUP	8 Sage Street Bicester Oxfordshire OX27 8DE	Certificate of Lawfulness of Proposed Development for the installation of an air source heat pump to the rear wall of the property and installation of a water tank inside the property in the utility cupboard, with removal of the existing Heat Interface Unit, pipework would be installed to the south facing wall of the property to connect the air source heat pump to the water tank	Delegated Refused	

Informal Hearing Appeals Outstanding:

None

Public Inquiry Appeals Outstanding

None

Appendix 2 - Enforcement Appeals

New Enforcement Appeals Received:

None

Enforcement Appeals Outstanding:

Application Number	Location	Description (summary)	LPA Decision:	Start Date
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
25-10-ENF 25/00012/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08.09.2025
25-11-ENF 22/00527/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	<p>Without the benefit of planning permission, the erection of a building outlined in green on the attached plan titled 'Location Plan' including the erection of a dwelling house wholly inside that building in the area outlined in blue on the attached plan titled 'Location Plan'.</p> <p>Without the benefit of planning permission, the material change of use of land on which the building outlined in green has been is erected to a mixed use comprising use as a dwellinghouse (which, inside the building is taking place in the area identified in blue on the attached plan titled 'Location Plan') and agriculture and domestic storage use (which, inside the building, is taking</p>	Enforcement Notice	08.09.2025

		place in the area identified in yellow on the attached plan titled 'Location Plan') associated with the both unauthorised dwelling and the adjacent farm dwelling.		
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CHERWELL DISTRICT COUNCIL

Planning Committee – 16 April 2026

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
10	Buildings Dovecote Farm, Heyford Road Somerton	26/00086/F	Deddington	Refusal*	Nicola Wheatcroft
11	Tuthill Park, Banbury Road, Through Wardington, Wardington	26/00044/OUT	Cropredy, Sibfords and Wroxton	Approval*	Nicola Wheatcroft

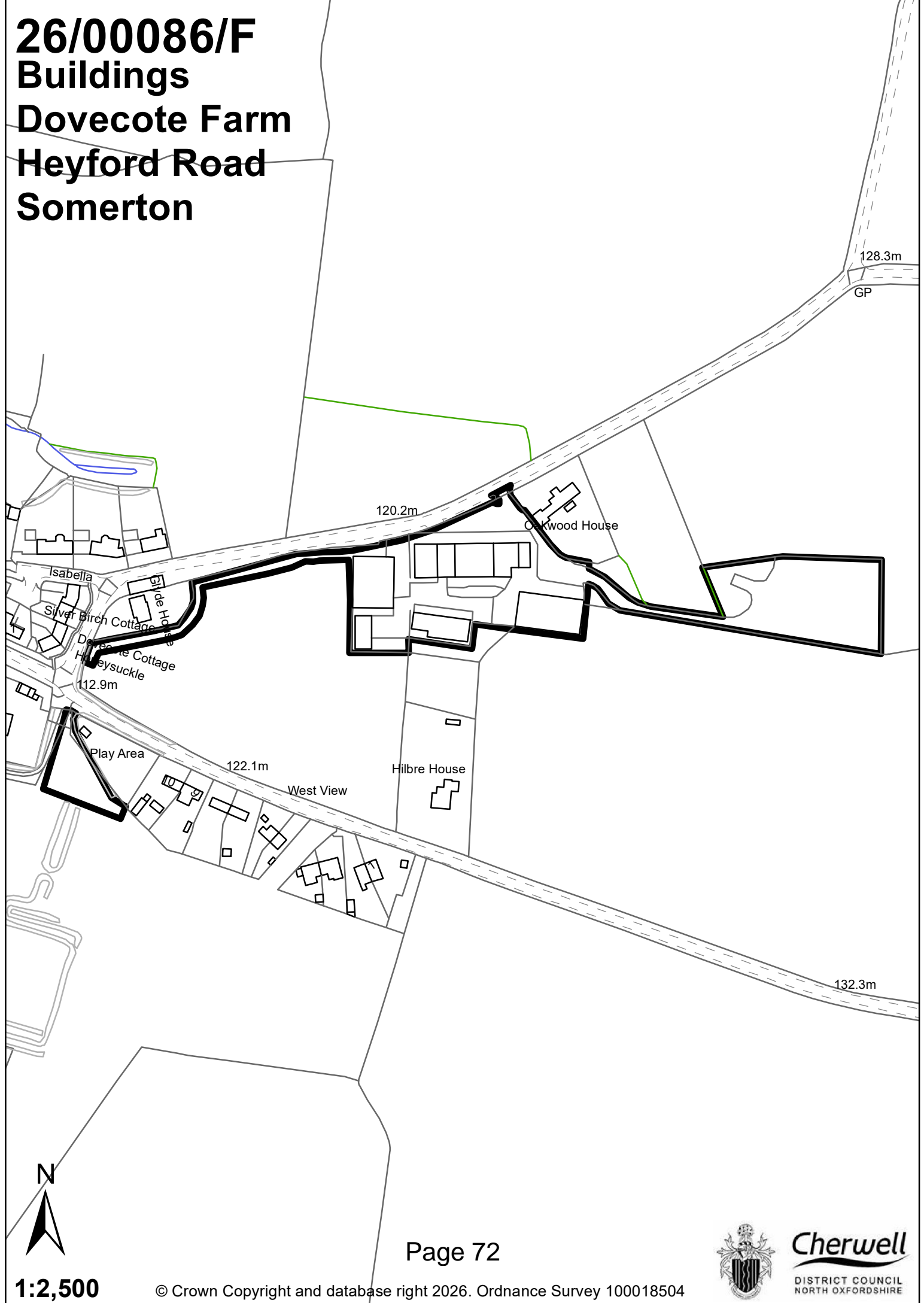
*Subject to conditions

Cherwell District Council Democratic and Elections Team, 39 Castle Quay, Banbury, OX16 5FD

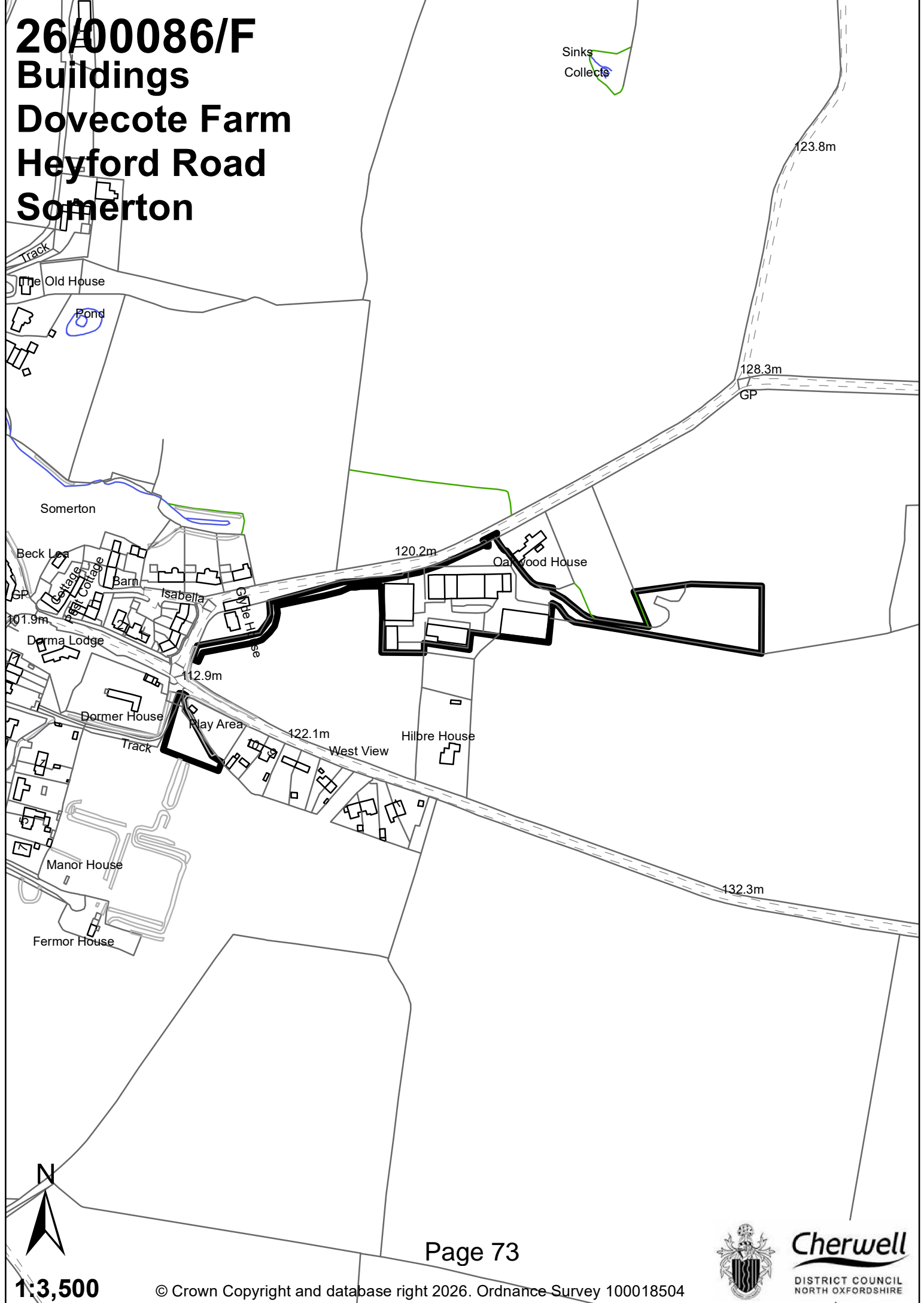
26/00086/F
Buildings
Dovecote Farm
Heyford Road
Somerton



26/00086/F Buildings Dovecote Farm Heyford Road Somerton



26/00086/F Buildings Dovecote Farm Heyford Road Somerton



Case Officer: Nicola Wheatcroft

Applicant: Laxton Properties

Proposal: Re-development of an existing yard for the erection of 10 residential dwellings (Use Class C3) including allotments, footpath, public open space and other associated works

Ward: Deddington

Councillors: Councillor Zoe McLernon, Edward Fraser Reeves, David Rogers

Reason for Referral: Major development of 10+ dwellings

Referral:

Expiry Date: 28 April 2026

Committee Date: 16 April 2026

SUMMARY RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is an operational farm located outside the village of Somerton. The farm consists of a number of large modern farm buildings located to the south of Fritwell Road adjacent to the farmhouse. Opposite the site is a well established copse. A dwellinghouse, Oakwood House, is adjacent to the north-east and shares the farmyard access. The farmyard is in the open countryside with the eastern edge of Somerton approximately 185m from the site access.

2. CONSTRAINTS

2.1. The application site is within the open countryside with the entrance located approximately 185m from the village and Conservation Area.

2.2. The site is in Flood Zone 1 and is not subject to any relevant constraints or designations. There are two Scheduled Monuments in the village, Somerton Manor House Scheduled Monument is located within 1km of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Full planning permission is sought for the erection of 10 dwellings following the removal of the existing farm buildings. The scheme comprises 8 detached 2 storey houses and 2 single storey bungalows. The dwellings are arranged in two small cul-de-sacs utilising the existing access. The designs are generally traditional with pitched slate roofs and stone elevations. Seven of the properties are proposed to have double garages, 1 house will have a single garage and two houses will have 2 on plot parking spaces.

3.2. Also proposed is a community allotment located to the east of the housing with access provided through the site. Fourteen allotment pitches are proposed and six parking spaces.

- 3.3. A footpath link is proposed into to the village running to the south of Fritwell Road and then around Glyde House.
- 3.4. Also proposed is triangular shaped piece of land located to the south of Ardley Road to function as an amenity area. The land measures 1,064m² in size to be used for informal play and amenity space.

4. RELEVANT PLANNING HISTORY

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

Application	Proposal	Outcome
24/03096/Q56	Prior approval application under Schedule 2, Part 3, Class Q of the GPDO for conversion of an existing agricultural barn to a total of 6 no residential dwellinghouses	Permitted March 2025
19/01003/AGN	Building for storage of agricultural machinery / implements	Prior Approval not required, August 2019

5. PRE-APPLICATION DISCUSSIONS

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

25/00883/PREAPP	The proposed demolition of all existing agricultural structures and re-development of the site for 20 dwellings at Land at Dovecote Farm, Fritwell Road, Somerton and associated parking, landscaping and amenity space.	Any proposal is unlikely to be considered favourably
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- 5.2. It was considered that the adverse effects of allowing this number of houses in such an unsustainable location would significantly and demonstrably outweigh the benefits to the Council's Housing Land Supply.
- 5.3. It would also result in a new residential estate in the middle of the countryside, and would have an urbanising effect on the locality and result in an alien form of development in its immediate setting.

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 **4 March**

2026, 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. SOMERTON PARISH COUNCIL: **No observations** received

7.3. OCC MINERALS AND WASTE PLANNING: **Objects**, the eastern part of the application site lies within a Minerals Safeguarding Area for Crushed Rock and the proposal could result in more sensitive receptors which could sterilise the future working of the mineral.

7.4. OCC ARCHAEOLOGY: further information required

7.5. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions.

7.6. CDC DRAINAGE: **No objection**

7.7. CDC BUILDING CONTROL: **No objection**

7.8. CPRE: **Objects**

7.9. THAMES WATER: **Raises concerns** about the ability of the sewage treatment works to accommodate the needs of this development and require a condition preventing any occupation until upgrades have been agreed. Plus conditions relating to surface water and distance from water mains/pipes.

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)

- PSD 1: Presumption in Favour of Sustainable Development
- BSC 1: District-Wide Housing Distribution
- BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC 3: Affordable Housing
- BSC 4: Housing Mix
- BSC 10: Open Space, Outdoor Sport and Recreation Provision
- BSC 11: Local Standards of Provision – Outdoor Recreation

- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 8: Water Resources
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment
- ESD 17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental pollution
- TR7 – Development attracting development on minor roads
- H18 – New Dwellings in the Countryside

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Mid Cherwell Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

MID CHERWELL NEIGHBOURHOOD PLAN

- PD5: Building and Site Design
- PD6: Control of Light Pollution
- PH1: Open Market Housing Schemes
- PH3: Adaptable Housing
- PH5: Parking, Garaging and Waste Storage Provision

8.4. DRAFT CHERWELL LOCAL PLAN (DCLP) limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM3: Housing Size/Type

- COM10: Protection and Enhancement of the Landscape.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

8.5. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- 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”)

9. APPRAISAL

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

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

Principle of Development

Policy Context

9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and the policies in the Mid Cherwell Neighbourhood Plan (HNNP).

9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.

- 9.4. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.5. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan
- 9.6. Policies Villages 1 ('PV1') of CLP 2015 categorises the villages in Cherwell. Somerton is categorised by PV1 as being a Category C Village, the least sustainable villages, where infilling and conversion only may be considered acceptable.
- 9.7. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District, nor does the Mid Cherwell Neighbourhood Plan identify a settlement boundary for Somerton.
- 9.8. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Somerton as a category C Village Settlement. These are classified by the Draft Local Plan as being smaller villages containing only a limited number of services and facilities. With generally poor/irregular access to public transport.
- 9.9. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.10. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.11. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the CLP 2015 and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.12. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.
- 9.13. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this

Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

- 9.14. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.15. The Mid Cherwell Neighbourhood Plan (MCNP) was made in May 2019. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*
- 9.16. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The MCNP became part of the development plan in 2019 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the HNNP cannot therefore be considered up-to-date.
- 9.17. The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.
- 9.18. The refence to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

Assessment

- 9.19. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that "*a total of 750 homes will be delivered at Category A villages*". The proposed development would not accord with the development plan approach – the site is not allocated for development, well over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged.

- 9.20. It is acknowledged, as stated in the Planning Policy consultation response, that this figure has now been exceeded, however various Appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development.
- 9.21. Somerton is identified under PV1 of CLP 2015 as a Category C settlement. These are the least sustainable villages. PV1 allows for residential development which constitutes infilling or change of use within the built-up limits of Category C villages.
- 9.22. The proposed development would not constitute infilling and the site is located beyond the built-up limits of the settlement into open countryside and is therefore contrary to the policies above contained within the Development Plan.
- 9.23. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, well over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged.
- 9.24. The key consideration pertinent to the principle of development on this site is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits and whether the proposed development would improve the 5-year housing land supply position sufficiently to justify approval.
- 9.25. It is considered that the proposed development would not be in a sustainable location, outside of a Category C settlement and at a considerable distance from the nearest service centre village and key amenities. Strategic Objective 13 of the CLP 2015 aims to reduce the dependency on the private car as a mode of transport and increase opportunities for travelling by other modes. In terms of local facilities, there is little or nothing in Somerton – there is a church and a village hall but no school, GP surgery or shop. In addition, there is only a limited bus service to Bicester.
- 9.26. Therefore, residents must travel to nearby villages or Banbury or Bicester for services. Indeed, there is no footpath back to Somerton and the Fritwell Road is narrow. Whether or not an alternative pedestrian link back to the village can be / is provided, due to the rural location of the village and lack of public transport there would be a heavy reliance on the motor car to provide day to day goods and activities, contrary to that objective. The proposal therefore conflicts with Policy ESD1 of the CLP 2015 and the site's poor sustainability credentials weigh against the proposal.
- 9.27. There is a Class Q decision relating to part of the site for conversion of farm buildings to six dwellings. This is capable of providing a fallback position, but in this instance given (i) the number of dwellings proposed (10) exceeds that approval and (ii) the land coverage of the proposal significantly exceeds that of the Class Q decision, it is considered that little or no weight can be given to the Class Q decision.

Conclusion

- 9.28. The provision of residential development on this site would assist, in a limited way, in meeting the overall housing requirements of the district. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years (3.1 years supply). As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. The site is located outside of one of the least sustainable villages within Cherwell with limited facilities and service. The site is in

an inherently unsustainable location with any future residents having to be highly reliant on the private car and is considered unsuitable for residential use.

- 9.29. The principle of 10 dwellings in this location is contrary to Development Plan Policy Villages 1, Policy Villages 2 and ESD1 of the CLP 2031, and Saved Policy H18 of the CLP 1996; and as such the proposals would be contrary to the Council's rural housing strategy and associated policies, and are unacceptable in principle.

Design, and impact on the character of the area

- 9.30. Policy ESD 15 of CLP 2018 highlights that 'good design is founded on an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 9.31. The Council's Residential Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of continuous building forms along principle routes and adjacent to areas of the public open space, the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.32. Paragraph 131 of the NPPF states that the creation of high-quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Further to this, the Paragraph considers that good design is a key aspect of sustainable development which creates better places in which to live and work and helps make development acceptable to communities. Paragraph 84 of the NPPF states that planning decision should seek to avoid isolated homes in the countryside.

Assessment

- 9.33. The application site is currently occupied by a dairy farm and associated buildings which are a typical and fundamental part of rural life. The farm entrance is located approximately 180m from the village housing at its closest point. There is no footpath connection with the village and no lighting; consequently the farm is detached from Somerton. Any replacement housing would also appear isolated away from the village and would result in urbanisation of the rural site. This is contrary to the requirements of Paragraph 84 of the NPPF.
- 9.34. The site is located outside and is separated from the village. As well as the isolation of the site, the layout of the proposed development fails to reflect the rural character of Somerton. The dwellings are primarily large, detached bulky structures, a number with double garages, which appear more typical of urban areas than the village of Somerton. Some of dwellings have been designed with simple elevational treatment to reflect rural buildings. However, some dwellings have gable features which are more typical of modern estate housing. The deep plan form of the dwellings will mean that the houses will appear bulky and intrusive more typical of modern housing developments and out of character with the historic dwellings in Somerton.
- 9.35. In addition, the layout with cul-de-sacs does not reflect the form of Somerton with its more traditional street layout. Again, the layout is more typical of modern developments in urban areas. The development would result in the urbanisation of the site to the detriment of the rural character of the area. There is a degree of natural screening from the trees on and adjoining the site which would help limit views into the development but this is not sufficient to mitigate the harmful impact of the proposed housing.

- 9.36. The proposal includes the provision of a permissive footpath around the edges of the field into the village; this is discussed in more detail in the highways section of the report. However, even if an alternative pedestrian link to the village is provided, due to the rural location of the village and lack of public transport there would be a heavy reliance on the car to provide day to day goods and activities conflicting with Policy ESD1 of the CLP 2015.

Conclusion

- 9.37. Overall, it is considered that the proposal would result in harm to the rural character and appearance of the area and rural setting of the village and conflicts with Policies ESD1, ESD13 and ESD15 of the CLP 2015. It is considered to be contrary to Development Plan when considered as a whole.

Highway matters

- 9.38. Policy ESD15 of the CLP 2015 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”; whilst Policy SLE4 states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Both policies reflect the aims and requirements of Section 3 (Promoting Sustainable Transport) of the NPPF.
- 9.39. Comments are awaited from the local highway authority; however, feedback was received on the pre-application submission and did not raise any fundamental issues or problems. The principle of an alternative pedestrian route across the fields was considered during the pre-application discussions and the Highway Engineer stated this would help facilitate safer pedestrian connectivity to Somerton Village and would be supported. The provision of an unlit pedestrian footpath across fields to Somerton would provide better connection with village itself but Somerton is a category C village with very limited facilities and services. Hence, the proposed development would remain reliant on private car for transport and is considered unsustainable contrary to Policies ESD1, ESD13 and ESD15 of the CLP 2025.

Ecology Impact

Legislative context

- 9.40. 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.
- 9.41. 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.
- 9.42. 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.

9.43. 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.

9.44. 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

9.45. 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.

9.46. 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.

9.47. 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.

- 9.48. 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.
- 9.49. 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.
- 9.50. 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.
- 9.51. 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

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

It also states that LPAs can also ask for:

- 9.53. a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- 9.54. an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.55. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of modern farm buildings in a mature wooded area. There are a number of trees close by and in the boundary of the site which would not be affected by proposals. There are no buildings to be removed or altered due to the proposed development.
- 9.56. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.57. A Biodiversity Net gain matrix has accompanied the application and comments from the Councils Ecologist are awaited

Impact on Local Infrastructure Policy Context and S.106 Matters

- 9.58. Policy INF1 of the CLP 2015 states that: “Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”
- 9.59. Policy BSC11 of the CLP 2015 states that: “Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”
- 9.60. The Council has an adopted Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements. Assessment
- 9.61. Where on and off site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Fairly and reasonably related in scale and kind to the development

Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

- 9.62. The applicant has offered the following as part of a S.106 package:
- The provision of an allotment site to be offered to the Parish council for adoption;
 - An amenity open space/play area on land south of Ardley Road;
 - The provision of a permissive footpath route between the application site and Fritwell Road;

- Any necessary highway works as recommended by the Highways Authority;
- Biodiversity Net Gain.

9.63. The provision of an allotment site for the occupiers of the development and the wider village would provide facilities for residents to use. However, from a practical point of view the location, size and management of the facility would need to be carefully considered. The play area again would provide facilities for the occupiers of the development and the village as a whole to utilise. However, further consideration would need to be given to this facility by the Council. No financial contribution has been offered for the management/maintenance. The permissive footpath would provide an off-road route from the application site into the village. Again further information is required on the exact route and surfacing including the connection to Fritwell Road where there is a difference in levels. The route would also need to be provided in definitely. The above package would help to mitigate

9.64. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of public open amenity space and future maintenance arrangements;
- Maintenance arrangements for on-site trees, hedgerows, and drainage features;
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development.
- Financial contributions towards improvements to off-site indoor and outdoor sports facilities;
- Financial contribution towards the provision of new community hall facilities.
- Public Art

Oxfordshire County Council

- Education - Financial contribution
- Transport – Potential highway improvements.
- NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board) contribution as necessary.

Other Matter - Minerals Safeguarding Area

9.65. The eastern part of the application site lies within a Minerals Safeguarding Area for Crushed Rock and Policy M8 of the Oxfordshire Minerals and Waste Local Plan – Core Strategy (2017). An objection has been raised by the Minerals and Waste Team stating that the eastern part of the application site lies within a Minerals Safeguarding Area for Crushed Rock and the proposal could result in more sensitive receptors which could sterilise the future working of the minerals. Residential properties. The erection of 10 dwellings could hinder the possible future working of

not only the mineral which would be sterilised by the development, but that as well of any buffer to mitigate from any potential effects from mineral extraction.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Economic

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

10.3. The proposals would increase the level of housing in an unplanned manner beyond that of the Local Plan figure in Policy Villages 1 and Policy Villages 2 by a significant proportion and undermine the growth strategy for the District, which is a fundamental criterion for delivering economic growth. This is a negative economic consideration.

Social

10.4. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposals would also provide significant social benefit from play facilities proposed..... The provision of this would also be of community benefit to existing residents. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

10.5. The proposals would impact on the identity and character of the area, the development appearing as an isolated development with no relationship with the village of Somerton. The development would also have an urbanising impact on the rural character of the site and its surroundings. Significant weight is attached to these effects.

10.6. The location of the site in the open countryside outside of a Category C village means that any future occupiers would be overly reliant on the use of the private motor vehicle, which would not constitute sustainable development. Substantial weight is attached to the site being an unsustainable location.

10.7. Whilst offers of the allotments and play area are noted, and would provide an element of positive contribution, on the negative side the contributions would not provide infrastructure to support the village itself beyond mitigation. This would also undermine the village identity and benefits surrounding the development.

10.7.1. This would be a significant negative social impact. The proposals would have a negative impact on the amenity to neighbouring residents particularly during the construction of

Environmental

10.8. Environmentally the proposals claim to offer a minimum of 10% biodiversity net gain, which would represent a significant benefit but only if delivered to the level described. The provision of allotments, and play area would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

10.9. The proposals would significantly change the character of the area and the relationship with the village causing harm to the character and identity of the area and village. The development in an unplanned manner, beyond conversion or infilling normally acceptable in Category C villages would be a significant negative impact on the village and environment.

10.10. The development would result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This could be minimised through the development and implementation of construction management plans. The location of the site outside of the village will also help to minimise the impact. This carries limited negative weight.

Conclusion

10.13 On the basis that the Council is not able to demonstrate a five-year supply of land of housing, paragraph 11d of the NPPF is engaged and the 'titled balance' applies.

10.14 The proposal seeks permission for up to 10 houses outside of a Category C Village, the proposal would result in harm to the landscape and would appear as an isolated development with no relationship with Somerton. It would result in an urbanising development with the layout and form of housing more typical of modern urban developments. It is considered that the identified harm to the character and appearance of the locality is considered to represent unsustainable development and would significantly and demonstrably outweigh the benefits of the scheme, and it is recommended that planning permission is refused, for the reason given below.

10.15 The provision of 10 dwellings would make a very limited contribution to the overall housing needs of the District along with the government's wider objective for 1.5 million homes. This application does not provide any affordable housing. The provision of 10 dwellings does not outweigh the concerns relating to the unsustainable and isolated location of the application site.

10.16 In addition, the development is located within a Minerals Safeguarding area and has the potential to sterilise future minerals extraction contrary to Policy M8 of the Oxfordshire Minerals and Waste Local Plan – Core Strategy (2017). The proposal includes the provision of a footpath link to the village, a play area/open space and allotments and any required highway alterations. However, there are a number of concerns about the provision and the benefit they will have plus this does not encompass a full S.106 package required in line with Policy INF1 of the CLP 2015.

11. RECOMMENDATION

RECOMMENDATION - **REFUSAL** FOR

1. THE REASONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASON(S) AS DEEMED NECESSARY) AND

The site is located outside the village of Somerton and within an area of open countryside. By reason of its location, proposed scale, appearance and layout of the housing, the proposal would result in an isolated cluster of housing and have an urbanising and detrimental impact on the landscape and the character and appearance of the countryside. The proposed development would therefore be contrary to Policies 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 and Government guidance in the National Planning Policy Framework.

2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance within the National Planning Policy Framework.

3. The proposed dwellings would place more sensitive receptors than agricultural barns within the Mineral Safeguarded Area, it is considered that this could prevent or otherwise hinder the possible future working of not only the mineral which would be sterilised by the development, but that as well of any buffer to mitigate from any potential effects from mineral extraction. The proposal is therefore contrary to Policy M8 of the Oxfordshire Minerals and Waste Local Plan – Core Strategy (2017).

CASE OFFICER: Nicola Wheatcroft

26/00044/OUT

Agenda Item 11

**Tuthill Park
Banbury Road Through Wardington
Wardington**

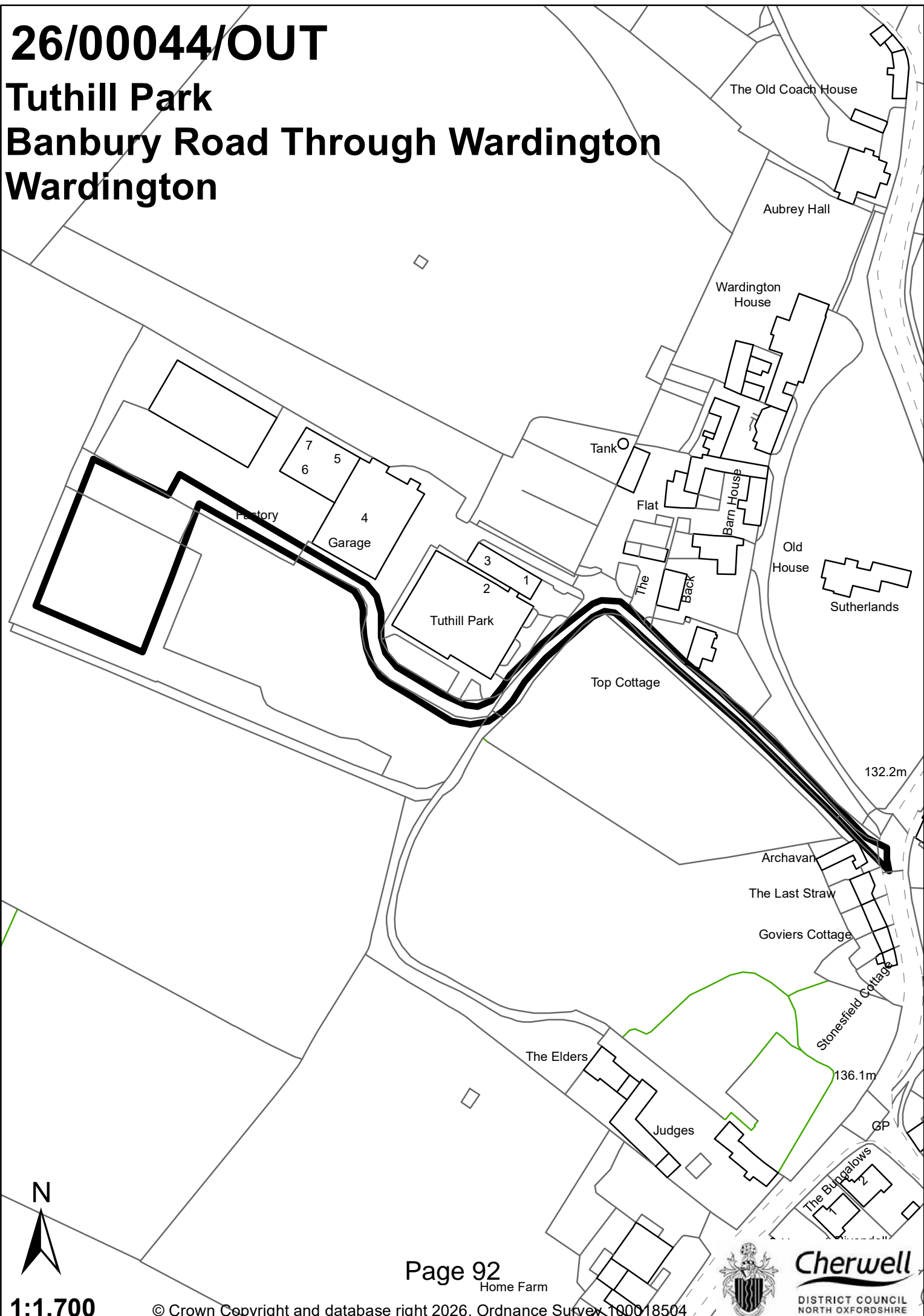


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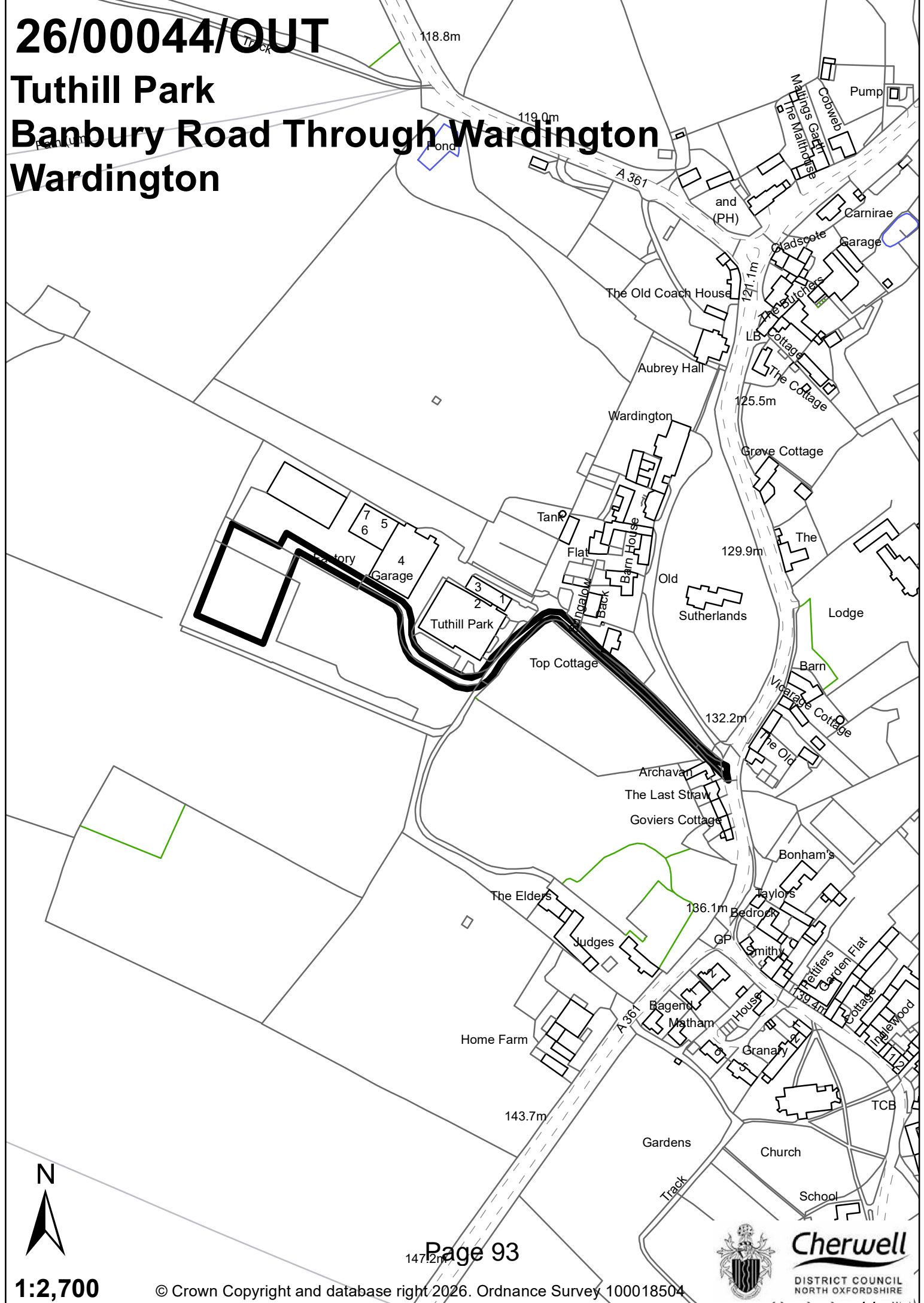
26/00044/OUT

Tuthill Park Banbury Road Through Wardington Wardington



26/00044/OUT

Tuthill Park Banbury Road Through Wardington Wardington



Case Officer: Nicola Wheatcroft

Applicant: Francis Tuthill Ltd

Proposal: Car storage, workshop and offices

Ward: Cropredy, Sibfords and Wroxton

Councillors: Councillors Chris Brant, Phil Chapman, Douglas Webb

Reason for Referral: 1000+ sq m of commercial floor space proposed

Expiry Date: 17 April 2026

Committee Date: 16 April 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to western edge of Wardington. It is reached by a long access road off the main Daventry to Banbury A361 road. Wardington House nursing home is located adjacent to the site and is served by the same drive.
- 1.2. The drive rises up to rectangular shaped wider site which contains a number detached large workshop buildings with external storage with some screening on the boundaries. The site has evolved since the 1970s when Francis Tuthill Ltd established a rally car business. The business currently operates building and restoring classic Porsche models. The application site is a vacant parcel located in the south-western corner.

2. CONSTRAINTS

- 2.1 The application site lies outside of the Conservation Area, although the access road is within it. A Grade II listed building (Old Farm House) is in proximity, and a public footpath runs along the access road and continues in a westerly direction to the north of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Outline permission is sought for new building. The building would have a footprint of approximately 1,728 sq m. (36m x 48m)). The ridge height would be approx. 8m and the eaves height 6m. The walls would be constructed in a mix of steel and larch cladding, with the roof wholly in anthracite cladding. The proposed building would provide a facility for car storage, workshops and offices.
- 3.2. Access, appearance, layout and scale are for determination at this stage. Landscaping is reserved for subsequent approval.

4. RELEVANT PLANNING HISTORY

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

Application: 10/01814/F Permitted 25 February 2011

Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation. Refurbish existing industrial buildings and construct administration/ research and development block. Upgrade and reshape existing hard standings to form car parking areas

Application: 14/01671/F Permitted 23 January 2015

Proposed extension and alterations. Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation; refurbish existing industrial buildings and construct new administration/research and development block. Upgrade and reshape existing hard-standings to form new car parking areas

Application: 20/03556/F Permitted 5 May 2021

Erection of new building and associated car parking

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 **9 February 2026**, 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. WARDINGTON PARISH COUNCIL: **No objection**

7.3. OCC HIGHWAYS: **Objection** subject to submission of additional information

7.4. CDC ECOLOGY: **No objection** subject to conditions and further details regarding BNG

7.5. CDC ENVIRONMENTAL PROTECTION: **No objection**

7.6. CDC BUILDING CONTROL: **No objection**

7.7. THAMES VALLEY POLICE: **No observations**

7.8. BATTLEFIELDS TRUST: requests that a statement of significance is provided as the site is within 150 metres of the nationally important registered battlefield of Cropredy Bridge.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- ESD1: Mitigation and Adapting to Climate Change
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- VILLAGES 1: Village categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- ENV1: Environmental pollution

DRAFT CHERWELL LOCAL PLAN (DCLP) limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.

- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM 26 Historic Environment.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

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

Principle of Development

- 9.2. Policy PSD 1 of the Cherwell Local Plan 2011 - 2031 Part 1 ('CLP 2015') states that wherever possible, development should improve the economic, social and environmental conditions in the area.
- 9.3. Policy SLE1 of the CLP 2015 relates to employment development, defined as B Use Classes, and has a strong urban focus. In the rural areas it states that unless exceptional circumstances are demonstrated, employment development should be located within or on the edge of Category A villages.
- 9.4. Paragraph 88 of the NPPF Supports a prosperous rural economy where planning decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings. However, this sits alongside the Local Plan policies which allow for such development where it is adequately justified. The NPPF should not be interpreted as providing unconditional support for the provision and expansion of rural businesses in geographically unsustainable locations and still needs to be balanced against other objectives such as reducing the need to travel, reducing car dependency and associated carbon reductions, which is reflected in Policy ESD1. Policy SLE1 is therefore considered to be consistent with the NPPF and is afforded full weight.
- 9.5. Wardington is a Category B village and is a relatively unsustainable location. That said, the site subject of this application is an existing employment site and Policy SLE1 states that on existing operational sites in the rural areas B class development including intensification is acceptable in principle. It is noted that the business to which this application relates has operated at the site for nearly 50 years and is looking to improve efficiency by increasing the storage on site, which would mean

less use of the 2no off-site storage facilities, reducing vehicular movements with concomitant benefits in terms of sustainability. It is therefore considered that the proposal finds support from Policy SLE1 and that it is not necessary for exceptional circumstances to be demonstrated. It should be noted that expansion of the site beyond the existing confines would not be viewed in the same way.

- 9.6. Therefore, the principle of a new storage building to be used in conjunction with the existing operation is considered acceptable. Overall acceptability is subject to impacts of the proposal including on the character and appearance of the area, heritage, residential amenity, highway safety and ecology.

Design, and impact on the character of the area

- 9.7. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development creating better places in which to live and work and helps make development acceptable to communities.
- 9.8. Policy ESD15 of the CLP 2015 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards."
- 9.9. Saved Policy C28 of the Cherwell Local Plan 1996 ('CLP 1996') exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.10. The site is physically contained within existing hedgerows and trees, with a public right of way running west to east alongside a line of mature Lime trees. The existing and proposed buildings will not be visible from the A361 because of the difference in levels, screening and the distances involved. However, the existing and proposed buildings would be visible from the public right of way.
- 9.11. The proposed building would have some impact on the character and appearance of the immediate surroundings, being clearly visible within the site and from the adjacent footpath. The application site is the remaining undeveloped parcel in the south-western corner of the wider site and the erection of a building of broadly the same height, form and appearance as the existing buildings on site would be in character with its immediate surroundings. The building is therefore considered appropriate in this context. Its impact on the wider landscape impact would be limited, due to its setting within an existing employment site and the physically contained nature of the site.
- 9.12. The materials proposed are considered appropriate to this context, being similar to the adjacent buildings.
- 9.13. The building is considered to be of an acceptable design and scale, compatible with the adjacent built development, and the development would not cause significant or demonstrable harm to the character and appearance of the area. The proposals therefore accord with Policy ESD15 of the CLP 2015, Policy C28 of the Cherwell Local Plan 1996 and relevant paragraphs of the NPPF.

Heritage Impact

- 9.14. The site abuts the Wardington Conservation Area, whilst the access road falls within this designation. The access road also passes a Grade II Listed Building.

- 9.15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.16. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.17. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.18. The site is visually contained, being screened by the mature trees around some of the boundaries. The proposed development would have no detriment to the significance of the designated heritage assets or their settings and therefore accords with government guidance on conserving and enhancing the historic environment contained within the NPPF.
- 9.19. With regard to comments raised by the Battlefields Trust regarding the submission of a statement of significance: The application site is located within an employment site on the edge of the village, and is located over 150m away from the battle site and falls outside of the consultation area as identified in the Council's mapping system and Historic England's website. It is considered the site is located at a distant from the heritage asset such that would not warrant further scrutiny in this regard in line with paragraphs 207 and 208 of the NPPF.

Residential amenity

- 9.20. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 9.21. The site is an existing employment use where the operations appear to be well controlled and have not given rise to any amenity problems or complaints in the past. Whereas the wider site is located nearby to residential dwellings, the proposed building itself is located approximately 180m from the nearest residential dwelling, further from residential receptors than existing buildings and uses at the site. It is considered that the new building would not give rise to any loss of amenity. The proposal therefore complies with Policy ESD15 of the CLP 2015 and relevant paragraphs of the National Planning Policy Framework.

Highway safety

- 9.22. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 110 of the NPPF which states that: developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

- 9.23. The proposed building would be used for storage in association with the existing Tuthill Porsche business on the site. Currently up to 90 vehicles are stored in 2 locations off site and there is obviously movement between the various sites. The proposed building would mean that more vehicles can be stored on site, reducing the need for the use of off-site storage facilities and thereby reducing the number of vehicular movements associated with the site. This is considered to be a benefit of the proposal.
- 9.24. The local highway authority ('LHA') has requested additional information on the nature of the business and on potential trip generation to establish whether the proposal would have an impact on the local highway network. The additional information has been supplied and a response from the LHA is awaited.
- 9.25. Final comments on the scheme from the LHA will be reported to the Committee either through written updates or verbally at the Committee meeting.

Ecology Impact

Legislative context

- 9.26. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.27. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.28. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.29. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.

(3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

Policy Context

9.31. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.32. Paragraph 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.

9.33. 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.

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

9.35. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.36. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.37. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require

ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.38. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site.
- 9.39. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission.
- 9.40. The Council's Ecologist has concluded that the likelihood of protected species being encountered is considered low and appropriate avoidance and mitigation measures can be secured via condition to ensure that species and habitats are protected throughout the construction phase. Conditions are proposed requiring a lighting strategy to limit the impact on bats and a biodiversity enhancement plan. With regard to Biodiversity Net Gain, the applicant has confirmed that they will purchase of biodiversity units from a recognised habitat bank.
- 9.41. Officers are satisfied, on the basis of the advice from the Council's Ecologist the proposal could be mitigated against, and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.
- 10.2. For the reasons set out in this report the proposal is considered acceptable in principle and subject to conditions, there would not be a detrimental impact on visual amenity, heritage assets, ecology, residential amenity or highway safety, and the proposal therefore constitutes sustainable development that accords with the relevant policies of the Development Plan and planning permission should therefore be granted.

11. RECOMMENDATION

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

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

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

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

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

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered Wg1013 001 Rev B, Wg1013 020, Wg1013 020 Rev B, Wg1013 021 Rev A and Wg1013 022 Rev A.

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

4. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

5. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity These measures should be informed by and align with those set out in Chapter 5 (Discussion) of the Preliminary Ecological Appraisal prepared by Luscinia Ecology and shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

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

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

7. No development shall commence above slab level unless and until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to 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.

8. No development shall commence above slab level until a method statement for enhancing biodiversity, in line with the measures identified within the Luscinia Ecology Preliminary Ecological Appraisal has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

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

9. No development above slab level shall occur until a detailed lighting plan in accordance with current Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/23 on bats and artificial lighting has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

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

11. The development shall not be used or occupied until the parking and manoeuvring areas have been provided in accordance with the plan hereby approved and have been constructed, laid out, surfaced, drained and completed in accordance with specification details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with government guidance contained within the National Planning Policy Framework. Specification details are required prior to commencement of development to ensure the details are appropriate.

CASE OFFICER: Nicola Wheatcroft