

Case Officer: Rob Duckworth

Applicant: Fieldview (Blackthorn) Limited

Proposal: Demolition of existing commercial buildings (brownfield site) and residential re-development of ten dwellings, associated means of access, car parking, public open space and landscaping

Ward: Launton and Otmoor

Councillors: Cllr. Gemma Coton, Cllr. Julian Nedelcu and Cllr. Alisa Russell

Reason for Referral: Major development

Expiry Date: 25 February 2025

Committee Date: 04 December 2025

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site lies on the south-eastern edge of Blackthorn, a village to the south-east of Bicester. The land extends to about 1 hectare and is located behind existing frontage development on Station Road.
- 1.2. The site is occupied by the former Envigo research facility. It contains a series of large industrial and commercial buildings, areas of open storage, extensive hardstanding and a surfaced car park of around 60 spaces. The buildings and structures are enclosed by security fencing and boundary planting, so the site reads as a self-contained compound in the village edge.
- 1.3. Vehicular access is taken from Station Road via a private drive between existing dwellings and through Shaws Yard before entering the main compound. Public rights of way run alongside the northern, north-eastern and southern boundaries, connecting Station Road with the wider countryside and the River Ray corridor.
- 1.4. To the north and north-west the site adjoins the rear gardens of dwellings fronting Station Road, including Shaws Yard. To the north-east the site lies close to the more recent cul-de-sac development at Elm Tree Close. To the south, south-east and south-west the boundary is formed by mature hedgerows and trees beyond which the land falls away towards open farmland. The immediate surrounding area is predominantly residential in character, with a mix of dwelling types and ages within a semi-rural landscape.

2. CONSTRAINTS

- 2.1. The site is previously developed land within the built-up limits of Blackthorn, which is identified as a Category B village in the CLP 2015 (it would retain its category B status under the emerging local plan). The policy context supports the efficient reuse of

brownfield land in sustainable locations, subject to other development plan policies. A related consideration is the loss of the established employment use associated with the former Envigo facility, and whether that loss is justified in planning terms.

- 2.2. The site is closely related to existing housing on Station Road, Shaws Yard and Elm Tree Close. The form of redevelopment must therefore provide suitable separation to neighbouring dwellings, protect privacy and outlook, and avoid creating unacceptable noise or disturbance, including during the construction phase.
- 2.3. Public rights of way run along three sides of the site and are well used as connections between Station Road and the surrounding countryside. The development must be designed to respect these routes, maintain their function and setting, and provide an appropriate relationship between new housing and the adjacent countryside edge. Existing boundary hedgerows and trees contribute to local landscape character and provide screening. Their retention and reinforcement, alongside new planting, is integral to the acceptability of the proposal.
- 2.4. The historic commercial and research use raises the potential for ground contamination. Surface water management and the delivery of a sustainable drainage strategy are also relevant, notwithstanding that the site lies within Flood Zone 1. Ecological considerations arise from the existing buildings, boundary vegetation and the wider River Ray corridor. The redevelopment must avoid harm to habitats and species and secure biodiversity net gain.
- 2.5. The site is not within a Conservation Area and is not subject to national landscape, heritage or ecological designations.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for the demolition of all existing commercial buildings and structures within the former Envigo facility and the residential redevelopment of the site to provide 18 dwellings. The scheme includes a new internal access road, car parking, private gardens, areas of public open space and associated landscaping, drainage and infrastructure works.
- 3.2. The proposals retain the existing access point from Station Road. The internal layout has been developed through negotiation with the Council's Urban Design Officer. The scheme has been amended during the course of the application, increasing the number of units from 10 to 18 and revising the disposition of buildings, parking and open space.
- 3.3. The dwellings would be arranged around a shared-surface internal street network with a central area of public open space. The layout seeks to maintain active frontages to the internal streets and towards the adjoining public rights of way, while providing appropriate separation to neighbouring properties and the countryside edge. The development comprises two-storey houses with associated on-plot and communal parking. The architectural approach uses a limited palette of materials and detailing intended to reflect local village character. Landscaping proposals include new tree planting, hedgerow reinforcement and the creation of wildlife-friendly habitats, alongside formal and informal open space.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing by early 2027 with the first houses being occupied by late 2027 subject to how long S106 negotiations last.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

16/00298/PREAPP 12.10.2016 – Redevelopment of site for residential use

This is a finely balance case. After due consideration of the comments received from my Policy colleagues (and we apologise for the excessive delay in our deliberations) it is considered that a limited amount of residential development could be supported on this site – but potentially no more than 10-12 units.

14/00232/PREAPP 08.09.2014 – Redevelopment of site to provide circa 10 dwellings - Change of Use from laboratory (B1) to residential (C3).

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **27 February 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The application has been publicised in accordance with statutory requirements. Following consultation, 15 representations have been received from members of the public. Of these, one representation supports the development, five object, and the remainder provide general comments.
- 6.3. The supporting representation welcomes the reuse of the brownfield site and considers the existing buildings to be an eyesore. It notes that historic use of the Envigo facility generated higher traffic levels than those forecast for the residential scheme. The representation nonetheless requests that road-safety and traffic-calming measures are secured through section 106 obligations.
- 6.4. The objections and comments raise the following main matters:
- Principle and quantum. A number of residents accept redevelopment of the site in principle but consider 18 dwellings to be excessive compared with the earlier 10-unit concept. The increase is described as overdevelopment that would not reflect the traditional character and scale of Blackthorn.
 - Highways, access and road safety. The dominant concern relates to additional traffic using Station Road. Residents describe the road as narrow with extensive on-street parking and regular speeding above the signed 20mph limit. Several representations state that the Road Safety Audit and Transport Statement under-record accidents in the vicinity of the access, including a serious collision on 10 May 2024 and other recent incidents within the village. Particular concern is raised about visibility and manoeuvring at the access and the Shaws Yard/Station Road junction, and the potential for conflict with pedestrians and cyclists. Requests are made for comprehensive traffic-calming and junction-safety measures, potentially secured through section 106 contributions.

- Parking. Representations state that many existing dwellings on Station Road lack off-street parking, leading to a congested on-street environment. It is feared that the development would lead to overspill parking onto Station Road, further reducing visibility and exacerbating bottlenecks. Some representations question the effectiveness of yellow-line controls and their enforceability.
 - Drainage, sewerage and flood risk. Several residents report existing drainage and standing groundwater issues within the village, including surface-water flooding during heavy rainfall and reliance on aging pumps. Concerns are raised that the drainage evidence relates to the former 10-dwelling scheme and does not fully address the increased load from 18 dwellings, including potential impacts on the adopted sewerage network.
 - Residential amenity and construction impacts. Concerns include construction traffic, disturbance and safety during the build period, and the adequacy of footway connections to nearby public rights of way. Some representations highlight pedestrian safety for children and other users crossing or passing the access, including near a public post box close to the junction.
 - Biodiversity enhancements. One representation requests specific built-in ecological features, including swift or universal bird nesting bricks and bat provision within new dwellings, to support biodiversity net gain.
- 6.5. The above matters are addressed within the appraisal section of this report, with particular regard to highways, parking, drainage, design and landscape effects, and the planning balance.
- 6.6. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. BLACKTHORN PARISH COUNCIL: The Parish Council **comments** on local infrastructure capacity. It asks that measures are put in place to address the effect of the development on the village sewage system, which residents state already experiences problems.
- 7.3. OCC HIGHWAYS: have provided **comments** at several stages. In the earlier responses on the original 10-dwelling scheme (including the response dated 3 September 2024), OCC maintained an objection on design and safety grounds. The objection centred on the internal shared-surface access road being too narrow to achieve safe and suitable access for all users. OCC also considered that the layout and visibility within the site did not accord with the Oxfordshire Street Design Guide and requested revisions to the shared-surface arrangement, a reduction in parking to align with OCC standards, and further detail on how pedestrian movement would be accommodated.

In those earlier responses OCC advised that, if the Local Planning Authority (LPA) were minded to approve despite the objection, a section 106 agreement and planning conditions would be required to mitigate transport impacts. The mitigation sought included:

- a public transport service contribution calculated on a per-dwelling basis;

- a public transport infrastructure contribution for bus stop poles/flags/timetable cases (identified in OCC schedules as £1,752, indexed);
- a public rights of way (PROW) contribution of £7,000 (indexed) towards improvements to Footpaths 131/1 and 131/11; and
- OCC administration and monitoring fees, with all sums index linked in line with OCC practice.

Following submission of amended drawings and an updated Transport Statement for the 18-dwelling scheme, OCC issued a further highways response dated 20 February 2025. This response withdraws the previous objection and records no objection, subject to conditions and a section 106 agreement. OCC notes that the access arrangements for the amended scheme are identical to the final agreed access for the earlier 10-unit layout and should be read alongside the previous consultations. The updated response continues to require transport-related conditions (covering matters such as detailed access provision, internal layout, and construction and operational highway safety) and seeks section 106 contributions for public transport and PROW improvements, with the per-dwelling public transport service contribution recalculated to reflect 18 dwellings. The bus stop infrastructure contribution (£1,752, indexed) and PROW contribution (£7,000, indexed for Footpaths 131/1 and 131/11) remain identified in the OCC schedule.

7.4. LEAD LOCAL FLOOD AUTHORITY (LLFA): The LLFA raises **no objection**, subject to conditions. The LLFA confirms that updated drainage information has addressed earlier requests and requires the following by condition:

- submission and approval of a detailed surface water drainage and SuDS scheme prior to commencement. The scheme is to include design drawings, hydraulic calculations, attenuation details, infiltration or controlled discharge arrangements, exceedance routing, and confirmation of outfall locations;
- a detailed maintenance and management plan in line with CIRIA C753, including maintenance schedules for each SuDS element and explanations of how performance will be secured for the lifetime of the development;
- evidence of consent for any connections into third party drainage systems and confirmation of responsibilities for outfalls; and
- prior to first occupation, submission of a SuDS “as built” record for deposit on the LLFA asset register. This is to include as built plans in pdf format, and photographic verification of installation stages and completed drainage structures.

7.5. ARCHAEOLOGY (OXFORDSHIRE COUNTY ARCHAEOLOGICAL SERVICE): raise **no objection**, subject to conditions. The Planning Archaeologist notes that the site lies within an area of archaeological potential associated with the historic settlement of Blackthorn, and that a Desk-Based Assessment has been submitted. The response requires two standard conditions:

- before any demolition (other than to ground level) or development begins, the applicant must submit for approval an Archaeological Written Scheme of Investigation (WSI) prepared by a suitably qualified archaeological organisation; and
- following approval of the WSI and before demolition/commencement (except as agreed), the applicant must undertake a staged programme of

archaeological evaluation and mitigation in accordance with the WSI, including any required fieldwork, analysis, reporting, publication, and archiving.

The conditions are required to secure proper investigation and recording in accordance with national policy.

7.6. THAMES VALLEY POLICE – DESIGNING OUT CRIME OFFICER: Thames Valley Police provided crime prevention advice for both the original and amended schemes (latest note February 2025). The Designing Out Crime Officer does not object in principle but identifies a number of measures required to reduce opportunities for crime and antisocial behaviour. The key points are:

- rear access routes should be secured by robust, lockable gates brought forward to the building line to avoid recessed or hidden spaces between dwellings;
- the public footpath along the northern boundary is considered to expose side boundaries of nearby plots (particularly plots 3 and 4) where natural surveillance is weak. The layout and elevations should therefore be adjusted to improve overlooking, including consideration of side windows or bay windows where appropriate;
- defensible space and planting should be provided to vulnerable boundaries, including a planting strip of at least 1 metre along the side boundary of plot 10;
- parking areas that lack surveillance (noted behind plot 6) should be re-designed so that boundary treatments enhance visibility. A higher fence with a visually permeable trellis topper is suggested to increase surveillance from the adjacent dwelling;
- external lighting should be redesigned. Bollard lighting is considered inadequate for facial recognition and deterrence. A planning condition is requested requiring prior approval of an external lighting scheme for streets, paths and parking courts, designed to promote security and avoid nuisance; and
- doors, windows and garage connections should meet current Secured by Design / PAS 24 security standards. Where garages connect directly to dwellings, doors should be certified to recognised security ratings.

7.7. CDC STRATEGIC HOUSING: The Strategic Housing officer provides **comments** dated 12 February 2025 on the 18-dwelling proposal. The response notes that no affordable housing is indicated within the current submission. Policy BSC3 requires affordable housing on rural schemes exceeding 11 dwellings, with at least 35% affordable provision. Applied to 18 dwellings this equates to 6 affordable units. A policy-compliant tenure split is identified as 70% rented and 30% shared ownership. The officer notes that the December 2024 NPPF removes the national First Homes requirement and that shared ownership is likely to be the default intermediate tenure locally.

The response draws on the December 2022 Housing and Economic Needs Assessment and CDC allocation experience to specify that rented housing should prioritise family-sized homes with adequate bedroom standards. It discourages undersized rented units (for example two-bed units configured for more than four persons). Intermediate homes are expected to meet the same or better space and garden standards as market housing. The response states that Strategic Housing could support the scheme in principle if affordable housing is provided, but further information is required to reach a firm view. It also asks for early confirmation of the Registered Provider and delivery timetable for monitoring purposes.

7.8. CDC URBAN DESIGN:

The Urban Design Officer provided staged comments:

The initial comments of 3 July 2024 on the 10-dwelling scheme raised significant design concerns. The officer advised that the proposals did not reflect national and local design policy or the site's context. Key issues included the suburban grain of the layout compared with the historic farmstead and village character, building depths and roof forms that were not consistent with local typologies, and detailing that did not respond to the Blackthorn vernacular. Specific matters identified for revision were porch and gable forms, non-functional chimneys, the form of detached car barns, the need to set parking behind building lines, clearer definition of public and private space, and avoidance of high timber fencing visible from the public realm. The officer also requested a more positive relationship to the surrounding PROWs and countryside edge, and suggested open space location and boundary treatment changes to provide a better transition.

Following amendments and the revised 18-dwelling layout, the Urban Design Officer issued further comments dated 12 February 2025. The officer supports the general layout subject to targeted amendments and additional information. These include submission of street-scene elevations, front elevation adjustments to plot 16, clearer public/private boundary definition around several plots, a more direct pedestrian link through the central open space to the adjacent PROW, nominal kerb/delineation within shared-surface streets to assist pedestrian movement, potential pedestrian links to the north-east boundary footpath, and ensuring the landscape drawings match the layout.

A final follow-up note dated 20 May 2025 confirms that the applicant has addressed the February 2025 design comments and the officer is satisfied with the amended scheme.

- 7.9. **ECOLOGY:** The Council's Ecologist (email dated 17 December 2024) requests further biodiversity information prior to final comment. The officer notes that scheme amendments may affect retained trees and landscaping and therefore require an updated biodiversity net gain assessment with an up-to-date metric. The officer also notes that parts of private curtilage appear to have been mis-categorised within the metric (front gardens recorded as shrub rather than vegetated garden) and should be corrected. The Ecologist indicates that a full ecology response will follow once the revised metric and net gain assessment have been submitted.
- 7.10. **WELLBEING / LEISURE / SPORT:** CDC Wellbeing officers request section 106 planning obligations to mitigate recreation and community facility impacts.

In the original June 2024 response, contributions were sought for community hall facilities and outdoor sport provision based on the SPD formula.

The re-consultation update for the 18-dwelling scheme confirms the current requirements. For community hall facilities, the contribution is calculated using occupancy-based space standards, resulting in a requested off-site sum of £19,831.18 (indexed) to support local community hall provision. For outdoor sport, the officer seeks an off-site contribution of £2,017.03 per dwelling, totalling £36,306.54 for 18 dwellings (indexed), towards formal outdoor sports provision at Graven Hill and/or within the locality. The response cites Policy BSC10 and confirms that the request meets the CIL Regulation 122 tests.

- 7.11. **BUILDING CONTROL:** Building Control advises that the development will require a Full Plans Building Regulations application, to be secured by informative rather than condition.

Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

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

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation and Growth Management
- Villages 2 – Distributing Growth Across the Rural Areas
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, Design and External Appearance of New Development
- C30 – Design of New Residential Development
- ENV1 - Development likely to cause detrimental levels of 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
- CSD8: Sustainable Drainage Systems
- CSD9: Water Resources and Wastewater Infrastructure
- CSD11: Protection and Enhancement of Biodiversity
- CSD12: Biodiversity Net Gain.
- CSD16: Air Quality
- CSD18: Light Pollution
- CSD23: Assessing Transport Impact/ Decide and Provide.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations
- 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.

NEIGHBOURHOOD PLAN

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 lies within the parish of Blackthorn. There is currently no made Neighbourhood Development Plan covering Blackthorn, and there is no draft Neighbourhood Plan for the village at pre-submission or examination stage. Accordingly, no Neighbourhood Plan policies form part of the development plan for the purposes of determining this application.

8.4 Other material planning considerations include:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (PPG)
- Emerging Cherwell Local Plan Review 2042 (Proposed Submission)
- Cherwell Residential Design Guide (SPD) (July 2018)
- Developer Contributions (SPD) (February 2018)
- Cherwell Landscape Character Assessment 2024
- Cherwell Green and Blue Infrastructure Strategy (November 2022)
- Local planning and design guidance documents, including:
 - Countryside Design Summary
 - Home Extensions and Alterations Design Guide
 - Planning and Waste Management Design Advice
- Recreation and Amenity Open Space Provision Guidance Note (February 2006)

- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004
- Environment Act 2021 (including provisions relating to biodiversity net gain)
- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities Act 2006
- Circular 06/2005 – Biodiversity and Geological Conservation
- Human Rights Act 1998 (HRA)
- Equality Act 2010 (EA)

9. APPRAISAL

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

- Principle of Development
- Design, and Impact on the Character of the Area
- Heritage Impact
- Archaeology
- Highways, Access and Parking
- Residential Amenity
- Environmental Matters - Flood Risk, Drainage, Ground Conditions and Pollution
- Sustainable construction

Principle of Development

9.2. The main issues in respect of the principle of development are whether the proposed residential redevelopment is acceptable in land use terms, given the site's status as previously developed land within the built-up limits of Blackthorn, and whether the loss of the existing employment use accords with the development plan and other material considerations.

Policy Context

9.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

9.4. For this proposal the development plan comprises the CLP 2015 and the saved policies of the Cherwell Local Plan 1996.

9.5. Policy PSD1 of the CLP 2015 reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). It expects proposals to accord with the policies in the Local Plan, to support the delivery of sustainable development and to make efficient use of land in appropriate locations.

9.6. Policy BSC1 sets the overall strategy for housing distribution, focusing most growth at Bicester and Banbury while allowing some development at Category A and Category B villages. Policy Villages 1 identifies Blackthorn as a Category B settlement where minor development, infilling and conversions may be suitable within the built-up limits. Policy BSC2 encourages the effective and efficient use of land, with a preference for the reuse of previously developed land and existing housing sites in sustainable locations.

9.7. Policy SLE1 seeks to protect existing employment sites. It supports the continued operation of employment uses on such land and sets criteria against which proposals for the loss of employment are assessed. These criteria include whether there is reasonable prospect of the site being used for employment purposes, whether the development supports small and medium enterprises, whether the location is suitable

for continued employment use and the contribution that alternative uses might make to the overall strategy.

- 9.8. Policies ESD1, ESD2 and ESD3 promote sustainable patterns of growth and sustainable construction. Policies ESD10 and ESD13 seek to protect and enhance biodiversity and local landscape character. Policy ESD15 requires all new development to complement and enhance the character of its context through high quality design. Saved Policies C28 and C30 of the CLP 1996 also remain relevant and seek compatible layout and design, although they are considered in more detail in the design section of this appraisal.
- 9.9. The NPPF encourages the efficient use of land, gives weight to the reuse of suitable brownfield land, and supports housing development that makes effective use of underused previously developed sites, especially where it helps to meet identified needs and reduces pressure on greenfield land.

Assessment

- 9.10. The 2024 Annual Monitoring Report confirms that the Council can only demonstrate a 2.3 year housing land supply at present, as such paragraph 11(d) of the NPPF is engaged.
- 9.11. The application site lies within the built-up limits of Blackthorn and is occupied by a substantial complex of commercial and industrial buildings associated with the former Envigo research facility. The site comprises previously developed land in planning terms. The existing structures, hardstanding and car park present a large and visually prominent block of built form behind Station Road. The lawful use has potential to generate heavy vehicle movements, noise and general activity at a level that is out of scale with surrounding residential uses.
- 9.12. The redevelopment proposal seeks to remove the existing commercial buildings and associated infrastructure and to introduce a residential layout of 18 dwellings with streets, gardens and public open space. In broad terms this represents a transition from an intensive, *sui generis* research and industrial use to a residential use that is more in keeping with the surrounding pattern of development.
- 9.13. Having regard to Policy Villages 1, the site falls within the established envelope of the village. The scheme does not extend into the open countryside and would instead consolidate the edge of the settlement on a contained brownfield parcel. The number of dwellings proposed is modest in the context of the wider village and would not, in principle, amount to a scale of development that would undermine the spatial strategy or place undue pressure on local services, subject to the infrastructure contributions considered later in this report. Although Policy Villages 1 seeks to manage small scale development of normally less than ten dwelling there is latitude to consider slightly larger proposals providing that they are within the built up limits of the settlement. It is worth noting that Blackthorn retains its category B status under Policy SP1 of the DCLP.
- 9.14. Policies PSD1, BSC1 and BSC2 and the NPPF give strong support to the reuse of previously developed land in sustainable locations. In this case the site lies within walking and cycling distance of the village facilities and bus stops on the local network, and within reasonable distance of Bicester where a wider range of services and employment opportunities is available. The proposal would make more efficient use of an under-utilised brownfield site within the settlement and would contribute to the provision of new homes in line with the distribution strategy.

- 9.15. On this basis, the principle of residential redevelopment of this previously developed site within the built-up limits of Blackthorn is acceptable in land-use terms, subject to consideration of the loss of employment use and the detailed impacts assessed below.

Loss of employment land

- 9.16. The application site forms part of an established employment site, and Policy SLE1 seeks to retain such sites in employment use unless specified criteria are met. The policy expects applicants to demonstrate that the site is not viable or attractive for continued employment use, that there is no reasonable prospect of it being used for that purpose, or that the proposed alternative use would have clear planning benefits that outweigh the loss.
- 9.17. The applicant has submitted an Employment Land and Marketing Report prepared by a commercial agent, together with a Viability Report. These documents set out the history of the Envigo operations, confirm that the former occupier has vacated the site, and describe the characteristics of the buildings and access arrangements. The evidence explains that the buildings were purpose-built and are now dated, that the internal layout and specification are not suited to modern research or industrial requirements, and that the only feasible way to continue an employment use would involve substantial refurbishment or redevelopment. The access to the site is taken through an existing residential street with a constrained junction to Station Road, which limits the suitability of the site for heavier employment traffic.
- 9.18. The marketing information states that the site has been actively marketed for a sustained period to a range of potential employment occupiers. The agent reports that interest from B-class and similar operators has been limited and that no realistic proposals for continued employment use have come forward. Expressions of interest have related mainly to alternative residential or mixed-use schemes. The report concludes that, in the current market, the site is unlikely to be taken up for viable employment use in its present form, and that a new employment-led scheme would face significant viability and access constraints.
- 9.19. In terms of the wider employment land supply, the site is not identified as a strategic employment allocation in the Local Plan. The loss of this individual site would not, on the evidence before the Council, undermine the overall employment land strategy, which concentrates new employment development at Banbury, Bicester and key strategic sites elsewhere in the district.
- 9.20. The proposed residential redevelopment would also remove the potential for continued intensive commercial activity in close proximity to existing and proposed homes. This includes heavy vehicle movements, out-of-hours operations and associated noise and disturbance. A residential layout has the potential to provide a quieter and more compatible land use at the village edge, subject to satisfactory design and layout.
- 9.21. Taking these factors together, the evidence indicates that there is no reasonable prospect of continued employment use of the site, and that the loss of the existing employment land is justified when weighed against the benefits of bringing forward new housing on previously developed land in a sustainable village location.

The Tilted Balance

- 9.22. Cherwell cannot demonstrate a five-year supply of deliverable housing sites, so paragraph 11(d) of the NPPF is engaged and the “tilted balance” applies. In this context, full weight cannot be given to housing-restrictive policies, and planning

permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

- 9.23. For this proposal, the key benefits are: the efficient reuse of a previously developed site within the built-up limits of a Category B village; the delivery of 18 dwellings, including 3 affordable homes, at a time of acknowledged housing land supply deficit; visual and environmental improvement over the existing Envigo complex; remediation of contamination; biodiversity net gain; sustainable drainage; and a package of S106 contributions towards local infrastructure. Set against these are the loss of an employment site, a shortfall below the 35% affordable housing target and reduced financial contributions compared with a fully policy-compliant scheme, and localised amenity impacts for neighbours arising from a change in outlook and activity.
- 9.24. Given the marketing and viability evidence on employment reuse, the viability constraints on affordable housing and contributions, and the fact that all technical matters (highways, drainage, ecology, archaeology, amenity) can be satisfactorily addressed through conditions and obligations, those harms attract limited to moderate weight. They do not significantly and demonstrably outweigh the identified benefits. On this basis, the proposal is judged to constitute sustainable development in NPPF terms and the tilted balance falls in favour of granting planning permission.

Conclusion on the principle of development

- 9.25. In summary, the proposal would redevelop a previously developed site within the built-up limits of a Category B village for a modest number of dwellings, in a way that aligns with the spatial strategy set out in Policies PSD1, SLE1, BSC1, BSC2 and Villages 1. The loss of the existing employment use is supported by marketing and viability evidence and is unlikely to prejudice the overall employment land strategy in the district. The change to residential use would remove an intensive commercial use from a sensitive location and make more efficient use of an under-used brownfield site.
- 9.26. The principle of the proposed development is therefore considered acceptable, subject to the detailed matters of design, residential amenity, highways and parking, landscape impact, ecology and biodiversity, drainage, contamination, heritage and infrastructure, which are addressed in the following sections of this appraisal.

Design, density and scheme evolution

- 9.27. The scheme has evolved through the application process. The original proposal for 10 dwellings was the subject of detailed comments from the Council's Urban Design Officer. Those comments raised concern that the pattern of development, building forms and relationship to public rights of way did not respond well to the local context or to the former farmstead character of the site. The officer considered that the layout appeared suburban, with a loose grain of development, prominent parking, and a weak definition between public and private spaces. The detached garage structures, roof forms and some detailing were also regarded as inconsistent with the local vernacular.
- 9.28. In response the applicant submitted a revised scheme for 18 dwellings. The increase in unit numbers is accompanied by a re-planned layout that seeks to provide a tighter and more coherent village-edge pattern of development. The internal street is now a shared-surface arrangement with stronger built frontage, reduced prominence of detached garages and a clearer hierarchy of public and private spaces. Dwellings front onto the internal street and towards the adjoining public rights of way, which improves natural surveillance and provides a more positive interface with the surrounding countryside.

- 9.29. The amended layout retains the access from Station Road but adjusts the disposition of plots, parking and open space to resolve the design concerns. The central open space has been given a clearer form and function, with dwellings enclosing it on several sides. Boundary treatments are designed to limit the visibility of high fencing from the public realm and to reinforce hedgerows at the rural edge. The Urban Design Officer's later comments confirm that, subject to a series of detailed amendments which have since been incorporated, the revised scheme addresses the earlier objections and is now considered acceptable.
- 9.30. In density terms, 18 dwellings on a site of about 1 hectare represents a moderate development intensity that is consistent with Policy BSC2, which seeks the efficient and effective use of land and encourages appropriate densities on previously developed sites. The increase from 10 to 18 dwellings allows the scheme to make better use of this brownfield land, while the revised layout and design approach ensure that the development reads as a logical extension of the village rather than as an over-intensive or out-of-scale form of backland development. The detailed design and landscape impacts are considered further in the character and appearance section of this report.

Developer contributions, affordable housing and viability

- 9.31. Policy BSC3 of the CLP 2015 expects new housing developments at villages to provide 35% affordable housing on sites of 11 or more dwellings. Applied to an 18-unit scheme at Blackthorn this would equate to 6 affordable homes. Policies BSC10, BSC11 and BSC12 seek contributions to open space, outdoor sport, indoor sport and community facilities in order to mitigate the impact of new development on local services. Policy INF1 requires development to demonstrate that infrastructure requirements can be met, and the Developer Contributions Supplementary Planning Document sets out the framework for securing planning obligations that meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations.
- 9.32. The application is supported by a viability appraisal prepared on a residual land value basis that draws on RICS Red Book valuation principles. The appraisal compares the value of the completed development with scheme costs and a reasonable developer return. It concludes that a fully policy-compliant scheme with 35% affordable housing and all requested financial contributions would not be viable on this site, taking into account abnormal costs associated with demolition, ground conditions, drainage and the redevelopment of previously developed land with a constrained access.
- 9.33. On the basis of that evidence the applicant proposes a package of on-site affordable housing and financial contributions. The submitted draft Heads of Terms, for a Section 106 agreement, identifies the following:
- provision of 3 affordable dwellings on site, all as 2-bedroom 4-person houses, of which 2 would be for social rent and 1 for shared ownership;
 - financial contributions towards community hall facilities, outdoor sport and indoor sport provision within the local area;
 - contributions to secondary education, public transport services, public transport infrastructure, public rights of way improvements and household waste recycling facilities; and
 - payment of the Council's and County Council's monitoring fees and the County Council's legal costs, together with indexation and occupation-based trigger points for each obligation.
- 9.34. The Heads of Terms and viability appraisal indicate that the development can viably support 3 on-site affordable units and a total of about £319,295 in commuted sums

towards the above infrastructure. This falls below the 35% affordable housing sought under Policy BSC3 and below the full level of financial contributions that would ordinarily be expected for an 18-unit scheme. However, the viability evidence shows that this is the maximum reasonable level of planning obligations that the scheme can sustain without rendering the redevelopment of this brownfield site unviable.

- 9.35. The package of obligations would secure on-site affordable housing in a tenure mix that reflects local needs, together with targeted contributions to community facilities, sport, education, public transport, rights of way and waste infrastructure. These obligations would mitigate the impact of the development on local services and infrastructure in line with Policies BSC3, BSC10, BSC11, BSC12 and INF1, and would meet the statutory tests of necessity, direct relationship to the development and fairness and reasonableness in scale and kind.
- 9.36. In light of the viability evidence, the proposed suite of obligations and affordable housing is considered to represent an acceptable compromise between securing mitigation and enabling the redevelopment of this previously developed site. The detailed heads of terms are reflected in the recommendation section of this report and would need to be secured through a completed section 106 agreement before planning permission is issued.

Design, and Impact on the Character of the Area

Policy context

- 9.37. Policy ESD13 of the CLP 2015 seeks to respect and enhance local landscape character, resisting development that causes undue visual intrusion into the open countryside or is inconsistent with local character. Policy ESD15 requires all new development to complement and enhance the character of its context through high quality design, layout and materials, reinforcing local distinctiveness and creating legible, durable places. Policies BSC10 and BSC11 require adequate and appropriately located open space and outdoor recreation, to be integrated into the design of new development. Saved Policies C28 and C30 of the CLP 1996 seek compatible layout, scale and appearance in new residential development and expect proposals to relate well to their surroundings.
- 9.38. The NPPF emphasises the importance of good design as a key aspect of sustainable development. It states that planning decisions should ensure that developments are visually attractive, sympathetic to local character and history, and maintain a strong sense of place. The Cherwell Residential Design Guide Supplementary Planning Document provides more detailed guidance on settlement pattern, street hierarchy, building form, parking and landscape treatment.

Baseline character and visual context

- 9.39. The application site sits on the south-eastern edge of Blackthorn, behind the existing frontage development on Station Road. The surrounding area comprises mainly two-storey dwellings in a mix of ages and styles, reflecting the incremental growth of the village. To the south and east the land falls away towards open farmland and the River Ray corridor, with hedgerows and trees forming a soft village edge.
- 9.40. At present the site is occupied by the former Envigo research complex. Large, functional commercial buildings, extensive areas of hardstanding and a sizeable car park are enclosed within security fencing. Although some of the built form is screened by vegetation and rear boundaries, the complex is visible from sections of the public rights of way that run along the northern, north-eastern and southern boundaries.

From these vantage points the existing buildings appear as an incongruous block of commercial development set behind the village, at odds with the finer grain and domestic scale of surrounding housing and the adjacent countryside.

- 9.41. The site therefore reads as a visually and physically separate compound rather than an integrated part of the village. Its character is strongly influenced by hard surfacing, utilitarian structures and parked vehicles, and it does not make a positive contribution to the appearance of the settlement edge.

Layout, grain and relationship to the village and countryside

- 9.42. The proposed development would remove the existing commercial buildings and introduce a residential layout of 18 dwellings arranged around a shared-surface internal street and a central open space. The revised layout has been informed by the comments of the Urban Design Officer and seeks to establish a more traditional village-edge grain.
- 9.43. Dwellings are positioned to front the internal street and the adjacent public rights of way, with short runs of buildings defining the principal spaces. This approach provides a clearer structure and rhythm than the existing complex and reflects the pattern of incremental growth found elsewhere in Blackthorn. The central open space is framed by buildings on several sides, giving it a defined shape and a sense of enclosure that distinguishes it from residual or leftover land. The arrangement of plots and boundaries has been adjusted so that private rear gardens back onto one another or onto the countryside edge, reducing the extent of exposed rear boundaries to the public realm.
- 9.44. Towards the southern and eastern boundaries, the layout steps development back from the site edge, allowing for the retention and reinforcement of hedgerows and trees and for new planting. This creates a softer transition to the open countryside and helps to maintain the perception of a green edge to the village when viewed from the surrounding fields and public rights of way. The shared-surface street, modest carriageway widths and limited forward visibility are designed to keep vehicle speeds low and contribute to a more intimate, village-scale character.

Scale, massing and design treatment

- 9.45. The proposed dwellings are two storeys in height, consistent with the prevailing scale of housing in the village. Building depths and roof forms have been revised from the original scheme to better reflect local typologies identified in the Cherwell Design Guide. The use of simple gabled roofs, chimneys in credible locations and a restrained palette of materials and detailing draws on local precedents without resorting to pastiche.
- 9.46. Architectural detailing is intended to be robust and simple, with appropriate window proportions, porches and eaves treatments. Conditions can be imposed to secure material samples, joinery details and boundary treatments. Detached garage structures have been reduced or integrated into the built form so that parking does not dominate the street scene. Where small parking courts are used, they are overlooked by active frontages and contained within the block structure.

Public rights of way and visual amenity

- 9.47. The public rights of way around the site provide close-range views into the development and towards the village. Under the existing situation, users experience views of large commercial buildings, service yards and security fencing. The proposed scheme would replace these elements with residential frontages, gardens and

landscaped open space. While the development would introduce additional built form into these views, the scale and design of the dwellings, combined with new planting, hedgerow reinforcement and the central green space, would create a softer and more appropriate edge to the settlement.

- 9.48. The interface with the rights of way has been designed to provide active frontages and a clear distinction between public and private space. Boundary treatments along these routes are a mix of hedgerows, trees and lower walls or fences, avoiding long runs of tall close-boarded fencing facing the public realm. This maintains visual interest and provides a degree of informal surveillance for path users. Conditions can secure the detailed landscape scheme, including species mix, planting densities and maintenance.

Open space and landscaping

- 9.49. The scheme incorporates a central area of open space that functions as a small village green, together with incidental green spaces and structural planting around the edges of the site. This provision aligns with Policies BSC10 and BSC11 and will contribute to the visual quality of the development as well as providing informal recreation for residents.
- 9.50. Existing boundary trees and hedgerows are largely retained, particularly on the southern and eastern edges, and are supplemented with new planting. The Arboricultural Impact Assessment demonstrates that important trees can be protected during construction, subject to standard tree protection conditions. The landscape proposals, when secured and implemented, will assist in assimilating the development into its surroundings and mitigating views from the wider countryside.

Conclusion on character and appearance

- 9.51. The existing commercial complex at Shaws Farm is a visually intrusive and utilitarian form of development that does not make a positive contribution to the character or appearance of the village edge. The proposed scheme would replace this with a residential layout of appropriate scale and grain, with a clearer street structure, central open space and strengthened landscape framework.
- 9.52. Subject to conditions securing materials, boundary treatments and landscaping, the development is considered to respect and reinforce local character, provide a more sympathetic interface with the surrounding countryside and enhance views from the adjacent public rights of way. The proposals therefore accord with Policies ESD13 and ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996, the Cherwell Residential Design Guide SPD and the relevant design provisions of the NPPF. Character and appearance considerations do not weigh against the proposal in the overall planning balance.

Heritage And Archaeology Impact

- 9.53. There are no heritage assets within or adjacent to the site that would be impacted by the development.
- 9.54. The County Archaeologist has reviewed the application and accompanying Desk-Based Assessment. The site lies within an area of archaeological potential associated with the historic settlement of Blackthorn. There is a reasonable prospect that below-ground archaeological deposits may survive despite previous development.

- 9.55. OCC's Archaeological Service raises no objection to the proposal, subject to conditions securing further investigation. The recommended conditions require the submission and approval of an Archaeological Written Scheme of Investigation prior to any demolition (other than to ground level) or development, followed by a staged programme of archaeological evaluation and, where necessary, mitigation, analysis, reporting and archiving.
- 9.56. These requirements are proportionate to the scale of development and will ensure that any archaeological remains of significance are appropriately recorded, in accordance with Policy ESD15, saved Policy C25 where relevant, and the NPPF.

Conclusion on heritage and archaeology

- 9.57. The site does not contain designated heritage assets and is not within a conservation area. The existing buildings do not make a positive contribution to the character or appearance of the area. The proposed redevelopment would remove an extensive modern commercial complex and replace it with a residential layout that is more consistent with the historic village pattern. There would be no harm to the significance or setting of any designated heritage asset.
- 9.58. Any archaeological interest can be safeguarded and recorded through the imposition of standard investigation and mitigation conditions. Subject to these conditions, the development is considered to accord with Policy ESD15 of the CLP 2015 and the heritage provisions of the NPPF. Heritage and archaeology considerations therefore do not weigh against the proposal in the overall planning balance.

Highways, Access and Parking

Policy context

- 9.59. Policy SLE4 of the CLP 2015 seeks to improve sustainable transport and connections. It requires development to provide safe and suitable access for all people, to mitigate its transport impacts and, where appropriate, to contribute to improvements to the local and strategic transport network. Policies PSD1 and ESD1 promote a pattern of growth that reduces the need to travel and encourages the use of sustainable modes. The NPPF requires that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access arrangements and traffic impacts

- 9.60. Vehicular access to the site is taken from Station Road, using the existing private drive between dwellings and through Shaws Yard. The proposal retains this access point but upgrades the junction and internal arrangements to current standards. A Transport Statement and Road Safety Audit have been submitted in support of the application.
- 9.61. The evidence acknowledges that Station Road is a relatively narrow village street with on-street parking and localised pinch points. The Transport Statement compares trip generation from the existing lawful commercial use with the forecast trips from 18 dwellings. On the basis of standard trip-rate data, the residential scheme is expected to generate fewer vehicle movements in peak hours and across the day than the authorised Envigo use. The supporting information concludes that the development would not lead to a material increase in traffic on the local network compared with the former use.

9.62. Residents have raised concerns about existing speeding, recorded accidents and the adequacy of the submitted traffic data, with particular reference to a serious collision that occurred in May 2024. These representations are summarised earlier in this report. The County Council as Local Highway Authority has considered these matters, alongside its own accident records and the Road Safety Audit. In its latest consultation response, the Highway Authority raises no objection to the amended 18-dwelling scheme, subject to conditions and planning obligations. It is satisfied that, with the proposed access improvements and the package of traffic-calming and public transport measures secured through the section 106 agreement, the development would not result in an unacceptable impact on highway safety or a severe cumulative impact on the local highway network.

Internal layout and pedestrian safety

9.63. Within the site, the development is laid out around a shared-surface street with direct frontage development. The layout has been amended in response to earlier concerns from the Highway Authority and the Urban Design Officer about carriageway width, turning provision, pedestrian movement and the relationship between parking and dwellings.

9.64. The revised drawings show a clear hierarchy of routes with sufficient width for vehicles, pedestrians and servicing, together with turning space for refuse and emergency vehicles. The shared-surface arrangement is designed to keep vehicle speeds low. Dwellings now front onto the internal street and towards the adjoining public rights of way, providing natural surveillance of pedestrian routes. The Highway Authority is satisfied that, subject to detailed design conditions and a construction traffic management plan, the internal layout can operate safely and effectively.

9.65. Public rights of way run along the northern, north-eastern and southern boundaries of the site. The development maintains these routes and provides an improved interface with them through frontage development, boundary treatments and new planting. A financial contribution towards improvements to the surfacing and accessibility of Footpaths 131/1 and 131/11 is to be secured through the section 106 agreement. This will help to mitigate additional use and enhance local walking opportunities in line with Policy SLE4 and the NPPF.

Parking provision

9.66. The scheme provides on-plot and small-court parking spaces to serve each dwelling, together with visitor parking, in accordance with the Council's parking standards and the guidance of the Local Highway Authority. Parking has been re-arranged during the course of the application to reduce the dominance of frontage parking and to ensure that spaces are convenient to the dwellings they serve. The majority of spaces are clearly overlooked from active rooms, which improves security and reduces the risk of uncontrolled on-street parking within the site.

9.67. Objectors have raised concern that overspill parking from the development could exacerbate existing congestion and on-street parking stress on Station Road. In view of the level of on-site provision and having regard to the Highway Authority's conclusion that the parking strategy is acceptable, it is not considered that the development is likely to result in harmful levels of overspill parking. Conditions can be imposed to ensure that parking and turning areas are laid out and retained for their intended purpose.

Conclusion on highways and parking

- 9.68. The proposal would reuse an existing access and, subject to the detailed improvements and mitigation secured by condition and section 106 agreement, would provide safe and suitable access for all users. The forecast traffic generation compares favourably with the authorised commercial use, and the Local Highway Authority raises no objection to the development. The internal layout and parking provision have been revised to address earlier concerns and are considered acceptable. Public rights of way are retained and enhanced, with contributions towards their improvement.
- 9.69. Having regard to Policy SLE4 and the relevant provisions of the NPPF, it is therefore concluded that the development would not result in an unacceptable impact on highway safety, nor would the residual cumulative impacts on the local road network be severe. Highways, access and parking considerations do not weigh against the proposal in the overall planning balance.

Residential Amenity

Policy context

- 9.70. Policy ESD15 of the CLP 2015 requires new development to consider the amenity of both existing and future residents, including matters such as privacy, outlook, natural light and noise. Saved Policy C30 of the CLP 1996 seek to ensure that new residential development provides acceptable standards of amenity and is compatible with existing residential areas. The National Planning Policy Framework states that planning decisions should create places with a high standard of amenity for existing and future users.

Impact on neighbouring residents

- 9.71. The nearest existing dwellings lie to the north and north-west along Station Road and Shaws Yard, with further residential properties at Elm Tree Close to the north-east. These properties currently back onto or overlook the Envigo complex, which comprises large commercial buildings, service areas and car parking. The lawful use has the potential to generate noise, disturbance and activity at levels that are not typical of a residential environment.
- 9.72. The proposed development would remove the commercial buildings and introduce a residential layout of 18 dwellings with gardens and public open space. While the character of activity would change, the type and intensity of use would be more compatible with the surrounding housing. Traffic associated with the development is expected to be less than that associated with the authorised commercial use, and domestic noise from 18 dwellings is likely to be less intrusive than noise from a working research facility and associated servicing.
- 9.73. The layout has been designed to respect the privacy and outlook of neighbouring properties. New dwellings are positioned so that back-to-back and back-to-side relationships with existing houses meet or exceed typical separation expectations within the district. The majority of first-floor windows serving habitable rooms face into the site or across private gardens rather than directly towards existing dwellings. Where plots are closer to the boundaries, the orientation of windows and the use of side-facing openings has been managed to avoid unacceptable overlooking. Boundary treatments along the northern edge and to the interface with Elm Tree Close will further help to protect privacy, subject to details controlled by condition.
- 9.74. In terms of daylight and sunlight, the two-storey scale of the proposed houses and the separation distances involved are such that there would be no material loss of light to

neighbouring properties. The removal of large commercial sheds is likely to improve natural light and outlook for some existing residents whose rear aspects currently look towards the Envigo buildings. The proposal would therefore not give rise to an overbearing or enclosing relationship when assessed against the established village context.

- 9.75. Concerns have been raised by local residents about disturbance during the construction phase, including noise, dust and construction traffic. Such effects are temporary and can be mitigated through a Construction Management Plan secured by condition. This can control working hours, deliveries, contractor parking and wheel washing. Subject to such controls, construction impacts would not justify withholding permission.

Amenity of future occupiers

- 9.76. The scheme must also ensure that an acceptable standard of amenity is provided for the future occupiers of the proposed dwellings. The layout provides each dwelling with a private garden of appropriate size and shape for its likely occupancy. Gardens are generally located to the rear of properties, enclosed by fences and hedges to provide privacy and usable external space for sitting out, play and drying clothes.
- 9.77. Within the development, the arrangement of dwellings and the separation between them has been planned to avoid significant overlooking between facing elevations. Back-to-back distances are such that residents will benefit from reasonable levels of privacy, and where side elevations face across short distances, window positions and room uses are arranged to limit direct overlooking. The two-storey scale and roof forms are such that the development would not create unacceptable overshadowing of private gardens within the scheme.
- 9.78. Internal outlook from the proposed dwellings is generally good, with principal rooms looking onto streets, the central open space or private gardens. The shared-surface street and the modest carriageway width help to keep traffic speeds and noise within a residential range. The proximity of the site to Station Road and the public rights of way will result in some movement and activity around the edges of the development, but this is characteristic of a village location and is not considered harmful. Appropriate acoustic fencing can be secured at detailed design stage, if necessary, although the removal of commercial activity is expected to reduce baseline noise levels overall.
- 9.79. Future occupiers will benefit from easy access to the central green space and surrounding public rights of way, which provide opportunities for informal recreation and walking. The layout integrates these assets while maintaining clear distinctions between public and private space, reducing the potential for disturbance to residents from passers-by.

Conclusion on residential amenity

- 9.80. The proposed development would replace a commercial complex capable of generating significant noise and disturbance with a residential scheme of modest scale that is more compatible with the surrounding housing. The layout and two-storey built form have been arranged to respect the privacy, outlook and light of neighbouring dwellings, and to provide satisfactory levels of amenity for future occupiers.
- 9.81. Subject to conditions securing boundary treatments, landscaping and a Construction Management Plan, the proposal is considered to accord with Policy ESD15 of the CLP 2015, saved Policies C30 and ENV1 of the CLP 1996 and the relevant provisions

of the NPPF. Residential amenity considerations therefore do not weigh against the proposal in the overall planning balance.

Ecology Impact

Legislative context

- 9.82. 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.
- 9.83. 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.
- 9.84. 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.
- 9.85. 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.
- 9.86. 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

- 9.87. 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.
- 9.88. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.89. 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.
- 9.90. 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.
- 9.91. 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.
- 9.92. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

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

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

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all

- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.94. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction, is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.95. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.96. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.97. The application is accompanied by ecological survey work, including a Preliminary Ecological Appraisal and associated habitat and species assessments. These identify that the site is dominated by buildings, hardstanding and managed amenity areas associated with the former Envigo facility. Habitats of higher ecological value are largely confined to boundary hedgerows and trees, small areas of grassland and scrub, and the wider River Ray corridor beyond the site.
- 9.98. The surveys did not identify any statutory or non-statutory designated nature conservation sites within or immediately adjacent to the site. The nearest designated sites lie at some distance and are separated by existing development and farmland. The proposed development would not give rise to significant effects on designated sites, subject to appropriate surface water and pollution controls. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue to 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.
- 9.99. The submitted reports recommend a series of avoidance, mitigation and enhancement measures, including timing of vegetation clearance outside the main bird-nesting season where practicable, pre-commencement checks where required, sensitive lighting design to avoid unnecessary illumination of boundary features, and the incorporation of bat and bird boxes and other ecological enhancements within the new development.

Ecological impacts and mitigation

- 9.100. The proposed redevelopment would result in the loss of the existing buildings and some areas of hardstanding, together with localised removal or realignment of lower-value vegetation. The higher-value boundary trees and hedgerows are largely retained and will be reinforced with new native planting. As a consequence, the

development is unlikely to result in significant harm to habitats of greater ecological value. With the recommended timing and method controls in place, impacts on nesting birds, bats and other commonly occurring protected species can be avoided or reduced to an acceptable level.

9.101. During construction there is potential for disturbance of wildlife through noise, lighting and groundworks. These effects can be managed through a Construction Environmental Management Plan for biodiversity secured by condition. This can set out measures for protecting retained vegetation, controlling lighting and noise, and implementing any necessary pre-commencement checks and exclusion or relocation procedures.

9.102. The completed scheme would introduce new gardens, street trees, hedgerows and areas of public open space, including the central green. These features, when planted and managed with suitable native and wildlife-friendly species, will provide additional foraging and nesting opportunities for a range of species. Conditions can secure a detailed landscaping scheme and an associated Landscape and Ecological Management Plan to ensure long-term delivery and management of these habitats.

Biodiversity net gain

9.103. A biodiversity net gain metric has been prepared to compare the baseline habitats with those proposed as part of the development. As is typical for previously developed land, the baseline position reflects the dominance of buildings and hard surfaces with relatively limited areas of semi-natural habitat. The proposed scheme, by replacing much of the hardstanding with gardens, planting and structured landscaping, is capable of delivering an increase in habitat diversity and value.

9.104. The Council's Ecologist has sought clarification and updates to the metric to reflect the amended layout and to ensure that habitat types within private curtilages are accurately categorised. Subject to these updates and to the submission of a finalised metric and biodiversity net gain plan secured by condition, officers are satisfied that the development can achieve a measurable net gain in biodiversity compared with the baseline position.

9.105. To ensure that biodiversity net gain is delivered and maintained, conditions are recommended requiring:

- submission and approval of an updated biodiversity metric and biodiversity net gain plan prior to commencement;
- a Landscape and Ecological Management Plan setting out habitat creation, enhancement and long-term management over at least a 30-year period;
- details of integrated bat and bird boxes (including swift or multi-purpose bricks) and other ecological enhancement features within the built fabric and open spaces; and
- a sensitive lighting strategy to avoid unnecessary illumination of boundary vegetation and wildlife corridors.

9.106. With these measures in place, the development would secure a positive contribution to local biodiversity in accordance with Policy ESD10, the Environment Act 2021 and the relevant provisions of the NPPF.

Conclusion on ecology and biodiversity

9.107. The site comprises predominantly low-value previously developed land with ecological interest concentrated in its boundaries and immediate surroundings. The

proposed development would retain and reinforce key boundary features and introduce new habitats through gardens, trees and open space. Subject to the recommended conditions securing mitigation, biodiversity net gain and long-term management, the proposal is not expected to result in unacceptable harm to habitats or protected species and is capable of delivering a measurable net gain in biodiversity.

- 9.108. The development is therefore considered to accord with Policies ESD10, ESD13 and ESD17 of the CLP 2015, the relevant provisions of the NPPF, the Environment Act 2021 and other applicable wildlife legislation. Ecology and biodiversity considerations do not weigh against the proposal in the overall planning balance.

Environmental Matters – Flood Risk, Drainage, Ground Conditions and Pollution

Policy context

- 9.109. Policies ESD1, ESD6 and ESD7 of the CLP 2015 seek to mitigate and adapt to climate change, manage flood risk and promote the use of sustainable drainage systems. Policy ESD10 aims to protect and enhance biodiversity and the natural environment, and Policy ESD13 seeks to respect local landscape character, including watercourses and associated habitats. The NPPF requires that development be steered to areas at lowest risk of flooding, that it should not increase flood risk elsewhere, and that a site-specific flood risk assessment and sustainable drainage should underpin decisions where appropriate.

Ground conditions and land contamination

- 9.110. The application site has been occupied for many years by the Envigo research facility and is therefore at risk of land contamination associated with historic commercial and industrial activity. The application is supported by land contamination assessments and ground investigation, which identify potential pollutant linkages typical of previously developed land of this nature.

- 9.111. The submitted reports conclude that, while areas of made ground and localised contaminants are present, the risks to human health and the environment can be managed through a programme of remediation and verification. Recommended measures include targeted removal or treatment of affected soils, provision of clean cover in garden and soft-landscaped areas where necessary, and appropriate protection for new services and foundations.

- 9.112. In view of this evidence, it is appropriate to impose conditions requiring:
- submission and approval of a detailed remediation strategy prior to commencement;
 - implementation of the approved remediation measures during the construction phase; and
 - submission of a verification report demonstrating that the site is suitable for its intended residential use, with any unexpected contamination identified and dealt with.

- 9.113. Subject to these conditions, the development would not give rise to unacceptable risks from land contamination and would comply with the relevant requirements of the NPPF in respect of land stability and pollution.

Flood risk and surface water drainage

- 9.114. The site lies within Flood Zone 1, which is the zone of lowest probability of fluvial flooding. Notwithstanding this, the scale and nature of the development require careful

consideration of surface water management to avoid increasing run-off to the surrounding area. Local residents have reported existing drainage and standing water issues within parts of the village.

- 9.115. A site-specific Flood Risk Assessment and surface water drainage strategy have been submitted and reviewed by OCC as Lead Local Flood Authority (LLFA). The LLFA raises no objection to the development, subject to conditions. The strategy proposes a sustainable drainage system that will attenuate surface water run-off on site and discharge it at a controlled rate. The detailed design will include permeable surfacing, below-ground attenuation and appropriately sized pipework, with exceedance flows routed away from buildings.
- 9.116. The conditions recommended by the LLFA require the submission and approval of a detailed surface water drainage scheme before development commences, including design drawings, hydraulic calculations, details of all SuDS components and maintenance responsibilities. A drainage maintenance and management plan is to be secured, setting out how each element will be managed for the lifetime of the development. A condition also requires submission of an "as built" record of the SuDS scheme for inclusion in the LLFA's asset register.
- 9.117. With these safeguards in place, the proposal would manage surface water on site, would not increase flood risk on or off the site, and would accord with Policies ESD1, ESD6 and ESD7 and the flood risk guidance in the NPPF.

Foul drainage and utilities

- 9.118. Foul drainage from the development is to connect to the existing public sewerage network. Residents have expressed concern about current capacity and performance of the village sewer network. The developer will be required to enter into the usual agreements with the statutory undertaker to secure any necessary off-site reinforcement and to ensure that the network can accommodate the additional flows. This is a matter for detailed design and agreement under separate legislation. There is no technical evidence before the Council to demonstrate that the proposed 18 dwellings could not be served by the existing network, subject to those processes.

Noise, dust and air quality

- 9.119. The removal of the existing industrial buildings and the cessation of the historic commercial use will reduce the potential for noise and disturbance associated with the Envigo facility. The main noise and air quality effects arise during the construction phase, when demolition and building works have the potential to generate noise, vibration and dust.
- 9.120. These temporary effects can be managed through a Construction Management Plan condition, which will control working hours, delivery times, contractor parking, construction traffic routes, and measures to suppress dust and mud on the highway. Given the modest scale of the scheme and the residential nature of the proposed use, it is not expected that the development will give rise to unacceptable noise or air quality impacts once occupied.

Trees, landscaping and green infrastructure

- 9.121. Existing trees and hedgerows around the site boundaries contribute to local landscape character and provide ecological and visual benefits. An Arboricultural Impact Assessment and tree protection proposals accompany the application. The assessment confirms that the majority of higher-value trees can be retained, with only limited removals required to facilitate the development.

- 9.122. Conditions can secure tree protection measures during construction and implementation of the proposed landscaping scheme. These measures, alongside the creation of new gardens, street trees and open space, will support green infrastructure objectives and, in combination with the biodiversity measures outlined in the ecology section, will contribute to the delivery of a more connected and resilient local habitat network.

Conclusion on environmental matters

- 9.123. The redevelopment of this previously developed site raises issues in respect of ground conditions, drainage, construction impacts and the protection of existing landscape features. The application is supported by appropriate technical assessments, and the relevant statutory bodies raise no objection subject to conditions.
- 9.124. With conditions securing remediation of land contamination, a detailed surface water drainage and SuDS strategy, a construction management plan and tree protection and landscaping measures, the development is not expected to give rise to unacceptable environmental effects. The proposal is therefore considered to accord with Policies ESD1, ESD6, ESD7, ESD10, ESD13 and ESD17 of the CLP 2015, the relevant provisions of the NPPF and other applicable environmental legislation. Environmental considerations in respect of ground conditions, drainage, pollution and green infrastructure do not weigh against the proposal in the overall planning balance.

Sustainable Construction

- 9.125. Government guidance contained within the NPPF requires the planning system to support the transition to a low carbon future in a changing climate, helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.
- 9.126. Policy ESD3 of CLP 2015 states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to minimising energy demands and loss, maximising passive solar lighting and natural ventilation, maximising resource efficiency, incorporating the use of recycled and energy efficient materials, using locally sourced material, reducing waste and pollution, using sustainable drainage methods, maximising opportunities for cooling and shading and re-using materials where proposals involve demolition or redevelopment.
- 9.127. In addition, all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. Further, since Cherwell District is in an area of water stress, the Council seek a higher level of water efficiency that required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.
- 9.128. The planning system is generally supportive of measures that assist with the transition to a low carbon future in a changing climate. Planning Policies are required to assist with the increase of the use and supply of renewable and low carbon energy and heat, and Government guidance contained within the NPPF states that when determining applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for the renewable or low carbon energy, and recognise that even small scale projects provide a valuable

contribution to cutting greenhouse gas emissions. Further, applications should be approved if its impacts are, or can be made, acceptable.

- 9.129. Policies ESD1, ESD4 and ESD5 of the CLP 2015 all echo Government support for renewable energy schemes in the District, with Policy ESD5 of the CLP 2015 stating that planning applications involving renewable energy development will be encouraged, provided that there is no unacceptable adverse impact.
- 9.130. Whilst solar panels have not been specified on the drawings it does not preclude them from the development, but at present these cannot be conditioned. As of 2027 though, it will be mandatory for nearly all new-build dwellings in England to have solar panels installed as part of the Future Homes Standard. There will be exemptions for cases where it's not practical, such as if the property is shaded. The government is due to publish the detailed rules imminently which are being introduced to improve energy efficiency and reduce carbon emissions. It is likely that these will be required via Building Regulations and as such would not need to be conditioned. The development is likely to take a while to progress to build out state so by that time it is reasonable to assume that these new standards will be in place and automatically applied. All habitable rooms would benefit from an opening, providing light, outlook and ventilation, together with sunlight and shade. The required water efficiency can be sought via condition. The development would demonstrate sustainable construction measures in compliance with Building Regulation Standards and in accordance with the above policies.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal has been assessed against the development plan as a whole, the NPPF and other material considerations. The main benefits and harms are summarised below.

Economic role

- 10.2. The development would bring an under-used previously developed site back into active use. Construction activity would support jobs in the short term and generate local expenditure in the supply chain. Once occupied, the 18 dwellings would support the vitality of local services and facilities in Blackthorn and the wider area.
- 10.3. The site is not allocated as a strategic employment location in the Local Plan. The evidence shows that there is no reasonable prospect of the former Envigo complex being brought back into viable employment use in its current form and that redevelopment for modern employment purposes would face significant viability and access constraints. In this context, the loss of the existing employment use carries limited negative weight.
- 10.4. The scheme would deliver 3 on-site affordable homes and around £319,295 of financial contributions towards community facilities, sport, education, public transport, public rights of way and waste infrastructure. This falls below the 35% affordable housing provision sought under Policy BSC3 and below the full level of contributions that might ordinarily be expected. However, the submitted viability appraisal, which has been independently scrutinised, demonstrates that a fully policy-compliant package would render the scheme unviable and that the proposed obligations represent the maximum reasonable level of planning gain while still enabling the redevelopment of this brownfield site. Moderate positive weight is given to the affordable housing and infrastructure package in the overall balance.

Social role

- 10.5. The proposal would provide 18 new homes in a sustainable village location, including a mix of dwelling sizes and 3 affordable units, contributing to the district's housing supply. The Council's current housing land supply position indicates that it is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the NPPF is engaged and the most important policies for determining the application are considered out of date. Significant positive weight is therefore attached to the contribution that the development would make to boosting the supply of housing on a suitable previously developed site within the built-up limits of Blackthorn.
- 10.6. The layout provides a central area of open space, accessible footpath links and good access to the surrounding public rights of way, supporting healthy lifestyles and social interaction. The scheme has been designed to achieve acceptable standards of residential amenity for existing neighbours and future occupiers, as set out in the amenity section of this report. Subject to conditions, the development would not result in unacceptable overlooking, loss of light or overbearing effects.

Environmental role

- 10.7. Environmentally, the scheme would remove a large, visually intrusive commercial complex and replace it with a residential layout of appropriate scale and grain, with a stronger street structure, central green space and enhanced boundary planting. This would improve the character and appearance of the village edge and views from adjacent public rights of way, in accordance with Policies ESD13 and ESD15.
- 10.8. The development would reuse previously developed land within the built-up limits, reducing pressure for greenfield releases. The site is in Flood Zone 1 and, subject to the recommended conditions, the proposed sustainable drainage strategy would manage surface water on site and avoid increasing flood risk elsewhere. Land contamination associated with the historic use can be remediated to make the site suitable for residential occupation. The scheme retains and reinforces key trees and hedgerows and, with the biodiversity measures and management secured by condition, is capable of delivering a measurable biodiversity net gain in line with Policy ESD10 and the Environment Act 2021.
- 10.9. The transport impacts of the development have been carefully considered. The Local Highway Authority raises no objection to the amended scheme, subject to conditions and planning obligations. Forecast traffic generation compares favourably with the lawful commercial use, and with the proposed access improvements and contributions towards public transport and public rights of way, the development would not result in an unacceptable impact on highway safety or a severe cumulative impact on the local network.
- 10.10. Any adverse effects are limited to the inevitable change in outlook and activity associated with redevelopment of the site and the residual shortfall in affordable housing and financial contributions when measured against a fully policy-compliant position. For the reasons set out above, these harms attract limited weight and are mitigated as far as is reasonably possible by the design of the scheme and the viability-tested package of planning obligations.

Overall conclusion

- 10.11. The proposal would redevelop a previously developed site within the built-up limits of a Category B village for a relatively modest number of dwellings. It would make an efficient use of land, contribute to addressing the district's housing needs at a time when the Council cannot demonstrate a five-year housing land supply, provide on-site

affordable housing and secure financial contributions towards local infrastructure. It would improve the character and appearance of the village edge and deliver environmental enhancements including biodiversity net gain, sustainable drainage and remediation of contaminated land.

- 10.12. Against these benefits must be weighed the loss of an existing employment site, the reduced level of affordable housing and financial contributions compared with the aims of Policy BSC3 and associated policies, and the localised impacts on the amenity of neighbouring residents arising from a change in the pattern of development and activity. Having regard to the evidence on employment potential, viability and design, these adverse impacts attract limited weight in the overall planning balance.
- 10.13. Taking all matters into account and having regard to the presumption in favour of sustainable development and the consequent application of the tilted balance at paragraph 11(d) of the NPPF, the benefits of the proposal are considered to significantly and demonstrably outweigh the identified harms. The development therefore constitutes sustainable development in NPPF terms and is acceptable in principle and detail, subject to the completion of a section 106 agreement to secure the identified planning obligations and to the conditions set out below.

11. RECOMMENDATION

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

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

1. Affordable Housing
Total: 3 units (all 2-bed 4-person houses):
2 × Social Rent
1 × Shared Ownership
2. Community Hall Contribution (CDC)
3. Outdoor Sport Contribution (CDC)
4. Indoor Sport Contribution (CDC)
5. Secondary Education (OCC) – UPDATED
6. Public Transport Service (OCC)
7. Public Transport Infrastructure (OCC)
8. Public Rights of Way (OCC)
9. Household Waste Recycling (OCC)
10. Monitoring Fees & Legal Costs
11. CDC and OCC monitoring fees plus OCC legal fees payable by Developer.
12. Indexation All contributions indexed as specified in consultee responses.
13. Triggers Contributions payable on occupation thresholds as set out by CDC/OCC.

CONDITIONS

1. Time Limit

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. Approved Plans

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 context / layout

- 24 - P0256 - CP100 (Site Context Plan)
- 24 - P0256 - 100j (Proposed Site Plan Drawing)
- 24 - P0256 - C100c (Colour Site Plan Drawing)

House type plans and elevations

- 24 - P0256 - 110 (Plots 1 & 2 – Plans & Elevations)
- 24 - P0256 - 111 (Plots 3 & 4 – Plans & Elevations)
- 24 - P0256 - 112 (Plot 5 – Plans & Elevations)
- 24 - P0256 - 113 (Plots 6 & 7 – Plans & Elevations)
- 24 - P0256 - 114 (Plot 8 – Plans & Elevations)
- 24 - P0256 - 115 (Plot 9 – Plans & Elevations)
- 24 - P0256 - 116 (Plots 10 & 11 – Plans & Elevations)
- 24 - P0256 - 117 (Plots 12, 13 & 14 – Plans & Elevations)
- 24 - P0256 - 118 (Plot 15 – Plans & Elevations)
- 24 - P0256 - 119a (Plot 16 – Plans & Elevations)
- 24 - P0256 - 120 (Plot 17 – Plans & Elevations)
- 24 - P0256 - 121 (Plot 18 – Plans & Elevations)
- 24 - P0256 - 123a (Proposed Railings)

Highways / access

- ITB19042-GA-001 H (Site Access Arrangement)

Landscape

- LAS 747 11A Landscape Proposals
- LAS 747 B Arboricultural Impact Assessment Jan 25

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. Materials

No development shall commence above slab level until a schedule of materials and finishes to be used in the external walls and roofs of the dwellings and garages 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 and shall be retained as such thereafter.

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

4. Boundary Enclosures

No development shall commence above slab level until full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the local planning authority and such means of enclosure shall be erected prior to the first occupation of any dwelling and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

5. Landscaping Scheme

The development shall be carried out in strict accordance with the approved landscaping scheme LAS 747 11A Landscape Proposals and LAS 747 B Arboricultural Impact Assessment Jan 25 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.

6. Tree Protection

No development shall commence until the existing trees on the periphery of the site have been protected in accordance with the contained within the LAS 747 B Arboricultural Impact Assessment Jan 25. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas protected by the barriers.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

7. External Lighting

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. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety, to protect the amenities of nearby residents, To ensure that the development does not cause harm to any protected species or their habitats, and to comply with Policies

ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

8. Construction Environmental Management Plan

No development (including any demolition or site clearance) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- details of construction traffic routes, access arrangements, parking and turning for site operatives and visitors;
- measures to control the emission of dust, dirt, noise and vibration during construction;
- measures to prevent mud and debris being deposited on the public highway;
- details of the location of site compounds and storage of materials;
- hours of construction and delivery; and
- measures to protect retained trees, hedgerows and habitats during construction.

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

Reason: In the interests of the amenities of neighbouring residents, highway safety and the protection of the environment during construction, in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

9. Land Contamination – Remediation

No development (other than demolition to ground level) shall take place until a detailed remediation strategy, informed by the submitted land contamination investigations, has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include details of all remedial works and long-term monitoring and maintenance measures. The approved remediation strategy shall be implemented in full prior to the first occupation of any dwelling on the site.

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.

10. Land Contamination – Verification and Unexpected Contamination

Following completion of the remediation works approved under condition 9, and prior to the first occupation of any dwelling, a verification report that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, contamination not previously identified is found to be present at the site, no further development shall be carried out until a remediation strategy for dealing with this contamination has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved remediation strategy.

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.

11. Surface Water, Drainage and SUDS

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- detailed design drawings and calculations for all SuDS components;
- details of attenuation storage and discharge rates;
- exceedance flow routing;
- evidence of agreement for any outfalls to third-party systems; and
- a timetable for implementation.

The approved drainage scheme shall be implemented in full prior to first occupation of the development and shall be retained and maintained thereafter in accordance with condition 12.

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. SUDS Maintenance and Management

No development shall take place until a SuDS Maintenance and Management Plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify the responsible organisation(s) for the SuDS components and set out arrangements for their adoption, maintenance and monitoring. The SuDS shall thereafter be managed and maintained in accordance with the approved plan.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. SUDS As-built Record

Prior to the first occupation of the development, an "as built" record of the SuDS, including plans and photographs, shall be submitted to and approved in writing by the Local Planning Authority for deposit on the Lead Local Flood Authority's asset register.

Reason: To assist in maintaining a record of drainage assets and to ensure the system has been implemented as approved, in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

14. Foul Drainage

No development shall commence until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and

approved in writing by the Local planning authority. The foul drainage works relating to that Phase must be completed prior to the first occupation of any Phase and shall be maintained as such thereafter.

Reason: To prevent environmental and amenity problems arising from flooding and to comply with government guidance contained within the National Planning Policy Framework.

15. Water Usage

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.

16. Archaeology – Written Scheme of Investigation

Prior to any demolition (other than to ground level) 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. Archaeology - Implementation

Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition other than to ground level on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

18. Habitat Management and Monitoring Plan (HMMP) for Biodiversity

No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat

Notice in writing shall be given to the local planning authority when the:

- HMMP has been implemented
- habitat creation and enhancement work as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.

Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

19. Landscape and Ecological Management Plan (LEMP)

Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

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.

20. Ecological Enhancement Features

Prior to the first occupation of the development, the scheme for the provision of ecological enhancement features within the site, including (but not limited to) integrated bat and bird boxes (such as swift or universal bird bricks), hedgehog connectivity measures and wildlife-friendly planting, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the occupation of the dwelling(s) they serve and shall thereafter be retained.

Reason: To enhance biodiversity and deliver ecological enhancements as part of the development, 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. Site Access and Visibility

No dwelling shall be occupied until the vehicular access from Station Road and associated visibility splays have been constructed, surfaced and laid out in accordance with details that have first been submitted to and approved in writing by the local planning authority. The visibility splays shall thereafter be kept free of obstruction above a height of 0.6 metres.

Reason: In the interests of highway safety and to ensure safe and suitable access to the site, in accordance with Policy SLE4 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

22. Estate Roads, Footways, Parking and Turning

No dwelling shall be occupied until the streets, footways, parking and turning areas serving that dwelling have been constructed, surfaced and drained in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter, the streets, footways, parking and turning areas shall be retained for the purposes specified.

Reason: To ensure a safe and suitable layout for all users, to ensure that adequate off-street parking and turning is provided and retained, and in the interests of highway safety, in accordance with Policy SLE4 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

23. Public Rights of Way

No development shall take place until a scheme for the protection and, where necessary, improvement of the public rights of way adjacent to the site, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any temporary diversions during construction and permanent surfacing and boundary treatments. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard and enhance the public rights of way network and to promote sustainable modes of travel, in accordance with Policies SLE4 and ESD17 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Rob Duckworth