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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 21 May 2020
Time: 2.00 pm
Venue: This meeting will be held by remote access – details will be available on this page ahead of the meeting.

Membership

Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor Phil Chapman
Councillor Conrad Copeland
Councillor Chris Heath
Councillor David Hughes
Councillor Cassi Perry
Councillor George Reynolds
Councillor Les Sibley

Councillor Maurice Billington (Vice-Chairman)

Councillor Hugo Brown
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Lynn Pratt
Councillor Barry Richards
Councillor Katherine Tyson

Substitutes

Councillor Barry Wood
Councillor John Broad
Councillor Surinder Dhesi
Councillor Tony Ilott
Councillor Ian Middleton
Councillor Douglas Webb
Councillor Sean Woodcock

Councillor Mike Bishop
Councillor Nick Cotter
Councillor Timothy Hallchurch MBE
Councillor Tony Mephram
Councillor Richard Mould
Councillor Bryn Williams

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chairman to report on any requests to address the meeting.

4. Minutes (Pages 1 - 26)

To confirm as a correct record the Minutes of the meeting of the Committee held on 12 March 2020.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

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

Planning Applications

7. **Rope Walk, 106 Church Street, Kidlington, OX5 2BB** (Pages 29 - 36)
20/00377/F

8. **OS Parcel 6086 Adjacent and North West of Railway Line, Ploughley Road, Arncott** (Pages 37 - 55)
20/00285/F

9. **Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1740)**
(Pages 56 - 103) **19/01740/HYBRID**

10. **Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1746)**
(Pages 104 - 139) **19/01746/OUT**

11. **Symmetry Park Phase 2, Morrell Way, Ambrosden** (Pages 140 - 167)
20/00530/F

12. **Land South and Adj to Cascade Road, Hook Norton** (Pages 168 - 202)
20/00286/F

13. **Land Adj to Bullmarsh Close off Middleton Park, Middleton Stoney (0624)**
(Pages 203 - 207) **20/00624/DISC**

14. **Land Adj to Bullmarsh Close Off Middleton Park, Middleton Stoney (0979)**
(Pages 208 - 212) **20/00979/DISC**

Review and Monitoring Reports

15. **Appeals Progress Report** (Pages 213 - 224)

Report of Assistant Director Planning and Development

Purpose of report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled, or appeal results achieved.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

16. Exclusion of Public and Press

The following report contains exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

6a - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

6b - to make an order or direction under any enactment.

7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Members are reminded that whilst the following item(s) have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation: "That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph(s) 6a, 6b and 7 of Schedule 12A of that Act."

17. Revocation of Lawful Development Certificate (Pages 225 - 262)

Exempt report of Assistant Director Planning and Development.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to

democracy@cherwellandsouthnorthants.gov.uk or 01295 221591 prior to the start of the meeting.

Declarations of Interest

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

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

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

Mobile Phones

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

Queries Regarding this Agenda

Please contact Lesley Farrell, Democratic and Elections
democracy@cherwellandsouthnorthants.gov.uk, 01295 221591

Yvonne Rees
Chief Executive

Published on Wednesday 13 May 2020

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 12 March 2020 at 4.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards

Substitute Members: Councillor John Broad (In place of Councillor Les Sibley)
Councillor Douglas Webb (In place of Councillor Phil Chapman)
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence: Councillor Maurice Billington
Councillor Phil Chapman
Councillor Conrad Copeland
Councillor Les Sibley
Councillor Katherine Tyson

Officers: David Peckford, Assistant Director: Planning and Development
Sarah Stevens, Interim Senior Manager – Development Management
Bob Neville, Senior Planning Officer
Samantha Taylor, Principal Planning Officer
Jennifer Crouch, Solicitor
Lesley Farrell, Democratic and Elections Officer

151 **Declarations of Interest**

8. Land to the east of M40 and south of A4095 Chesterton, Bicester, Oxon.

Councillor James Macnamara, Non Statutory Interest, as a member of Lower Heyford Parish Council, Mid Cherwell Neighbourhood plan forum and CPRE which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

9. Land Adjacent to the M40 South of Overthorpe Road, Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

10. Land at Deerfields Farm, Canal Lane, Bodicote.

Councillor Colin Clarke, Disclosable Pecuniary Interest, as he was related to the applicant and would leave the chamber for the duration of the item.

11. Car Park, Compton Road, Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

12. Land North of Park and Ride Adj to Vendee Drive, Bicester.

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor George Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

15. Unit 2-4 Wildmere Park, Wildmere Road, Banbury, OX16 3JU.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

152 **Requests to Address the Meeting**

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

153 **Minutes**

The Minutes of the meeting held on 13 February 2020 were agreed as a correct record and signed by the Chairman.

154 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

155 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

157 **Land to the east of M40 and south of A4095 Chesterton, Bicester, Oxon**

The Committee considered application 19/02550/F for the redevelopment of part of golf course to provide a new leisure resort (sui generis) incorporating a waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping at land to the east of the M40 and south of the A4095, Chesterton, Bicester, Oxon for Great Lakes UK Limited.

Philip Clarke, Chairman, Chesterton Parish Council addressed the Committee in objection to the application.

Chris Goddard of DP9 Planning and Phil Bell of Motion Transport Consultants addressed the Committee in support of the application.

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

Resolved

- (1) That application be refused for the following reasons:
1. The proposed development by reason of its location would result in the loss of an 18-hole golf course when the Local Planning Authority's evidence indicates the course is not surplus to requirements and there is a need for more provision for golf courses in the Bicester sub-area over the plan period. The evidence and proposals for alternative sports and recreation provision included with the application is not considered sufficient to make the loss of the golf course acceptable. The development is contrary to Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to protect existing sport and recreation provision and enhance the existing provision. It is also contrary to Government guidance contained within the National Planning Policy Framework.
 2. The proposed development would result in the creation of a substantial leisure and hospitality destination in a geographically unsustainable location on a site largely devoid of built structures and beyond the built limits of the nearest settlement. It has no access via public transport and would not reduce the need to travel or offer a genuine choice of alternative travel modes over the private motor vehicle. Given the predominant guest dynamic (families with children) the majority of trips are likely to be made via private motor vehicle, utilising minor rural roads. Furthermore, the proposal is for retail and leisure development in an out-of-centre location and no impact assessment has been provided as required by Policy SLE2. The Council do not consider that exceptional circumstances have been demonstrated to justify the development in this location, and as such the proposal is contrary to Policies SLE1, SLE2, SLE3, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies T5, TR7 and C8 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
 3. The proposed development fails to demonstrate that traffic impacts of the development are, or can be made acceptable, particularly in relation to additional congestion at the Middleton Stoney signalised junction of the B4030 and B430. As such the proposal is contrary to Policy SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy TR7 of the Cherwell Local Plan 2011-2031 Part 1, Policy 17 of the Oxfordshire Local Transport Plan 4 and Government guidance contained within the National Planning Policy Framework.
 4. The development proposed, by virtue of its considerable size, scale and massing and its location in the open countryside beyond the built limits of the village of Chesterton, along with its institutional

appearance, incongruous design, and associated levels of activity including regular comings and goings, will cause significant urbanisation and unacceptable harm to the character and appearance of the area, including the rural setting of the village and the amenities enjoyed by users of the public right of way, and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The submitted drainage information is inadequate due to contradictions in the calculations and methodology, lack of robust justification for the use of tanking and buried attenuation in place of preferred SuDS and surface management, and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage. The proposal is therefore contrary to Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
6. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure (including highway infrastructure) directly required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE4, INF1, and PSD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

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Land Adjacent to the M40 South of Overthorpe Road, Banbury

The Committee considered application 19/00771/F for full planning permission for 27,685 sq.m / 298,000 sq.ft. of logistics floorspace within class B2 or B8 of the town and country planning use classes order 1987, with ancillary class b1(a) offices (units 9 and 10), and ancillary retail and trade showroom (unit 10 only), not to exceed 300 sq.m (excluding convenience goods) together with the extension of Chalker Way, access from Chalker Way, associated site infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage system at Land Adjacent to the M40 South of Overthorpe Road, Banbury for Db9 Symmetry Limited.

Peter Frampton and Nicola Mcguirk Agents to the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/00771/F subject to:
- i. The Environment Agency objections being withdrawn.
 - ii. 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) being completed:
 - a) Safeguarding of the land for the South East Relief Road and the Western Link Road.
 - b) Contributions towards the bus service enhancement and travel plan monitoring.
 - iii. the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

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

Submission to/Monitoring/Enforcement: CDC and SNC Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

DRAWINGS:

Site Location Plan dwg. no. 6422-100 Rev F dated 26 April 2019;
Site Layout Plan dwg. no. 6422-101 Rev. J dated 19 September 2019;
Site Plan Illustrating Constraints dwg. no. 6422-102 Rev. H dated 19 September 2019;
Site Layout Plan External Finishes & Fencing dwg. no. 6422-103 Rev. G dated 19 September 2019;
Unit 10 Proposed Building Plan dwg. no. 6422-104 Rev. C dated 23 April 2019;
Unit 10 Proposed Ground, First & Second Floor dwg. no. 6422-105 Rev. B dated 23 April 2019;
Unit 10 Proposed Elevations dwg. no. 6422-106 Rev. D dated 23 April 2019;
Unit 10 Proposed Roof Plan dwg. no. 6422-107 Rev. B dated 26 March 2019;
Unit 9 Proposed Building Plan dwg. no. 6422-111 dated 05 April 2019;

Unit 9 Proposed Ground, First & Second Floor dwg. no. 6422-112 dated 08 April 2019;
Unit 9 Proposed Elevations dwg. no. 6422-113 dated 08 April 2019;
Unit 9 Proposed Roof Plan dwg. no. 6422-114 dated 08 April 2019;
Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019;
Planting Plan overview dwg. no. 6849/ASP.PPDBS9.1.0 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.1 Rev G dated 23 September 2019;
Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.2 Rev G dated 23 September 2019;
Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.3 Rev G dated 23 September 2019;
Drainage Layout Sheet 1 Ref. C08749-HYD-XX-XX-DR-C-0001 Rev. P7 dated 16 September 2019;
Drainage Layout Sheet 2 Ref. C08749-HYD-XX-XX-DR-C-0002 Rev. P6 dated 16 September 2019;
Drainage Layout Sheet 3 Ref. C08749-HYD-XX-XX-DR-C-0003 Rev. P6 dated 16 September 2019;
Drainage Layout Sheet 4 Ref. C08749-HYD-XX-XX-DR-C-0004 Rev. P7 dated 16 September 2019; Standard Details Sheet 1 Ref: C08749-HYD-XX-XX-DR-C-0010 Rev. P2 dated 22 February 2019;
Standard Details Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0011 Rev. P2 dated 22 February 2019;
Standard Details Sheet 3 Ref: CM4-HYD-XX-XX-DR-C-0012 Rev. P1 dated 19 February 2019; Catchment Plan Ref. C08749-HYD-XX-XX-DR-C-0005 Rev. P7 dated 16 September 2019;
External Levels Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0101 Rev. P7 dated 16 September 2019;
External Levels Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0102 Rev. P8 dated 16 September 2019;
Cycle Shelter dwg no. 6422-035 dated 15 August 2019; REPORTS:
Ecological Appraisal dated April 2019, ref. edp1419_r015d; Reptile Mitigation Strategy dated April 2019, ref. edp1419_r018b;
Biodiversity Impact Assessment ref. edp1419_r014d received 16 May 2019;
Floodplain Technical Note dated June 2019;
Flood Risk Assessment dated 15 April 2019;
Hydraulic Modelling Report by Hydrock Ref: COB-HYD-XX-XX-RP-D-5002 dated 24 September 2019;
Technical Note - Drainage Statement by Hydrock Ref: C08749-HYD-XX-XX-RP-C001 Rev P5 dated 16 September 2019;
Technical Design Note by Hydrock in response to Environment Agency comments Ref: 8749-HYD-XX-XX-FR-TN-007 Rev P1-S2 dated 18 February 2020; Transport Assessment dated 29th April 2019;
Framework Travel Plan dated 29th April 2019; Phase 1 Desk Study dated 29th April 2019;
Landscape and Visual Impact Assessment dated April 2019 ref. 6489.LVIA.004;
Landscape Management Plan dated April 2019, ref. 6489.Land.Man.002;
Arboricultural Impact Assessment Ref. 10057_AIA.001 Rev. C dated 23 September 2019;

Heritage Assessment dated April 2019, ref. AC947A; External Lighting report Rev. P06 dated 26 April 2019; Odour Assessment dated April 2019; Noise Assessment dated April 2019; Project Specification for an Archaeological Evaluation and Geophysical Survey both dated 13th February 2018; Archaeological Evaluation Report by Thames Valley Archaeological Services dated September 2019;

Reason: To clarify the permission and for the avoidance of doubt.
Submission to/Monitoring/Enforcement: CDC and SNC Ecology

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal dated April 2019, ref. edp1419_r015d; the Reptile Mitigation Strategy dated April 2019, ref. edp1419_r018b and the Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.
Submission to/Monitoring/Enforcement:

CDC and SNC CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

4. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routeing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;
 - j) The ecological mitigation measures to be implemented in accordance with condition 3 of this permission;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Policy ESD10 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Submission to/Monitoring/Enforcement: CDC and SNC

5. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: CDC and SNC

6. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP: Biodiversity shall include as a minimum:

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority and all protective fencing and warning notices shall be erected on the site in accordance with the approved CEMP. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Submission to/Monitoring/Enforcement: CDC and SNC

7. No development shall take place until the existing tree(s) to be retained in accordance with Drwg No. 6489.ASP.PPDBS9.1.0_Rev G dated 23 September have been protected in accordance with an Arboricultural Method Statement to be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. 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 all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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 Policies ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.
Submission to/Monitoring/Enforcement: CDC and SNC Archaeology

8. No development shall take place within the area of archaeological interest (as outlined in orange on the County Archaeologist's plan provided with the consultation response dated 15th October 2019) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
- (i) Approval of a Written Scheme of Investigation;
 - (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with NPPF Paragraph 199.

9. No development shall take place above slab level until a detailed scheme for the ownership and maintenance for every element of the

surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: SNC

10. Prior to the commencement of the development details of the surface water attenuation shall be submitted to and agreed in writing by the Local Planning Authority. The surface water attenuation shall be implemented in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority prior to its implementation.

Reason: To protect the adjacent railway from the risk of flooding, pollution and soil instability.

Submission to/Monitoring/Enforcement: CDC and SNC Levels details

11. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority. All changes to ground levels, earthworks and excavations close to the railway boundary shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of those works.

Reason: To protect the adjacent railway.

Submission to/Monitoring/Enforcement: CDC and SNC

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be

maintained in accordance with the approved Landscape Management Plan Ref: 6489.Land.Man.002 dated April 2019. 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, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies ESD13 and ESD15 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.
Submission to/Monitoring/Enforcement: CDC and SNC Highways

13. Details of the proposed construction, materials and surfacing of the access road and its junction with the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the approved details before first occupation of the building(s) and thereafter permanently maintained as such.

Reason: In the interests of highway safety, to comply with Policy SLE4 of the Cherwell Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.
Submission to/Monitoring/Enforcement: CDC and SNC Lighting

14. Details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to comply with Policy ESD15 of the Cherwell Local Plan and Government advice in The National Planning Policy Framework.
Submission to/Monitoring/Enforcement: CDC and SNC

15. No external lighting shall be installed within the ecological mitigation area as identified on plan no. 6422-115 dated 02/05/2019.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
Submission to/Monitoring/Enforcement: CDC and SNC Ecology

16. If the development hereby approved does not commence by April 2021. A revised ecological appraisal shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact of protected species. The survey results, together with any necessary changes to the mitigation plan or

method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with ESD10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Submission to/Monitoring/Enforcement: CDC and SNC Fire Hydrants

17. Full details of the fire hydrants and/or sprinklers to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants and sprinklers shall be provided in accordance with the approved details and retained as such thereafter.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: CDC and SNC

18. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Technical Note Drainage Statement ref C08749-HYD-XX-XXRP-C-001 issue P5 dated 16 September 2019 prepared by Hydrock have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
- ii) Details of the drainage system are to be accompanied by full WinDES modelling or similar with the details on proposed discharge rates, simulating storms through the whole drainage system, with results of critical storms, demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 100 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should also include an allowance for climate change.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD7 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: SNC

19. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until August inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: CDC and SNC

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

20. Prior to the first occupation of the development, the walls and roofs of the buildings hereby approved shall be finished and thereafter maintained in accordance with the colour scheme approved as set out in drawings ref: Unit 9 Proposed Elevations dwg. no. 6422-113 dated 08 April 2019 and Unit 9 Proposed Roof Plan dwg. no. 6422-114 dated 08 April 2019 unless otherwise agreed in writing by the LPA.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan.

Submission to/Monitoring/Enforcement: CDC and SNC

21. The proposed access and parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use of the development hereby permitted. The access, parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate offstreet car parking and turning/loading/unloading to comply with SLE4 of the Cherwell Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: CDC and SNC

22. Prior to the first use or occupation of the development hereby permitted, details of a turning area which shall need to be identified and provided within land owned by the development so that buses may turn around, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of buses at all times thereafter.

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

Submission to/Monitoring/Enforcement: CDC and SNC

23. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority based on the approved Technical Note Drainage Statement ref C08749- HYD-XX-XX-RP-C-001 issue P5 dated 16th September 2019 prepared by Hydrock
The report shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

Submission to/Monitoring/Enforcement: SNC

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

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

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

25. The existing trees and hedge along the northern boundary of the site shall be retained in accordance with the approved landscaping plans (Planting Plan overview dwg. no. 6849/ASP.PPDBS9.1.0 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.1 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.3 Rev G dated 23 September 2019; and the approved Landscape Management Plan Ref: 6489.Land.Man.002 dated April 2019 unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policies ESD13 and ESD15 of the Cherwell Local Plan.

Submission to/Monitoring/Enforcement: CDC and SNC

26. All species used in the planting proposals associated with the ecological mitigation area as identified in the Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019 shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: CDC and SNC

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

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

Submission to/Monitoring/Enforcement: CDC and SNC BREEAM

28. The development hereby permitted shall be constructed to at least a BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: CDC and SNC

29. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Submission to/Monitoring/Enforcement: CDC and SNC

30. Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be extended without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan.

Submission to/Monitoring/Enforcement: CDC and SNC

31. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan.

Submission to/Monitoring/Enforcement: CDC and SNC

32. The buildings hereby approved shall be used only for purposes falling within Classes B2 and B8 with ancillary office space and a retail use within Unit 10 of no more than 400sqm as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: To ensure that there is adequate on-site parking provision in the interests of highway safety and to protect the vitality and viability of the town centre in accordance with Policies PSD1 of the Cherwell Local Plan.

Submission to/Monitoring/Enforcement: CDC and SNC

33. The development hereby approved shall not be allowed to increase working shifts beyond the agreed 3 shifts per day unless notification has been submitted to the Local Planning Authority.

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

Submission to/Monitoring/Enforcement: CDC

159

Land at Deerfields Farm, Canal Lane, Bodicote

The Committee considered application 19/02350/OUT an outline application for planning permission for up to 26 dwellings including access at Land at Deerfields Farm, Canal Lane, Bodicote for Mr Nigel Morris.

Wendy Jackson, local resident, addressed the Committee in objection to the application.

Tom Birks, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That authority be delegated to Assistant Director Planning and Development to grant permission for application 19/02350/OUT subject to:
- i. 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) being completed:
 - a) Provision of 30% affordable housing on site
 - b) Payment of a financial contribution towards public transport of £1000 per dwelling (index linked)
 - c) Payment of a financial contribution towards educational infrastructure serving £14,276 per dwelling (index linked).
 - ii. the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

1. Time limits (including submission of Reserved Matters)
2. Compliance with plans
3. Construction Environment Management Plan
4. Land Contamination and Remediation
5. Lighting Scheme
6. Provision of EV Charging Points
7. Full details of the site access(es)
8. Pedestrian and Cycle Access to Canal Lane
9. Access, driveways and turning areas (Individual Properties)
10. Details of Turning for Service Vehicles
11. Cycle Parking
12. Construction Traffic Management Plan
13. Travel Plan/Information Packs
14. Thames water and upgrade of existing foul water network
15. Surface water drainage strategy and details to be provided as part of reserved matters submission
16. Provision of refuse and recycling bins
17. Contamination
18. SUDS maintenance plan
19. Biodiversity enhancement details to be included in reserved matters submission
20. Finished floor levels and ground levels to be included as part of reserved matters submissions
21. Energy Statement and sustainable construction in accordance with Policy ESD3

160 **Car Park, Compton Road, Banbury**

The Chairman advised the Committee that application 19/02358/M106 had been withdrawn by the applicant.

161 **Land North of Park and Ride Adj to Vendee Drive, Bicester**

The Committee considered application 19/02973/DISC for the discharge of Conditions 7 (proposed means of access), 9 (details of dog & litter bins, and interpretation boards), 10 (details of pedestrian bridges) - change of use from agricultural(arable) to informal recreation with public access – to the previously approved application 19/01351/CDC at Land North of Park and Ride, Adjacent to Vendee Drive, Bicester for Cherwell District Council.

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

Resolved

- (1) That the discharge of the following conditions of application 19/02973/DISC be approved:

Condition 7

The proposed maintenance and access gates as shown on drawing numbers ES/LS/001 Rev C; ES/LS/002; 03/570 Rev A and gate detail H17 accompanying this application and as clarified by the detail and information in the applicant's Addendum received 10th February 2020.

Condition 9

The details and locations of the litter bins, dog bins and interpretation boards as shown on drawing numbers ES/LS/001 Rev C and as clarified and explained in the applicant's written statement accompanying the application.

Condition 10

The details and locations of the pedestrian bridges as shown on drawing numbers ES/LS/001 Rev C and as clarified and explained in the applicant's written statement accompanying the application.

162 **Land to the South and Adj to South Side Steeple Aston**

The Committee considered application 19/02948/F for the erection of 10 no. two storey residential dwellings with access off South Side including a new pedestrian footway, parking and garaging, landscaping and all enabling and ancillary works at Land to the South and Adjacent to South Side Steeple Aston for Rectory Homes Limited.

Martin Lipson representing Steeple Aston Parish Council and Steve Kerry the applicant addressed the Committee in support of the application.

It was proposed by Councillor Mike Kerford-Byrnes and seconded by Councillor Hugo Brown, that application 19/02948/F be approved contrary to officer recommendation, subject to suitable conditions and a section 106 agreement, as 2 affordable homes had been offered to be included on this site. Should a greater number of homes be included on this site, it may exclude other sites which come forward, given the upper limit of 20 homes for this Parish, in the Mid Cherwell Neighbourhood Plan.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02948/F subject to:
 - a) Suitable conditions (the exact wording of those conditions to be delegated to the Assistant Director for Planning and Development in consultation with the Chairman).
 - b) A suitable Section 106 agreement to include the provision of two affordable homes (the exact wording to be delegated to the Assistant Director for Planning and Development in consultation with the Chairman).

163

OS Parcel 4278 North West of Lessor Grange, Milcombe

The Committee considered application 19/02992/F for the erection of a cattle shed, manure store and associated hardstanding. Application 19/02992/F was an amendment to the approved cattle shed application 18/01724/F at OS Parcel 4278, North West of Lessor Grange, Milcombe for Mr Bertrand Facon.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02992/F subject to the following conditions:
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

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

December and drawings numbered KCC2395/02A, KCC2395/06A and KCC2395/10 01/20cb.

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

3. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning and manoeuvring area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the turning and manoeuvring area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

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

4. Other than the approved access shown on approved plan KCC2395/02A no other means of access whatsoever shall be formed or used between the land and the adopted highway.

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

5. The vision splays at the access onto the adopted highway shall not be obstructed by any object, structure, planting or other material of a height exceeding 1m measured from the carriageway level.

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

6. Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including construction and drainage.

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

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

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

8. Prior to the first use of the development hereby approved, a method statement for enhancing biodiversity on site through the inclusion of integrated features for bats or birds, a planting and management scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved above slab level, a Lighting Strategy including a plan of estimated lux spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details, unless otherwise agreed in writing by the Local planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of

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

10. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990.

Reason: To ensure that the development is used for agricultural purposes only, in accordance with Government guidance contained within the National Planning Policy Framework.

164

Unit 2-4 Wildmere Park, Wildmere Road, Banbury, OX16 3JU

The Committee considered application 19/01774/F for alterations and extensions to Units 2-4, Wildmere Park, Wildmere Road, Banbury, OX16 3JU to create additional industrial office space for Mr David Apperly.

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

Resolved

- (1) That authority be delegated to the Assistant Director, Planning and Development to grant permission for application 19/01774/F subject to the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS:

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Flood Risk Assessment & Drainage Strategy Issue 2 prepared by Flow Drainage Design, ref. 1951 and dated 27 January 2020, Design Air Quality Assessment prepared by DustScanAQ dated January 2020, Renewable Energy Feasibility Study prepared by Fenton Energy dated 12th December 2019, Transport Statement Rev. A dated 3rd December 2019, Ecological Appraisal prepared by Tyler Grange dated 23rd September 2018 and drawings numbered: 218772-23A, 218772-24A, 218772-26A, 218772-27 and 0726.1.2.

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.

Ecology and Biodiversity

3. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity at the shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved biodiversity enhancement measures prior to the first use of the development and shall be retained as such thereafter.

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.

4. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 4: Potential Impacts, Mitigation and Enhancements of the Ecological Appraisal carried out by Tyler Grange on 23rd September 2018.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping, as detailed on approved drawing number 0726.1.2, shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

Parking and Manoeuvring

6. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the approved plan 218772-23 Rev. A. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition

and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

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

Sustainability measures

7. Prior to the first use/occupation of the development hereby approved, the electrical vehicle charging points to serve the development shall be installed and brought into use prior to the first use of the development and shall be retained as such thereafter.

Reason: To maximise opportunities for sustainable transport in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use/occupation of the development hereby approved, the buildings shall be provided with solar PV panels in accordance with a scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. There after the Solar PV panels shall be installed in accordance with the approved scheme and brought into use prior to the first use/occupation of the approved development.

Reason: To support the delivery of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Flood-risk and drainage

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment, prepared by Flow Drainage Design, reference 1951, Issue 2, dated 27 January 2020, and the following mitigation measures it details:

- Flood resilience measures shall be incorporated into the structure to a minimum level of 94.00m AOD. These mitigation measures shall be fully implemented prior to the first use/occupation of the development hereby approved, and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To protect the development and its occupants from the increased risk of flooding and in order to comply Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

Contamination

10. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved

in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that 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.

165 **Appeals Progress Report**

The Assistant Director for Planning Policy and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled, or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.10 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

21 May 2020

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

| | Site | Application No. | Ward | Recommendation | Contact Officer |
|----|---|------------------------|------------------------------|-----------------------|------------------------|
| 7 | Rope Walk, 106 Church Street, Kidlington, OX5 2BB | 20/00377/F | Kidlington West | Approval | Lewis Knox |
| 8 | OS Parcel 6086 Adjacent and North West of Railway Line, Ploughley Road, Arncott | 20/00285/F | Launton and Otmoor | Approval | Shona King |
| 9 | Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1740) | 19/01740/HYBRID | Fringford and Heyfords | Approval | Bernadette Owens |
| 10 | Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1746) | 19/01746/OUT | Fringford and Heyfords | Approval | Bernadette Owens |
| 11 | Symmetry Park Phase 2, Morrell Way, Ambrosden | 20/00530/F | Bicester South and Ambrosden | Approval | Bernadette Owens |
| 12 | Land South and Adj to Cascade Road, Hook Norton | 20/00286/F | Deddington | Approval | James Kirkham |
| 13 | Land Adj to Bullmarsh Close off Middleton Park, Middleton Stoney (0624) | 20/00624/DISC | Fringford and Heyfords | Approval | James Kirkham |
| 14 | Land Adj to Bullmarsh Close Off Middleton Park, Middleton Stoney (0979) | 20/00979/DISC | Fringford and Heyfords | Approval | James Kirkham |

20/00377/F

Rope Walk
106 Church Street
Kidlington
OX5 2BB

Path (Urn)

Car Park Car Park

St Mary's Church

63.0m

104

106

1 to 6

The
Almshouses

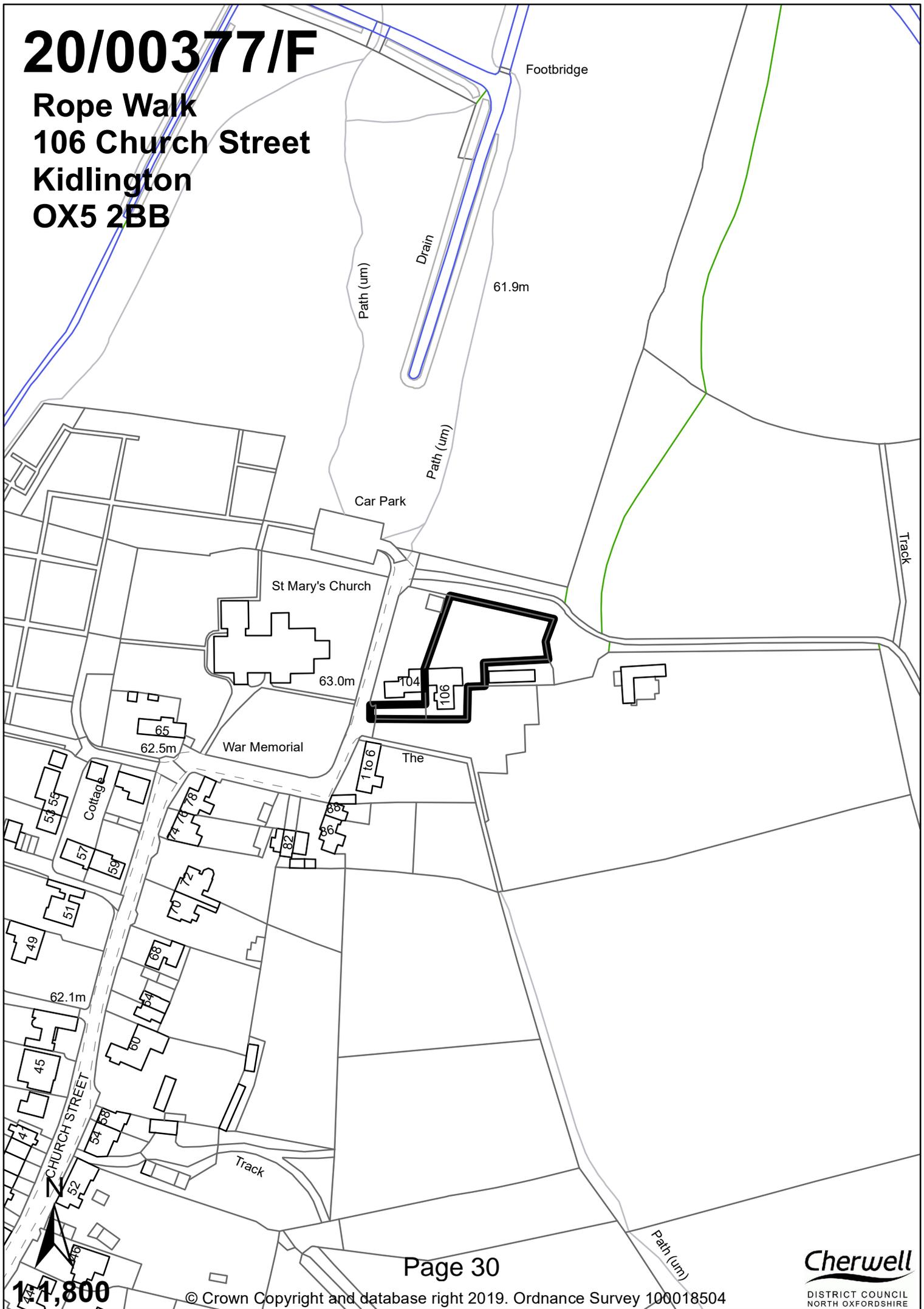
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20/00377/F

Rope Walk
106 Church Street
Kidlington
OX5 2BB



Case Officer: Lewis Knox

Applicant: Mrs Carmen Griffiths

Proposal: Conversion of garage to habitable accommodation

Ward: Kidlington West

Councillors: Cllr Conrad Copeland and Cllr Katherine Tyson

Reason for Referral: Application submitted by a CDC Councillor

Expiry Date: 21 April 2020

Committee Date: 21 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for the conversion of an existing garage at the application site to form habitable accommodation. The development would include the filling in of the existing garage door with natural stone to match the existing dwelling and insertion of a new window to match the other windows on the dwelling.

Consultations

No consultees have raised **objections** to the application:

The following consultees have raised **no objections** to the application:

- OCC Highways

No consultees returned comments specifically **in support** of the application:

No letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The application site is set within the designated Kidlington – Church Street Conservation Area and is within close proximity of a number of listed buildings.

Part of the site is within a flood zone 2 however the area subject to the application is outside of Flood Zone 2

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Design, and impact on the character of the area and Conservation Area
- Residential Amenity
- Highway Safety

The report examines the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

1. Time Limit
2. Complete compliance with approved plans
3. Match Stonework

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of a two storey link-detached dwelling located in a residential area of Kidlington to the north east of the town centre. The dwelling is constructed from natural stone elevations, uPVC windows and doors under a plain tile roof. The application dwelling is attached to the neighbouring 104 Church Street by the western elevation of the attached garage. This is the only dwelling which the site shares a boundary with.
- 1.2. The site is accessed from the eastern side of Church Street, the site shares a driveway with the neighbour and the driveway is gravelled and is bound at the entrance by natural stone walls. There are other Grade II Listed Buildings to the south of the site and the Grade II* St Mary's Church to the west.
- 1.3. There is a garden to the rear with mature vegetation and trees to the boundaries. There are no significant ground level changes across the site.

2. CONSTRAINTS

- 2.1. The application site is within the designated Kidlington – Church Street Conservation Area and is in relatively close proximity to a number of Grade II listed buildings and the Grade II* St Mary's Church.
- 2.2. There is a Public Right of Way (Route Code: 265/7/10 Route Number: 7) running to the south of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the conversion of an existing garage at the application site to form habitable accommodation. The development would include the filling in of the existing garage door with natural stone to match the existing dwelling and insertion of a new window to match the other windows on the dwelling.

4. RELEVANT PLANNING HISTORY

- 4.1. The dwellings were allowed at appeal (Ref: CHS.578/84). The conditions attached to the appeal decision removed permitted development rights for extensions or external alterations.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **19 March 2020**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. No comments have been raised by third parties

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIDLINGTON PARISH COUNCIL: **No comments received**

CONSULTEES

- 7.3. OCC HIGHWAYS: **no objections**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- C30 – Design of new residential development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Kidlington – Church Street Conservation Area Appraisal (May 2009)

9. APPRAISAL

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

- Design, and impact on the character of the area and Conservation Area
- Residential amenity
- Highway Safety

Design, and impact on the character of the area and Conservation Area

Legislative and policy context

9.2. Paragraph 124 of the NPPF states that: ‘*Good design is a key aspect of sustainable development*’ and that it ‘*creates better places in which to live and work*’. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*

9.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.*

Assessment

9.4. The filling in of the garage entrance would be achieved by using natural stone and a uPVC window which would complement the existing dwelling. would therefore have minimal impact on the character of the area as it would retain the existing character of the streetscene and wider Conservation area. The closest listed building is Mortons Alms House to the south of the site, whilst the proposed development would face southwards towards the listed building the views would be obscured by mature vegetation separating the properties and given the materials to match there would not be any impact on the setting of this listed building.

9.5. The overall footprint of the application dwelling would remain the same as no external extensions are proposal, the dwelling would therefore not appear any more dominant within the streetscene or Conservation Area. Therefore, given the minor nature of the proposed works and their relationship with the immediate built environment, it is considered that the development would have no impact on the settings of the nearby listed buildings.

- 9.6. The proposal is therefore considered not to adversely impact on the visual amenity of the area and would result in no harm to the Kidlington Church Street Conservation Area or the settings of any of the surrounding listed buildings and therefore accords with the test set out in Chapter 16 of the NPPF, Policy ESD15 of the CLP 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

Residential Amenity

Policy context

- 9.7. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have a *high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*.
- 9.8. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed alterations to houses, including guidance on assessing the impact on neighbours.

Assessment

- 9.9. The newly formed habitable space and associated window would face across the parking and manoeuvring area in the locality and would not face any near neighbour. It is therefore considered that the development would not have any detrimental impact on the levels of privacy within the locality and would be acceptable in this respect.
- 9.10. It is therefore considered that the development would not impact on the residential amenity of neighbouring residents and would therefore accord with Policy ESD15 of the CLP 2031 Part 1 and would be acceptable in this respect.

Highway Safety

Policy Context

- 9.11. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.

Assessment

- 9.12. The application dwelling and its attached neighbour share a relatively large driveway on which there is ample space for multiple vehicles to be parked off-street.
- 9.13. As at least two parking spaces would remain, and this is considered sufficient for a dwelling of this size and in this location. Oxfordshire County Council highways also raised no objections to the proposal. The proposal is therefore considered not to cause demonstrable harm in terms of highway safety.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be appropriate

development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing Number 983:01, 983:02 and the application form submitted with the application.

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.

Natural Stone to Match Existing

3. The natural stone to be used to fill in the garage entrance shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building.

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

CASE OFFICER: Lewis Knox

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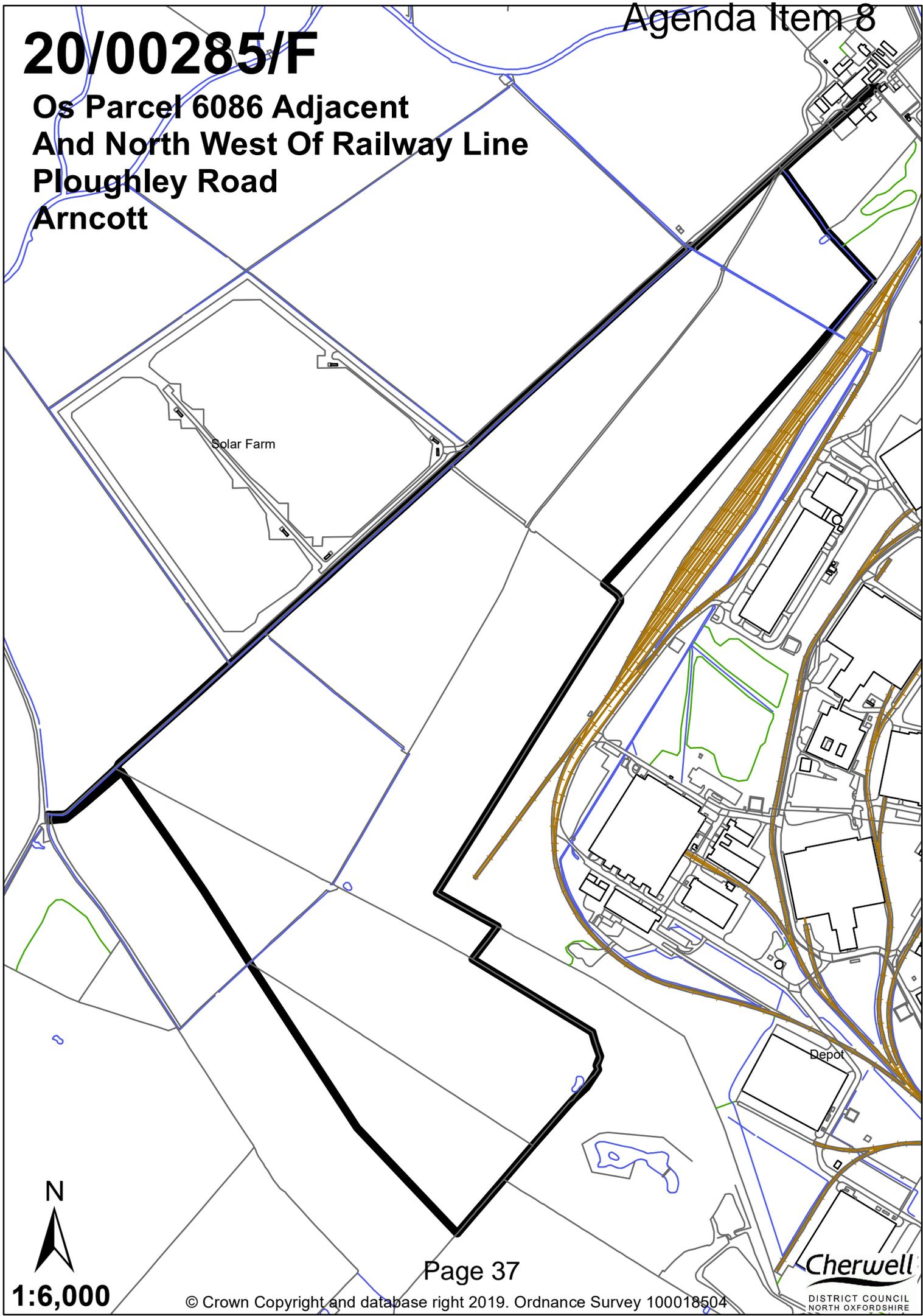
Os Parcel 6086 Adjacent
And North West Of Railway Line
Ploughley Road
Arncott

Solar Farm

Depot

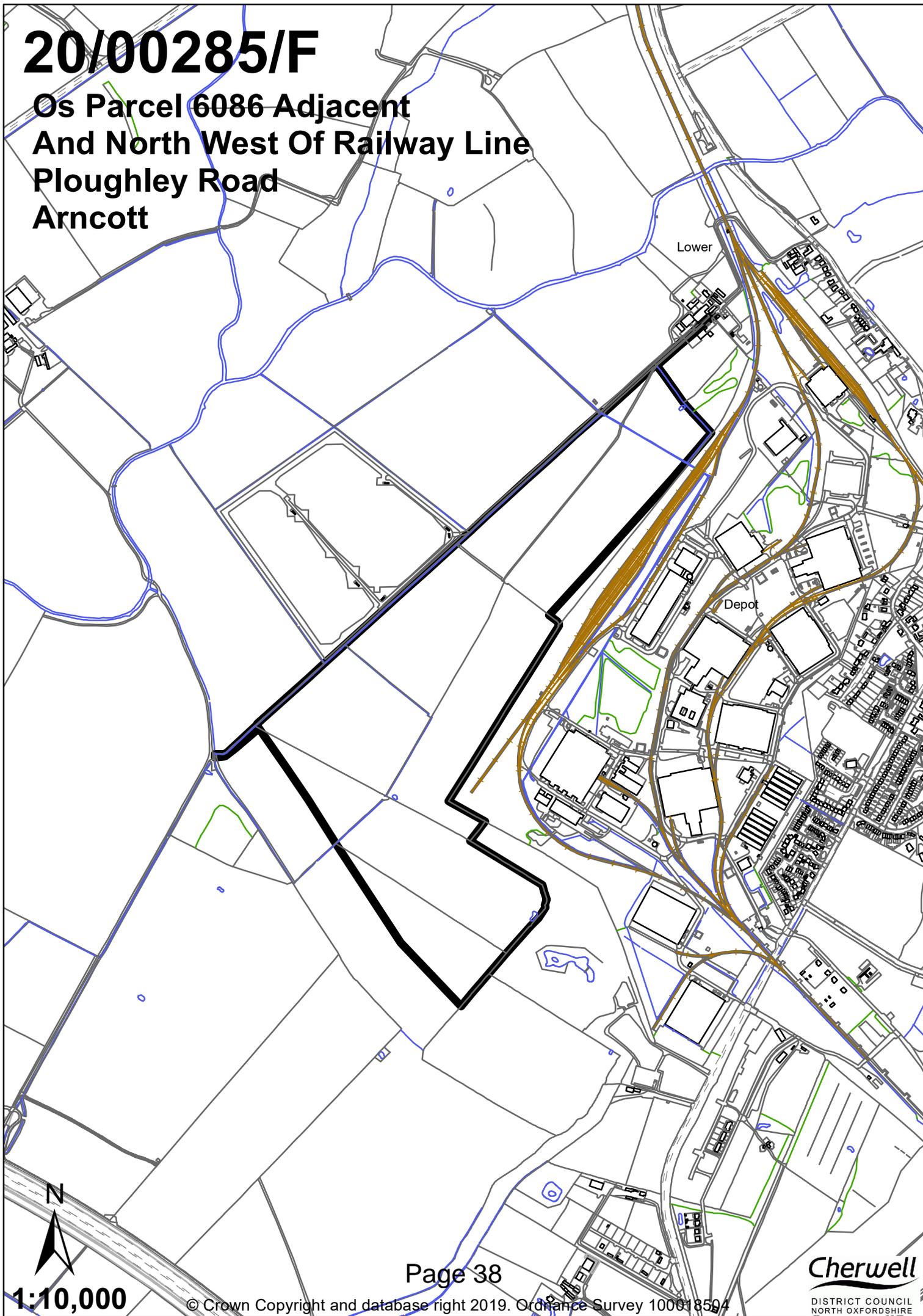


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20/00285/F

Os Parcel 6086 Adjacent And North West Of Railway Line Ploughley Road Arncott



Case Officer: Shona King

Applicant: Birkett Solar Farm Limited

Proposal: Construction and operation of a solar photovoltaic ('PV') farm, with battery storage and other associated infrastructure including inverters, security cameras, fencing, access tracks and landscaping

Ward: Launton And Otmoor

Councillors: Councillor Hallchurch, Councillor Holland and Councillor Hughes

Reason for Referral: Major development

Expiry Date: 4 May 2020

Committee Date:

21 May 2020

Extension of time 29 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for the installation of ground mounted solar PV panels along with associated infrastructure within agricultural fields. Access tracks are proposed within the site.

Consultations

The following consultees have raised **objections** to the application:

- Ambrosden Parish Council, OCC Lead Local Flood Authority

The following consultees have raised **no objections** to the application:

- OCC Highways, OCC Archaeology, CDC Landscape Services, CDC Building Control, CDC Environmental Protection, CDC Legal Services Rights of Way Officer, Natural England, Thames Valley Police

The following consultees have not commented on the application to date:

- CDC Ecology, BBOWT, CPRE, British Horse Society, Open Spaces Society, Ramblers Society, Southern Gas Network

Two letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The site comprises mainly Grade 4 (poor quality) agricultural land. Arncott Bridge Meadows SSSI is situated to the south of the site. The site is bordered by a public right of way along its northern boundary (110/3/20) and is crossed by another (110/4/30). The site is within a Flood Zone 1.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Impact on the character and appearance of the area
- Highway safety and impact on Public Rights of Way
- Flooding/Drainage
- Ecology
- Residential Amenity

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises approximately 47 hectares of flat open agricultural land currently laid to grass, noted to be mainly Grade 4 (poor quality) agricultural land, located to the west of Arncott immediately adjacent to the existing MOD site and Moto Parc racetrack and other agricultural land.
- 1.2. An existing 14ha solar farm is situated immediately to the north west boundary of the site. The River Ray is situated approximately 230m at its closest point. It is situated within 100m of the proposed access point and in a northwest to southwest direction. The M40 passes the site to the south west approximately 0.7km away.

2. CONSTRAINTS

- 2.1. Arncott Bridge Meadows SSSI is situated to the south of the site. The site is bordered by a public right of way along its northern boundary (110/3/20) and is crossed by another (110/4/30). The site is within a Flood Zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the installation of ground mounted solar PV panels with associated infrastructure (batteries, inverters, substations and access tracks). The solar panels are to generate up to 25MW of energy and are to be positioned facing south across the site with each array measuring approximately 2.31 metres in height. The inverters are to be set within the rows of panels. The DNO substation and control room/customer substation are to be sited close to the solar farm

entrance. The associated infrastructure varies in height up to a maximum of 4.1m high for the DNO substation.

- 3.2. The site is to be accessed from an existing track which is a shared access with Brook Farm, the existing solar farm and the Scottish and Southern Electricity Networks substation.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 April 2020**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Visual impact
- Unsuitable single-track access
- Impact on LB adjacent to the access
- Better access route available
- Safety of horse riders and motocross riders
- Proximity to Brook Farm
- Protection of bridleway required
- Impact on biodiversity

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. ARNCOTT PARISH COUNCIL: **No comment to date**

- 7.3. FENCOTT AND MURCOTT PARISH COUNCIL: **No comment to date**

7.4. ABROSDEN PARISH COUNCIL: **Comment** as follows:

- Concern about visual impact on public footpath – landscaping condition requiring planting while leaving a sensible width for the footway
- Concern about visual impact when viewed from Merton Road, Ambrosden. Trees and tall hedges should be provided as part of a planning condition.
- Construction method statement condition. Construction vehicles must be routed via Palmers Avenue and not through Ambrosden. They should not use routes through Merton Road, Blackthorn or Ploughley Roads in Ambrosden.
- Construction Management Plan required to ensure Bridleway remains open during construction.
- Limit on construction hours, and no generators to remain running outside of working hours.
- Support OCC comments and suggestions dated 6/3/2020

CONSULTEES

7.5. OCC HIGHWAYS: Original comments – **Objection** due to impact on PRowWs

OCC HIGHWAYS: Revised comments – **No objection** subject to a condition requiring a Construction Traffic Management Plan

7.6. OCC LEAD LOCAL FLOOD AUTHORITY: **Objects** - No drainage has been provided for the access track, infiltration testing is required, and more detail required on construction stage drainage requirements.

7.7. OCC ARCHAEOLOGY: **No objections** subject to conditions

7.8. CDC LANDSCAPE SERVICES: **No objections** subject to conditions

7.9. CDC BUILDING CONTROL: **Comments** that the Sub-station buildings would be exempt from the building regulations and the PV installation would be subject to installation by a competent person.

7.10. CDC ECOLOGY: **No comment to date**

7.11. CDC ENVIRONMENTAL PROTECTION: **No comments** regarding contaminated land, air quality, odour and light but recommend a condition requiring a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority.

7.12. CDC LEGAL SERVICES RIGHTS OF WAY OFFICER: **Comments** that Arncott Bridleway 110/4 which crosses through the site, has been clearly shown on the plan and the applicant will need to ensure that this route is kept clear and accessible at all times during any development/installation works. Two of the other Public Right of Way Routes - Arncott Bridleway 110/3 and Arncott Footpath 110/6 are located on the red line boundary NW and W of the site so these two routes should not be affected by the proposed installation/development however, the applicant should ensure that both routes remain clear and accessible at all times. Fencott and Murcott Bridleway 209/6 is located SW of the site and this Bridleway should not be affected at all by these proposals

7.13. NATURAL ENGLAND: **No objection**

7.14. BBOWT: **No comment to date**

7.15. CPRE: **No comment to date**

7.16. BRITISH HORSE SOCIETY: **No comment to date**

7.17. OPEN SPACES SOCIETY: **No comment to date**

7.18. RAMBLERS ASSOCIATION: **No comment to date**

7.19. THAMES VALLEY POLICE: **Comment** – it is recommended that perimeter fencing complies with the requirements of LPS1175, Issue 8, B3, and that the applicants also incorporate a monitored perimeter intruder protection system (PIDS). In addition, it is recommended that an operational requirement exercise be carried out to aid in the specification of the proposed CCTV system, which should also work in conjunction with the recommended PID system.

7.20. SOUTHERN GAS NETWORK: **No comment to date**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD5 – Renewable Energy
- 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic Development in the Countryside
- C28 – Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Climate Change Act 2008

9. APPRAISAL

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

- Principle of development
- Impact on the character and appearance of the area
- Highway safety and impact on Public Rights of Way
- Flooding/Drainage
- Ecology
- Residential Amenity

Principle of Development

- 9.2. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 9.3 The National Planning Policy Framework (NPPF) provides positive encouragement for renewable energy projects. Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future and should support renewable and low carbon energy and associated infrastructure. Paragraph 154 of the NPPF states that when determining applications for renewable and low carbon development local planning authorities should approve such applications if its impacts are or can be made acceptable.
- 9.4 Policy ESD5 of the CLP 2031 states that renewable and low carbon energy provision will be supported wherever adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.
- 9.5 In principle, therefore, there is policy support for development of this nature. However, the overall acceptability of development is dependent on other material considerations.

Impact on the character and appearance of the area

- 9.6. Guidance in determining applications for renewable and low carbon energy projects is set out in the Planning Practice Guidance (PPG). The PPG advises that “the need for renewable or low carbon energy does not automatically override environmental protection and that cumulative impacts require particular attention, especially the increasing impact that such developments can have on landscape and local amenity as the number of turbines and solar arrays in an area increases”. It continues that “particular factors a local planning authority will need to consider include:
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;

- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”
- 9.7. Policy ESD 13 of the Cherwell Local Plan 2011-2031 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.8. The site is relatively flat and is currently in agricultural use and comprises mainly Grade 4 (poor quality) agricultural land. It is well screened in views from the public highway by mature hedges and buildings. However, the proposed development would be visible from the PROWs in the immediate vicinity and those that cross the site itself.
- 9.9. The Council’s Landscape Officer has assessed the scheme and has no objections to the proposal on landscape and visual impact grounds. The receiving landscape is very flat, with generally dense and intact boundary hedges. The intervening hedgerows between viewpoints and the site are also well maintained. The wider landscape is already impacted visually by the M40 to the west and MOD buildings to the east. The site is generally well screened until a pedestrian is very close to it. The magnitude of change would be major for a walker crossing the site or walking alongside it, but other visual receptors are too far from the site to be affected in anything other than a minor way.
- 9.10. It is recommended that any permission given is subject of a condition requiring the submission of landscape mitigation proposals showing detailed planting.
- 9.11. Consideration has to been given to the cumulative landscape and visual impacts of the development of this site and the existing solar farm immediately to the north. It has been concluded that these cumulative impacts would be minimal given the limited views gained of both sites. Whilst the proposal would result in two solar farms in close proximity to one another it is considered that they would not become a defining characteristic of the local landscape.

Highway safety and impact on Public Rights of Way

- 9.12. The Local Highway Authority (LHA) originally raised concerns regarding the proposal due to the impact on the public rights of way adjacent to and within the site. The LHA was concerned that not enough consideration had been given to the amenity of the users of the PROWs during the construction period and no information regarding the impacts of construction on the PROWs and the mitigation of any such impacts. Following the submission of additional information, the LHA has removed its objection subject to a condition requiring the submission of a Construction Traffic Management Plan.
- 9.13. The LHA also raised issues of re-routing one of the bridleways (110/4) and suggested that applicants seek to formally accommodate the bridleway on a revised alignment along its whole length as users do not currently use the legal line. However, this requires a separate diversion application and such an application is not necessary in order to make this proposal acceptable in planning terms.

- 9.14. Subject to the recommended conditions it is considered that the proposals would not have any adverse impact upon the local highway network from a traffic and safety point of view.

Flooding/Drainage

- 9.15. The site lies within Flood Zone 1 and a Flood Risk Assessment (FRA) has been submitted with the application. The FRA concludes that the areas on the site shown to be at risk from surface water flooding are localised and close to existing drainage channels. The ground conditions within the site are impermeable and there is a risk of waterlogging and surface water flows within the site after high rainfall. However, this is predicted to flow to the River Ray overland or within existing drainage channels with limited ponding. The FRA also concludes that during the construction phase additional drainage measures should be implemented to help attenuate the increase on surface water flows if surface water is observed discharging from the construction compound.
- 9.16. The Lead Local Flood Authority (LLFA) has raised an objection to the application proposals. The LLFA is concerned that, whilst sustainable drainage principles have been proposed, drainage has not been provided for the access track. Infiltration testing is required along with a plan demonstrating how surface water will be managed during construction. The applicant's agent has advised that much of the access track is not in the applicant's control and no works are proposed to the access track. The tracks within the site, however, are to be constructed and therefore how these are to be drained can be controlled. Infiltration testing and surface water management can be required by condition and such conditions are set out below.

Ecology

Legislative context

- 9.2. 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.
- 9.3. 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.
- 9.4. 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.
- 9.5. 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.

9.6. 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

9.7. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.8. Paragraph 175 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.

9.9. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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

9.11. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity

survey and a report identifying constraints and opportunities for biodiversity enhancement.

- 9.12. 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.
- 9.13. 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

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

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.15. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and dormice.
- 9.15. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether NE 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.
- 9.16. 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 NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.17. The application is supported by a detailed protected species survey which concluded that:
- An offsite badger sett is identified to the south-west of the Site and the site layout has been designed to avoid works within 30m of this location.

- There is no evidence of badgers within the remainder of the Site, however there is the potential for individual setts to occur associated with boundary habitats or those within 30m of the Site. A pre-commencement badger survey is therefore recommended to allow this to be assessed prior to commencement of installation/construction works. This would also form the basis for designing badger access features into any perimeter fencing;
- The Site is likely to be used by local bat populations for foraging and commuting; no roosting habitats are identified as being directly or indirectly impacted by the proposals;
- The Site contains aquatic habitats supporting breeding populations of GCN with ditches which may also provide habitat in some years. Associated boundary habitats including semi-improved grassland, tall ruderal herb, hedgerows and ditches, as well as the pasture fields themselves, are likely to provide terrestrial habitat for this species. Mitigation measures designed into the scheme, or to be secured in a European Protected Species Mitigation Licence (EPSML) would secure the long-term viability of the metapopulation and ensure legislative compliance.
- The pasture and boundary habitats within the Site have the potential to support populations of common reptile species such as grass snake, common lizard and slow worm – an appropriate Precautionary Method of Works would be developed in tandem with the EPSML application for GCN to secure a method of working which would avoid impacts to these species;
- Breeding birds, including ground nesting species, make use of appropriate habitats within the Site and on the site boundaries – an appropriate Precautionary Method of Works is proposed to ensure that these species are not impacted;
- Two ditches to the north of the Site may provide low quality habitat for water vole; however, no evidence of this species was recorded during the surveys and the site layout would secure avoidance of impacts;
- Suitable habitat for dormice is restricted to boundary and offsite dense scrub and woodland habitats; the retention of these features and the layout of the proposals with an appropriate standoff would ensure that this species is not impacted.
- No impacts to offsite Statutory or Non-Statutory Designated Sites are identified – specific consideration has been given for the potential for impacts to Arncott Bridge Meadows SSSI.

9.18. The report outlines the following recommendations:

- Establishment and management of new pasture, wildflower meadow and tree/shrub/hedge habitat should be undertaken in accordance with the Mitigation Strategy developed to support the Landscape and Visual Impact Assessment, or by consultation with the Project Ecologist;
- Appropriate working practises for the installation of the solar farm should be adopted to ensure that there is no impact to badgers, reptiles dormice or nesting birds during the Construction Phase and incorporated into a Construction Ecological Management Plan (CEMP);

- An EPSML would be sought to ensure that works can proceed with legislative compliance to GCN.

9.19. Natural England has not raised any objections to the application and therefore Officers are satisfied that, subject to conditions, the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Residential amenity

9.20. There are dwellings in close proximity to the existing farm track giving access to the site. The living amenities of these dwellings could be affected during the construction works and it is recommended that a Construction Environment Management Plan is submitted for approval to ensure that the construction works do not adversely affect those residential properties. Following construction, it is not considered that the vehicles accessing the solar farm will result in significant detriment to the living amenities of those properties.

10. PLANNING BALANCE AND CONCLUSION

10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate earlier. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.

10.2. Economic objectives – The location of the proposed development in an area where there is adequate irradiation means that the solar farm development would be economically viable. Added to this is the capacity of the local infrastructure to link the development to the national grid and the proximity to another solar farm to enable sharing of infrastructure.

10.3. Social objectives – No local social benefits of the development have been put forward by the applicant however the development will deliver renewable energy to the national grid helping to support local infrastructure. The development will not result in significant detriment to the living amenities of nearby dwellings.

10.4. Environmental objectives – Whilst there may be some harm caused to the local environment due development on a greenfield site this is considered temporary in nature, would not result in the loss of Best Most Versatile agricultural land and the visual impact can be mitigated with additional planting. The wider environmental benefits of providing renewable energy are considered to outweigh this harm.

10.5. Overall, when considered as a whole, the economic, social and wider environmental benefits of the scheme are considered to weigh in favour of the proposal and to outweigh any adverse effects on landscape character and visual amenities of the area. It is therefore considered to represent a sustainable form of development and it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE

CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

- Drawing Nos PAP 001 rev 6, PAP 003 rev 07, PAP 004 rev 11, PAP 005 rev 01, PAP 006 rev 01, PAP 007 rev 01, PAP 008 rev 01, PAP 009 rev 01, PAP 010 rev 01, PAP 011 rev 01, PAP 013 rev 01, PAP 014 rev 01, PAP 015 rev 01, PAP 016 rev 01, PAP 017 rev 01, PSS 027 003 001.1, PSS 027 003 001.2, PSS 027 003 001.3, and PSS 027 003 001.4.
- Planning Design and Access Statement, Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019, Ecological Assessment prepared by Landscape Science Consultancy Ltd dated January 2020, Historic Environment Desk Based Assessment prepared by AECOM Infrastructure & Environment UK Limited dated January 2020, Flood Risk Assessment prepared by Kaya Consulting Ltd dated January 2020, Geophysical Survey Report prepared by Sumo Survey dated February 2020, Transport Report prepared by Mott MacDonald dated January 2020.

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.

Temporary Permission

3. The permission shall expire no later than 40 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies ESD 13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented

within 12 months of the expiry of this permission.

Reason - To ensure the environment is protected during decommission in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping, mitigation and maintenance

5. The development shall be carried out in accordance with the landscape mitigation and maintenance details set out at figure 6 (a-d) of the Landscape and Visual Impact Assessment Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019 and the landscape mitigation works shall be completed prior to the first use of the development for exporting electricity to the grid except where alternative timescales are set out in the aforesaid landscape mitigation and maintenance details.

Reason - In the interests of the visual amenities of the area, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

Reason - In the interests of the visual amenities of the area, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Construction Management Plan

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.

- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Booking system for HGV deliveries
- Details for the provision of Banksmen

Contact details of the Project Manager and Site Supervisor shall be submitted to the LPA prior to the commencement of any works on site.

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

Drainage

8. Prior to the levelling of the site or construction of the access and internal tracks whichever is the earliest a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out and completed prior to the commencement of any construction works on the site and shall be retained as such thereafter.

Reason - To protect the development and its occupants from the increased risk of flooding and in order to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Archaeology

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

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

10. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the 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 (2019).

Ecology

11. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 and 7 of the Ecological Assessment carried out by Landscape Science Consultancy Ltd dated January 2020.

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

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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.

Lighting

14. No external lighting shall be installed within the site area.

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

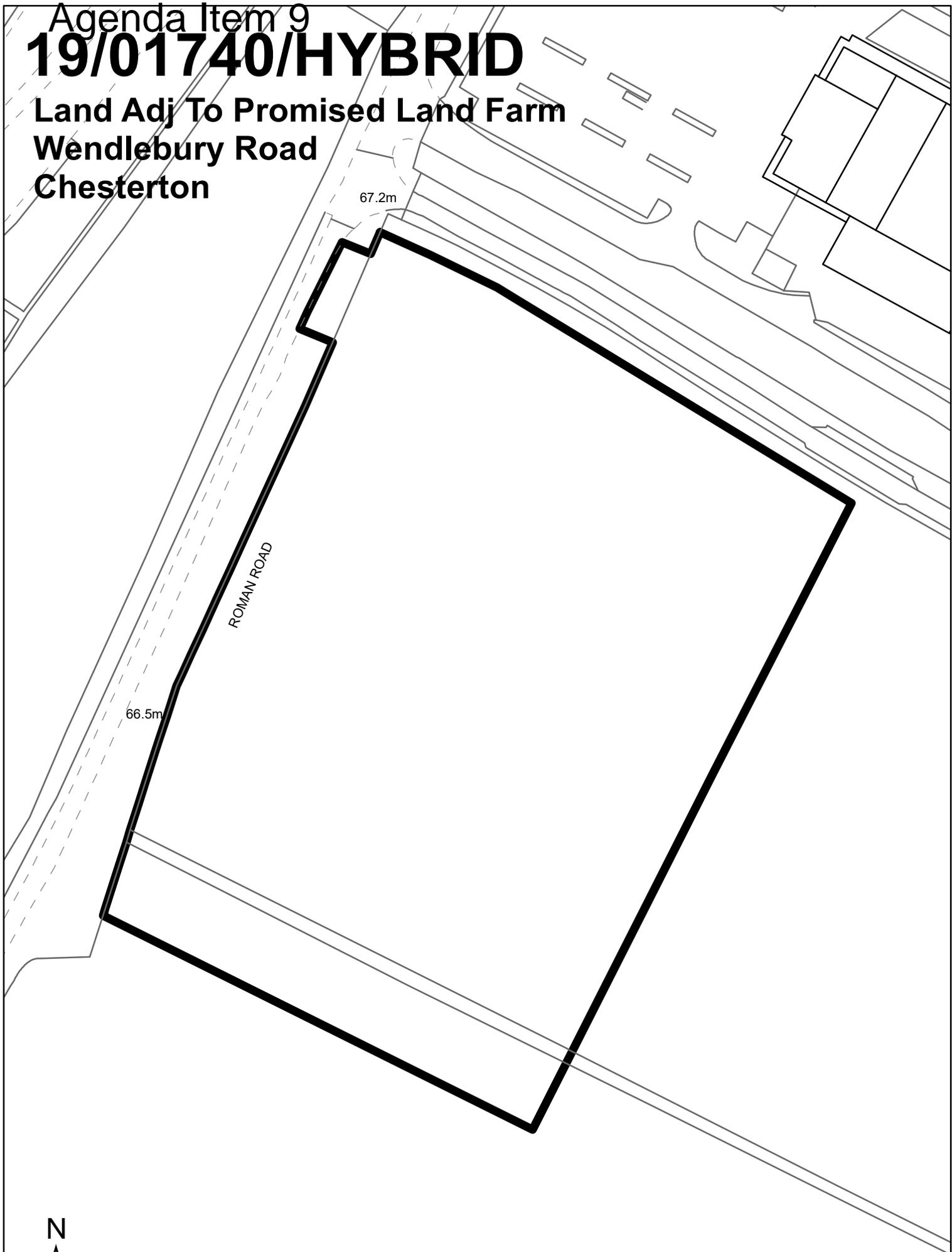
Environmental Protection

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

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Agenda Item 9
19/01740/HYBRID

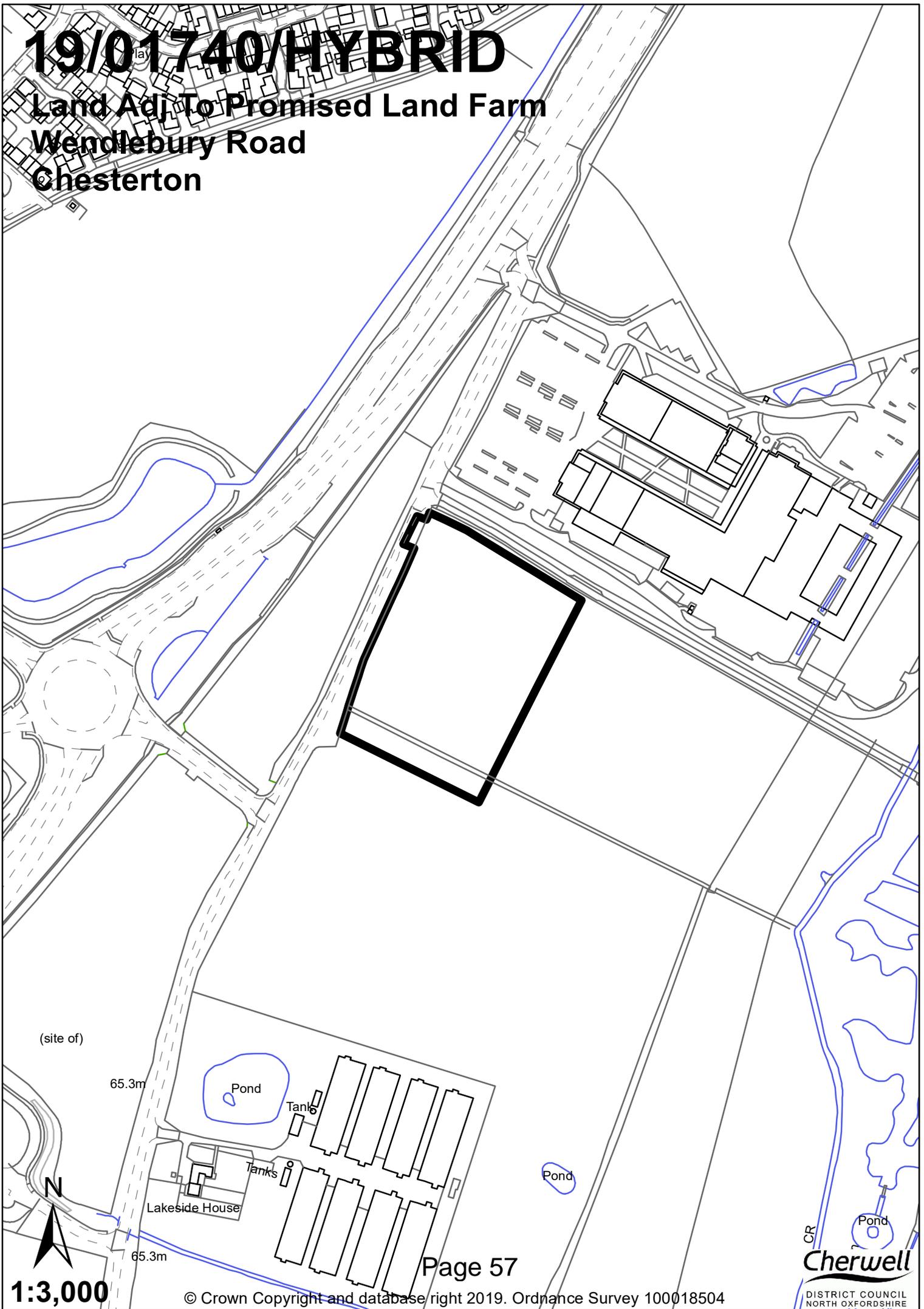
**Land Adj To Promised Land Farm
Wendlebury Road
Chesterton**



1:1,000

19/01740/HYBRID

Land Adj To Promised Land Farm
Wendlebury Road
Chesterton



(site of)

65.3m

Pond

Tank

Tanks

Lakeside House

Pond

Pond

CR



1:3,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Bernadette Owens

Applicant: Mr Kelvin Pearce

Proposal: 'Hybrid' planning application comprising: - Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin; Cllr James Macnamara; Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 21st May 2020

Committee Date: 21 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT (AND ANY CHANGES TO CONDITIONS)

Proposal

The application is a Hybrid application seeking Outline planning consent for 16,800sqm of B1 development with all matters reserved except access and Full detailed planning consent for a health and racquets club with associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace

Consultations

The following consultees have raised **objections** to the application:

- Wendlebury Parish Council, Bicester Bike Users Group

The following consultees have raised **no objections** to the application:

- Bicester Town Council, Chesterton Town Council, CDC Planning Policy, CDC Economic Development, CDC Ecology, CDC Arboriculture, CDC Environmental Health, Banbury Ornithological Society, Natural England, Thames Valley Police, Thames Water, Environment Agency and OCC Drainage.

6 letters of objection have been received and 0 letters of support have been received.

Planning Policy and Constraints

The application site forms part of the CLP 2031 Part 1 Bicester 10 policy allocation. The site adjoins the Alchester Roman Town Scheduled Ancient Monument to the south of the site and the Bicester Wetland Reserve to the east.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Environmental Impact Assessment
- Principle of development
- Transport and highway impacts
- Design, and impact on the character of the area
- Amenity and neighbouring land uses
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and completion of a satisfactory S106 legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises approximately 15.8ha of agricultural land to the southwest of Bicester and is comprised of mainly flat grassland.
- 1.2. The application site is bound by Wendlebury Road to the west and Bicester Avenue Garden Centre to the north. The site is bound to the east by an existing watercourse with railway track beyond. To the south is the Alchester Roman site Scheduled Ancient Monument and to the southwest of the site is an operating chicken farm comprising a series of poultry sheds.
- 1.3. The site is bound by mature trees and hedgerow with open countryside to the south. Wendlebury Road also has a rural character defined by hedge lined verges containing mature trees and vegetation.
- 1.4. The application site is allocated for employment development as part of Policy Bicester 10 (Bicester Gateway) of the Cherwell Local Plan (Part 1) (2011-2031).
- 1.5. The allocation has been brought forward in two parts. The frontage of the site, comprising two parcels to the west of Wendlebury Road, has outline planning permission for B1 employment development and a hotel. Reserved matters consent has been granted for the hotel which is now currently under construction. This permission also included a small area of unallocated land to the south outside of the Policy Bicester 10 allocation.
- 1.6. The remainder of the Bicester 10 allocation, comprising the parcel to the east of Wendlebury Road, is subject of the current application.

- 1.7. An Outline application (19/01746/OUT) has also been submitted simultaneously by the applicant for the adjacent poultry farm site to the south west which lies outside of the Bicester 10 allocation. That application proposes the re-development of the site for B1 development with access from Wendlebury Road through the current application site. That application is the subject of a separate report also included on this Committee agenda.

2. CONSTRAINTS

- 2.1. The application site adjoins the boundary of the Alchester Roman site Scheduled Ancient Monument (SAM) which comprises an approximate 10ha site to the south of the application site.
- 2.2. Part of the application site lies within flood zones 2 & 3 and is adjacent to the Bicester Wetland Reserve situated to the east of the site. The site itself is agricultural grazing land, part of which has been identified as a potential District Wildlife Site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is submitted in 'Hybrid' form and seeks;
1. Outline planning permission (all matters reserved except access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works; and
 2. Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.
- 3.2. For the avoidance of doubt, B1a comprises most types of office use (but excluding those providing a service to visiting members of the public), B1b comprises research and development uses (e.g. involved in the development of products and processes) and B1c comprises light industrial uses (i.e. industrial uses that would be compatible in a residential area).
- 3.3. The health and racquets club, which has been put forward as a David Lloyd leisure club is proposed in the northern corner of the site with direct vehicular access from Wendlebury Road. The proposals comprise;
- Clubhouse building, incorporating sports hall, indoor tennis courts, fitness studios, fully equipped gym, indoor swimming pool, café/restaurant and member lounge areas, changing facilities, spa, ancillary offices and staff facilities;
 - 2 no. outdoor tennis courts and 3no. indoor tennis courts (permanent air dome enclosure);
 - Outdoor swimming pool;
 - Car parking (246 spaces) and service areas.
- 3.4. The application includes site access from Wendlebury Road by way of a new roundabout with the Vendee Drive link incorporating an upgraded footpath/cycleway

on Wendlebury Road with separate access for the proposed health and racquets club.

- 3.5. A large area of wetland will be formed, concentrating built development to the northwest adjacent to Wendlebury Road.
- 3.6. The application is accompanied by an Environmental Statement which covers the matters of Biodiversity, Water Resources and Flood Risk, Transport and Access and Cumulative Effects.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the application site. However, planning permission has already been granted for the first phase of the development of the Bicester 10 allocation on land to the west of the site between the A41 and Wendlebury Drive. The approved Hotel development is currently under construction. The following planning history for the adjacent site is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|--|
| 16/02586/OUT | Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sqm (Gross External Area) of B1 employment-based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards. APPROVED |
| 17/02557/REM | Reserved matters to 16/02586/OUT – Erection of hotel and associated works. APPROVED |

An Outline application has now also been received for the remainder of the Phase 1 site (application ref. 20/00293/OUT) for B1 office space; 273 residential units including ancillary gym; Café space with an ancillary, mixed use co-working hub; multi-storey car park; multi-use games area; and amenity space.

The application will be considered for determination at a later Planning Committee.

5. PRE-APPLICATION DISCUSSIONS

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

| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|--|
| 18/00287/PREAPP | Outline application for employment development (Use Class B1/B2/B8) and leisure club (Use Class D2) |
| 19/00069/PREAPP | FOLLOW-UP PREAPP - Outline application for employment development (Use Class B1) and leisure club (Use Class D2) |

- 5.2. The pre-application proposals included the re-development of the adjacent chicken farm site as well as the land within the Bicester 10 allocation. Whilst there was no significant objection to the inclusion of the chicken farm site, the proposals for the Bicester 10 site did not accord with the policy allocation through the inclusion of the leisure club and the predominance of light and general industrial warehouse units as opposed to the high tech knowledge development proposed through the allocation.

5.3. A follow up pre-application enquiry was submitted setting out revised proposals which included provision of B1 (a, b and c) uses with a focus on high tech, knowledge based industries. This included a flexible approach to accommodating the full range of B1 uses based on market research. Officers offered more positive comments based on the information submitted.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **3rd February 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties to both applications are summarised as follows:

- Support for sport and recreation facilities and subsequent health benefits for residents;
- Support for high tech industries locating in Bicester and subsequent socio-economic benefits;
- Concern regarding Highway Safety and Traffic Impact on the A41 and Bicester generally;
- Inadequate provision for walking and cycling;
- Lack of connectivity to Bicester;
- Concerns about car parking provision;
- Concerns about amount, location and security of cycle parking;
- Other sites should be developed first;
- Concerns about the impact on the Alchester Roman Town SAM.

6.3. Objections have been received from Bloombridge LLP, the owners of the remainder of the Bicester 10 site. The objections are made on transport grounds raising the following issues;

- Significant underestimation of potential trip generation; underestimation of the baseline traffic conditions; overestimation of the available capacity of the local road network.
- Substandard provision for pedestrians and cyclists;
- Lack of improvements to the Vendee Drive (link);
- Road safety issues at the A41/Vendee Drive roundabout;
- Acceptability and deliverability of public transport contributions and subsequent improvements to bus services;

- 6.4. Objections have been received from Value Retail, the owners of Bicester Village. The objections are made on transport grounds raising the following issues;
- Proposed restriction of B1(a) use is not in accordance with CLP 2031 Part 1 policy Bicester 10;
 - Underestimation of potential trip generation and traffic flow;
- 6.5. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: **No objection.** Welcome the application, particularly the proposal for additional leisure facilities, proposed B1b use and the proposed improvements to the wetlands. However, concerns are raised regarding highway and traffic concerns at the A41 roundabout at Vendee Drive and enhanced public access to wetland areas for educational and leisure purposes should also be considered.
- 7.3. CHESTERTON PARISH COUNCIL: **No objection.** Design, biodiversity and flood risk all appear to have been taken into account and the David Lloyd Club will be of benefit to residents of all ages in Bicester and local villages. However, concerns are raised regarding the resultant increase in traffic in the area and the lack of provisions for walking and cycling, lack of measures to safeguard areas of archaeological interest and impact on wintering/breeding birds in the wetlands from construction vehicles. Suggest that a contribution be sought through S106 to create a footpath/cycleway from Chesterton to the Park and Ride site and the proposed development.
- 7.4. WENDLEBURY PARISH COUNCIL: **Objection.** There was insufficient engagement at the pre-application stage, the traffic modelling appears inadequate, SEPR is only aspirational at this stage and funding should not be secured, major changes are required to the Vendee Drive roundabout, traffic should not be routed along Wendlebury Road which should be available for local traffic only to protect Wendlebury from rat-running, a robust Travel Plan needs to be secured through condition, the increase in traffic will have a detrimental effect on the rural character of Wendlebury Road and access to the village, impact on flood risk.
- 7.5. LANGFORD VILLAGE COMMUNITY ASSOCIATION: **No comments** received.

CONSULTEES

- 7.6. BICESTER DELIVERY TEAM: **No objection.** Comments made relating to the provisions for walking and cycling and travel plan targets and mechanism for delivery of reduced car trips and modal shift.
- 7.7. CDC ARBORICULTURE: **No objection.** A number of trees will be lost to facilitate the proposals which should be mitigated through proportionate replanting. Further information confirming tree removal should be submitted at the detailed design

stage along with a landscaping plan identifying mitigation measures. An Arboricultural Method Statement is also required.

- 7.8. CDC ECOLOGY: **No objection.** Some issues with the ecological information submitted with the application. Reasonable mitigation is proposed securing an acceptable level of net gain for biodiversity. A CEMP for biodiversity will be required, a bat licence, full lighting strategy, LEMP for the site including enhancement on the buildings and a Habitat Management Plan for the mitigation including funding, review timescale and full management details.
- 7.9. CDC CONSERVATION: **No comments.**
- 7.10. CDC ECONOMIC DEVELOPMENT: **No objections.** Supports the provision of a flexible mix of office, research and development, production and ancillary distribution to suit current market/occupier need. Supports the development of the site (including the poultry farm) being considered as a single potentially more viable site.
- 7.11. CDC ENVIRONMENTAL HEALTH: **No objections.** Conditions will be required in respect of contaminated land.
- 7.12. CDC LANDSCAPE SERVICES: **No comments** received.
- 7.13. CDC PLANNING POLICY: **No objection.** Subject to satisfactory justification for inconsistency with the Local Plan.
- 7.14. CDC PUBLIC ART: **No comments** received.
- 7.15. CDC RECREATION AND LEISURE: **No comments** received.
- 7.16. OCC HIGHWAYS: **No objection.** OCC Highways initially objected to the application on the basis of queries with the methodology of the Transport Assessment and provisions for pedestrian and cycle access including the design of the access roundabout.
- 7.17. Further amended information and revisions have been submitted in consultation with OCC to address their concerns and all objections to the application have now been removed subject to recommended conditions.
- 7.18. OCC DRAINAGE (LLFA): **No objection.** OCC Drainage originally objected to the application on the basis that insufficient drainage, flood risk and SuDS usage had been provided to enable a full technical assessment and audit of the proposal.
- 7.19. Further amended information and revisions have been submitted in consultation with OCC to address their concerns and these objections have now been withdrawn subject to conditions.
- 7.20. OCC ARCHAEOLOGY: **No objection.** The County's Archaeologist initially objected to the application due to a lack of assessment of the significance of identified archaeological features/heritage assets and the setting of the scheduled monument.
- 7.21. An updated Desk Based Assessment has been submitted and whilst the County's Archaeologist still has concerns, the objection has been removed and conditions are recommended to secure a programme of evaluation and mitigation.
- 7.22. WILDLIFE TRUST: **No comments** received.

- 7.23. BANBURY ORNITHOLOGICAL SOCIETY: **No objection.** Comments and observations made relating to existing species and habitats and the creation of the proposed Conservation Zone.
- 7.24. CPRE: **No comments** received.
- 7.25. ENVIRONMENT AGENCY: **No objection.** The initial objections raised by the EA have now been resolved and conditions are recommended.
- 7.26. HISTORIC ENGLAND: **No objection.** Historic England initially raised objections to both current applications on the basis of harm to the significance of the Scheduled Ancient Monument. Further information has been submitted and Historic England has revised their response to this application, although their objection is maintained in respect of the Outline proposals on the poultry farm site on the basis that the submitted assessment underestimates the harm to the significance of the Scheduled Ancient Monument and does not set out how the development will better reveal the significance of the monument which is a requirement of policy Bicester 10.
- 7.27. NATURAL ENGLAND: **No objection.** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Generic advice on other natural environment impacts is provided.
- 7.28. SPORT ENGLAND: **No objection.**
- 7.29. THAMES VALLEY POLICE: **No objections.** Condition suggested to require Secured by Design standards and advice given on measures required to meet those standards.
- 7.30. THAMES WATER: **No objections:** Conditions suggested in respect of waste and water infrastructure.
- 7.31. BICESTER BIKE USERS GROUP (BBUG): **Objection.** BBUG have raised concerns about the design and usability of the new access roundabout on the basis of incoherent design contrary to the Oxfordshire Cycle Design Standards impacting on the safety of cyclists.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections

- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- BICESTER 10 - Bicester Gateway
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Environmental Impact Assessment
- Principle of development
- Transport and highway impacts
- Design, and impact on the character of the area
- Amenity and neighbouring land uses
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

Environmental Impact Assessment

9.2. The application is supported by an Environmental Statement (ES). The scope of the ES considers in detail the following topics: Biodiversity, Water Resources and Flood Risk, Transport and Access and Cumulative Effects. Having regard to the site's allocation for employment use, the nature and likely impacts of the proposed uses, and the site constraints, Officers are satisfied with the scope of the submitted ES. On this basis it is considered that sufficient information is before the Local Planning

Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable.

- 9.3. Regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.4. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

Principle of Development

Policy Context

- 9.5. Policy Bicester 10 of the CLP 2031 Part 1 allocates an area of land to the southwest of Bicester, described as Bicester Gateway, for the provision of B1 Business Use (office, R&D, light industrial), with development based on high-tech knowledge industries. The policy sets out that approximately 3,500 jobs could be delivered through development of the site in this way. It is envisaged that the Bicester Gateway development has the potential to be a major high quality employment area at a critical gateway into the town providing opportunities to encourage the knowledge economy associated with Oxford, with a key place shaping principle being "the provision of high quality property to attract and retain 'best in class' technology companies".
- 9.6. The policy also includes, as a key place shaping principle, "flood plain land in the eastern parts of the site to be used for informal recreation and ecological benefit in order to enhance Bicester's green infrastructure network".
- 9.7. Policy SLE1 of the CLP 2031 Part 1 applies to B use class employment development and supports the requirement for employment development as set out in policy Bicester 10.
- 9.8. The application includes provision of D2 use on the site – a 'Main Town Centre Use' – and so Policy SLE2 is also relevant. Policy SLE2 applies a sequential test to the location of Main Town Centre Uses, as set out in the NPPF. An impact assessment is also required for proposals over 1500sqm at Bicester.
- 9.9. The application is submitted in 'Hybrid' form and seeks;
 1. Outline planning permission (all matters reserved except access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works; and
 2. Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping

Outline Application Proposals

- 9.10. The application site lies entirely within the Bicester 10 allocation where the development of the western part of the site for B1 business uses is considered acceptable. The application seeks outline consent for B1 (a, b and c) with access by way of a new roundabout on Wendlebury Road.
- 9.11. Whilst submitted in outline form, it is intended to create a high-quality business park in a landscaped setting comprising up to 16,800sqm of B1 development. The development will be brought forward with a maximum amount of B1a floorspace, capped at 35% of the overall development.
- 9.12. The application has been brought forward to reflect the requirements of the knowledge economy and the flexible mixed use premises that potential occupiers are seeking. The applicant has set out that, reserved matters applications are for the most part expected to be developed and submitted in response to specific occupier requirements of high-tech knowledge intensive industries.
- 9.13. This requires a flexible planning permission in accordance with CLP 2031 Part 1 policy, enabling a mix of B1 uses to be brought forward to respond to the needs of the knowledge economy, reflecting market requirements. This flexible market-led approach and the provision of flexible accommodation will enhance the attractiveness of the site for future occupiers. Any future reserved matters applications will also need to demonstrate accordance with policy Bicester 10 in bringing forward a high quality knowledge economy base on the edge of Bicester. Officers are supportive of this approach in principle, subject to agreeing a development framework plan to ensure a wholistic approach to key place making principles such as design, layout, transport integration and connectivity, and ecology and flood risk mitigation. This can be addressed by condition.

Full Application Proposals

- 9.14. Detailed planning consent is also sought, as part of the hybrid application, for a health and racquets club. Falling within use class D2 (Assembly and Leisure use), the development of part of the site for D2 use would not be in accordance with the policy Bicester 10 allocation and as such has been advertised as a departure from the development plan. This departure from the policy allocation would effectively result in the loss of circa 6,600 sqm of B1 development on the Bicester 10 site to accommodate the alternative use.

Assessment

- 9.15. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As such, the detailed health club proposals would be viewed unfavourably in this regard, due to their apparent conflict with the development plan.
- 9.16. However, it is important to take into consideration the outline application (16/02586/OUT) for the first phase of the Bicester 10 allocation, which was also presented with a non B1 use in the form of the hotel (now currently under construction). In considering the hotel proposal, which did not accord with the local plan allocation, officers noted the considerable benefits that could be brought about and the complementary and supporting role the hotel could play in securing the development of an attractive and successful business park.
- 9.17. In further considering the hotel proposal, officers applied policy SLE2 which is supported by the requirements of the NPPF and define a hotel as a main town centre use. A sequential test was submitted by the applicant and whilst this was not considered to be completely robust, officers were content that the provision of a new

hotel would bring about economic benefits both generally and to Bicester 10 itself, that would outweigh the loss of part of the Bicester 10 site for B1 development. In addition, the application included a further area of unallocated land which would have the effect of off-setting the loss of B1 development at this location.

- 9.18. The health and racquets club proposed as part of this current application bears many similarities to the approved hotel proposal, comprising an alternative use for a small part of the application site which is not in accordance with the Bicester 10 policy allocation. The proposal is put forward based on a similar argument to the hotel use, in that it would act as a catalyst, supporting and bringing about benefits for the delivery of the wider development. Being closely related to the hotel, the development of the health club would increase the amenities on offer at this location, making the business park even more attractive to future occupiers.
- 9.19. Notwithstanding the potential role of the health club to support the development of the Bicester 10 site for business use, a sequential test has also been submitted with the application, at the request of planning officers. This sequential test clearly sets out that there are no suitable or available alternative sites located within the town centre. Other allocated sites considered by the applicant have also been identified as being neither suitable or available for the proposed health and racquets club use.
- 9.20. The sequential test sets out the key requirements of the health club including a minimum site area of 1.66ha or 1.12ha in a town centre location with reduced car parking requirements and an area of search was identified including town centre sites and allocated sites at policy Bicester 5, Bicester 8 and Bicester 4. The site search and assessment identified the following strategic sites and has discounted those sites for the reasons given;
- Bicester Sports Association Land – the site has been acquired by Value Retail for future development by them. The timescale for this would not meet DLL aspirations in addition, the value of the site also makes it unachievable for DLL Clubs.
 - Bicester Business Park – the site is a prime office location, delivery of which is central to the overall economic strategy for Bicester. DLL Clubs has been unable to agree commercial terms with the landowners.
 - Former RAF Bicester – the land within the technical site is unavailable as it is being promoted for alternative development. A health and racquets club does not form part of these proposals and there would not be scope to introduce them without detrimental impact to the historic significance of the site.
- 9.21. In addition, and as similarly put forward in the case of the hotel proposal, the applicant is proposing the further development of unallocated land adjacent to the application site for B1 development (planning application ref. 19/01746/OUT) which is being considered in tandem with this application and would provide for some 10,200 sqm of B1 development which would more than compensate for the 6,600sqm which would be lost as a result of the health club proposal. That application is included as a separate item on the agenda for this Committee and is also recommended for approval.
- 9.22. Taking into account all of the above, officers are of the view that the provision of the proposed health and racquets club is justified in this location and would support the development of the site as a high quality business park. Whilst the health club use would be in conflict with the specific provisions of policy Bicester 10, it has the potential ability to facilitate B1 development on the site and delivery of the wider long

term objectives of the policy allocation. The health club would also complement the approved hotel use and support its role in providing a strong catalyst for delivering the aspirations of the local plan allocation at Bicester 10.

Job Creation

- 9.23. Policy Bicester 10 sets out the potential of the site to bring about the creation of 3,500 jobs – although it is noted that site constraints may reduce this number. It is now clear that the flood risk constraints of the site will reduce the developable area within the site and as such the number of jobs created will be reduced.
- 9.24. Based on the information submitted, it is estimated that the Bicester 10 allocation (in its entirety) could deliver up to approximately 2,050 jobs based on the consented scheme for Phase 1 of the allocation and the current application proposals. Within that figure, the health and racquets club proposals would generate approximately 110 jobs comprising a range of roles including personal training; sports coaching and fitness instruction; health, beauty and well-being; childcare; sales, marketing and administration; food and drink preparation and service; cleaning, grounds-keeping and maintenance and facilities management.
- 9.25. A revised application for development of Phase 1 has now been submitted with an amended mix of uses including residential, resulting in a slight reduction in job creation across the allocation to approximately 1,925 jobs.
- 9.26. Whilst the estimated number of jobs created across the Bicester 10 allocation falls short of the anticipated 3,500 jobs set out by the policy, it is accepted that this shortfall has come about due to the constraints of the site which has substantially reduced the developable area within the allocation. Additional areas of land outside the allocation have been included for development which have resulted in a boost to the overall employment figures and the resultant 1,925 job estimate is considered reasonable in meeting the policy Bicester 10 requirements.

Conclusion

- 9.27. The application site forms part of the CLP 2031 Part 1 policy Bicester 10 allocation. As such, the B1 proposals put forward under the outline proposal are acceptable in principle in accordance with the policy. The mix of B1 uses proposed presents a flexible permission which will enable the site to respond to market need, creating a more viable and successful development, bringing forward the aspirations of the policy allocation. Whilst the full proposal for the health and racquets club does not specifically accord with the policy allocation it passes the sequential test and the submitted impact assessment demonstrates that the impact on Bicester town centre will be limited. On balance, it is considered that the provision of this alternative use would assist in achieving the wider economic objectives of the development plan and the benefit would outweigh any harm. The principle of the proposed development is therefore considered to be acceptable.

Transport and Highway Impact

Policy Context

- 9.28. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.

- 9.29. Policy Bicester 10 of the CLP 2031 Part 1 requires the consideration of traffic and highway impact through the submission of a detailed transport assessment to assess the impact of the proposed development on the highway network. The development should be well integrated providing connectivity for pedestrians and cyclists to include the provision and upgrading of footpaths and cycleways that link with the existing network to maximise opportunities for walking and cycling. The development should also accommodate bus stops to link to the wider town.

Assessment

Outline Application Proposals

- 9.30. The outline element of the application is submitted with all matters reserved except access. Access is to be taken from Wendlebury Road, to include minor re-alignment of Wendlebury Road to accommodate a new four arm roundabout which connects with the existing Vendee Drive link and provides access to the application site. The roundabout design was subject of previous discussions and consultations with OCC and was considered an acceptable arrangement in terms of capacity and safety. However, further consideration by OCC against provisions for prioritising pedestrian and cyclist movements resulted in new objections to the proposed roundabout design as originally submitted.
- 9.31. In order to slow traffic and give priority to cyclists, OCC recommended that a more compact design be utilised in this location. The applicant has submitted a revised roundabout design which is more compact and provides good quality off-carriageway cycle provision and pedestrian crossing points to address the objections raised by OCC.
- 9.32. To further support access to the site by pedestrians and cyclists, the applicant has proposed improvements to Wendlebury Road to include a 3m shared footpath/cycleway. It is noted that a short section of this provision is constrained by land take, where a 3m wide shared facility may not be achievable. OCC highways have agreed that narrowing along the route will be acceptable, provided that this is for short distances only and must not be less than 2.5m wide. The submitted plans indicate that this would be achievable.
- 9.33. The application drawings for the proposed upgrades to Wendlebury Road also include the provision of a southbound bus stop on the frontage of the site, and a financial contribution has also been requested by OCC towards public transport to extend the local bus service closer to the development. A further contribution is also sought for the provision of a bus shelter including standard flag pole and information case. These will be secured by S106 agreement.
- 9.34. OCC have subsequently removed their objection to the applications. However, concerns have been raised by Bicester Bike Users Group (BBUG) to the revised roundabout design. BBUG consider the proposed roundabout to be incoherent, incorporating multiple diverse crossing points and junctions which could cause confusion for users. BBUG also considers that cycle links to the north and west and connections to the adjacent Phase 1 development are lacking. The bike group also consider that there should be horizontal separation between shared footpath/cycleways and the carriageway and recommends that waiting areas be provided at crossing points. A suggested alternative design is suggested based on a standard roundabout design from the Netherlands.
- 9.35. Whilst the comments of BBUG are noted and the safety of cyclist and pedestrians is of great importance in securing an acceptable design solution, the proposed scheme has been subject of discussion between the applicant and OCC including

consideration through an independent safety audit which has concluded that the proposed roundabout arrangements are safe. The intentions of BBUG to create optimum connections and a safe environment for cyclists and pedestrians is supported but must be considered taking into consideration the location and context of the site and surrounding highway network.

- 9.36. Wendlebury Road is a rural lane and not a heavily trafficked route. The busiest arm of the proposed roundabout junction, in terms of vehicle movements, will be the Vendee Drive Link Road with the eastern and southern arms of the roundabout being the quietest. The design of the roundabout takes this into consideration in routing cyclists along the safest route around the roundabout and extending into the wider network. The roundabout has also been designed as a compact single carriageway junction which provides for a safer option for cyclists who may choose to remain on the carriageway. Pedestrian links are provided to all arms of the roundabout and will connect in to the existing footpath on the Vendee Drive link. The provision of the roundabout and the pedestrian and cycle infrastructure proposed as part of this application will make a significant contribution towards access arrangements for the benefit of the whole of the Bicester 10 allocation and any further links between the application site to the Phase 1 development and to the west will need to be considered through the development of Phase 1.

Full Application Proposals

- 9.37. The Full (detailed) element of the application refers to the health and racquets club site which takes direct access from Wendlebury Road and incorporates raised crossing treatments as part of proposed upgrades for cyclists and pedestrians on Wendlebury Road. OCC have raised no objection to the proposed access arrangements in this regard. Concerns were raised in relation to the detailed layout of the site and OCC requested that vehicle tracking at the access be revised to ensure that any overrun of the kerb by large vehicles accessing the site is avoided; it was also requested that the proposed barrier controlled access to the health club be set back further into the site to ensure that large vehicles do not overhang the footpath/cycleway when stopping to access the site. These revisions have been made by the applicant and the concerns of OCC addressed in this regard.
- 9.38. Other matters raised by OCC include cycle parking, which is detailed in the application but was considered to be under provided for at 20 cycle spaces. The applicant has agreed to make provision for secure and covered parking of 30 cycles within the site which is acceptable to OCC highways.

Traffic Impact

- 9.39. An Environmental Impact Assessment has been submitted with the application. The transportation chapter of the ES has been informed by a Transport Assessment and Travel Plans which address the traffic impact of the development.
- 9.40. The proposed development has been brought forward by the applicant to respond to the market requirements as identified by them and set out in the application. This has resulted in a flexible B1 use which caps B1(a) use at 35% of the development which also limits the effects of the development on the strategic and local highway network.
- 9.41. In their initial response to the application(s), OCC raised concern regarding the trip rates applied to the proposed development. As a result, and in consultation with OCC highway officers, revised figures have been incorporated into a revised Transport Assessment and their objection on this basis has subsequently been removed. On the basis of these revised parameters, revised operational appraisal of

the highway has been undertaken, assessing the impact of the proposed development traffic at the site access junction, Vendee Drive roundabout and the A41 corridor. Beyond this study area, it has been shown that the material impact from this development would be sufficiently low as not to require junction assessment.

- 9.42. OCC are satisfied that the proposed development would not have an adverse impact on the surrounding road network. Modelling outputs however show that the northern A41 corridor junctions are already saturated and are likely to operate outside of their capacities. This is expected to improve with the introduction of the South East Perimeter Road (SEPR). The proposed development will therefore be required to make a contribution towards the SEPR to mitigate the impact of the development on the highway network. The applicant has confirmed that they are willing to make a proportionate contribution which shall be secured through a S106 agreement.
- 9.43. In addition, a Framework Travel Plan has been submitted to cover the employment floorspace proposed and a detailed Travel Plan has been submitted for the health and racquets club setting out measures to maximise opportunities for sustainable modes of travel to and from the site. Compliance with these Travel Plans and the submission of further detailed measures to promote sustainable travel will be secured through condition.
- 9.44. It is noted that there have been a number of accidents at the A41/Vendee Drive roundabout in the last five years and the addition of vehicle movements through the junction generated by the development is likely to exacerbate the risk. In order to address the safety of this junction, OCC are developing a scheme that comprises gradual speed reduction measures on approach to the roundabout to include road marking, signing and lane improvements. A financial contribution is sought towards the cost of implementing these measures and will be secured through a S106 agreement.

Conclusion

- 9.45. The development would be accessible by a range of modes of transport through the provision of bus stops in close proximity to the site and contributions towards the local bus service, and by way of a shared footpath/cycleway along Wendlebury Road. The development would not give rise to severe traffic congestion or highway safety risks but contributions are required towards the South East Perimeter Road and the proposed improvements to the A41/Vendee Drive roundabout.
- 9.46. There have been a number of detailed objections raised on highway grounds through third party representations as set out earlier in the report. These have been considered by the applicant and OCC, as local highway authority, through the revisions which have been made to the Transport Assessment and access arrangements to the site and it is considered that the concerns raised have been satisfactorily addressed.
- 9.47. The proposals are therefore considered to be in accordance with the requirements of policies SLE4 and Bicester 10 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF.

Design and impact on the character of the area

Policy Context

- 9.48. Policy Bicester 10 requires development on the site to be of high quality, modern design and finish with careful consideration given to architecture and layout and with care given to building heights to reduce overall visual impact. Policy Bicester 10 also requires development on the site to provide structured open spaces and planting that provides a strong landscape setting.
- 9.49. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way its functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

Assessment

- 9.50. The Outline application proposals are submitted with all matters reserved except access. Notwithstanding this, the application is supported by indicative drawings illustrating the layout and appearance of the proposed B1 development to demonstrate that the type and amount of development proposed can be satisfactorily accommodated on the site. In support of the full application proposal, full details of the proposed health and racquets club have been submitted.
- 9.51. The submitted drawings and indicative information submitted with the Outline scheme, propose a modern and attractive development within a landscaped setting reflecting the policy requirements and context of the site. The development proposals comprise two storey development (approximately 11m in height) of modern design and appearance which could reasonably accommodate a mix of B1 uses.
- 9.52. The development proposals for the Outline element of the application indicate significant opportunities for landscaping and tree planting within the development, which will create a high quality environment within the site and a positive transition between the development to the north and west of the site and the open countryside to the south.
- 9.53. Whilst noting the desired flexibility to enable a mix of B1 uses to be brought forward to respond to the needs of the knowledge economy, reflecting market requirements, it is nevertheless important to ensure that a Development Framework Plan is agreed which establishes the key place making principles for the site taking into account the wider Bicester 10 proposals. Reserved matters applications would then need to be made in accordance with the framework plan. The framework plan will need to consider key place shaping principles such as the relationship between buildings, landscaped spaces and key movement corridors, the creation of attractive and well-defined streetscapes, the distribution of uses across the site, and set minimum and maximum height parameters. The framework plan can be secured by condition, prior to submission of reserved matters.
- 9.54. The health and racquets club is submitted in full detail and sets out a two storey building, set back within the site behind a large car park accessed from Wendlebury Road. Whilst the form of the building is generally designed around its function and the spatial requirements of the internal spaces, the external appearance of the building is modern and has been designed using modern material finishes to achieve a high quality external appearance and address the scale of the building, responding positively to its surroundings.
- 9.55. Due to the flood risk constraints of the site, a large area of the site to the east has been removed from the developable area. This has positive benefits to the development, providing a substantial area of open space which has the opportunity

for further landscaping around flood compensation areas which will incorporate species rich wetland, capable of delivering significant biodiversity gain. This greatly enhances the environment within the site.

- 9.56. The visual impact of the development has been considered through the submission of a Strategic Landscape Assessment. It is noted that the visual effects of the development are likely to appear in the context of existing development and that which has been consented or is currently under construction, as such the development would appear as a natural extension to the wider development proposals in the area.
- 9.57. The high-quality design approach to the site and incorporation of integrated landscaping and green infrastructure has the effect of assimilating the development within its urban-rural setting thus reducing the wider visual impacts.

Conclusion

- 9.58. The development as proposed is of a scale and design which would be sympathetic to the context and setting of the site. Whilst the majority of the proposals are in Outline form, the indicative details satisfactorily indicate careful consideration to achieving a landscape led scheme in accordance with the requirements of CLP 2031 Part 1 policy Bicester 10. The key site specific design and place shaping principles set out in policy Bicester 10 can be secured at reserved matters stage, informed by a development framework plan.

Amenity and neighbouring land uses

Policy Context

- 9.59. Policy Bicester 10 requires development to comply with policy ESD15 of the CLP 2031 Part 1. Policy ESD15 in turn, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.60. As set out above, an Outline application has also been submitted for development of the adjacent poultry farm site for B1 use, which includes the demolition of existing residential properties. Whilst the application is recommended for approval, in the event that the poultry farm is not developed, the amenity of adjacent residential occupiers needs to be considered.
- 9.61. Within the poultry farm site, two residential dwellings are shown – Lakeside House and Lakeside Bungalow. These dwellings are located in the south of site set back from Wendlebury Road. The dwellings would be separated from the proposed employment development by at least 110 metres and would be well screened by the existing mature trees within the poultry farm site. Notwithstanding the commercial scale of the proposed development, given the physical separation and existing features within the site, there is unlikely to be any adverse impact to residential amenity as a result of the proposed development, particularly taking into consideration the use of the poultry farm site itself and the adverse impacts which arise from this existing use.
- 9.62. The parameter plans submitted with the application also set a significant set back of built development from Wendlebury Road providing some 30 metre separation to the adjoining Phase 1 development which now proposes residential uses. This set back provides for a satisfactory relationship between the adjoining development

allowing for appropriate landscaping and buffer planting if required. It should also be noted that B1 uses are generally considered to be compatible with residential uses.

- 9.63. It is proposed to secure a Development Framework Plan to consider key place shaping principles such as the relationship between buildings, landscaped spaces and key movement corridors, the creation of attractive and well-defined streetscapes, the distribution of uses across the site, and set minimum and maximum height parameters. The framework plan can be secured by condition, prior to submission of reserved matters.

Conclusion

- 9.64. A satisfactory relationship with adjacent and proposed development is considered to be achievable. Parameter Plans submitted with the application secure areas of built development and maximum building heights so that the development would be compatible with adjacent land uses and the key site specific design and place shaping principles set out in policy Bicester 10 can be secured at reserved matters stage, informed by a development framework plan. On this basis, the application is considered to be in accordance with policies Bicester 10 and ESD 15 of the CLP 2031 Part 1 and the NPPF.

Heritage Impact

- 9.65. The application site adjoins the designated boundary of the Alchester Roman Town Scheduled Ancient Monument (SAM) which comprises an approximate 10ha site to the south of the application site.

Policy context

- 9.66. Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* The NPPF also states that, where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- 9.67. Policy Bicester 10 acknowledges the adjacent Alchester Roman Town and requires conservation and enhancement of its setting and the setting out of opportunities to better reveal its significance.
- 9.68. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

Assessment

- 9.69. The application site lies to the north of the Alchester Roman Town SAM. The monument consists of buried remains and earthworks. The application is supported by a Written Scheme of Investigation for Archaeological Investigation which has been informed by a Heritage Desk-Based Assessment and Archaeological Field Evaluation.

- 9.70. Historic England and OCC Archaeology initially raised objections on the basis of insufficient information and the impact on the adjacent SAM and the applicant has consulted with these external consultees in order to address the objections raised.
- 9.71. Specifically, OCC Archaeology initially advised that the results of the archaeological evaluation and trial trenching, which has already been undertaken, need to be incorporated into the desk based assessment and will need to examine the significance of the archaeological features identified within the context of the wider environs. Also, as there has been no archaeological investigation of the area of the existing poultry farm, it is important that the assessment considers the wider context and the potential for significant archaeological deposits being present on this part of the site.
- 9.72. An updated Desk-Based Assessment has been submitted and whilst the County's Archaeologist still has concerns, the objection to the applications has been removed and conditions are recommended to secure a programme of evaluation and mitigation.
- 9.73. OCC Archaeology and Historic England also consider that the development has the potential to significantly impact on the designated SAM and Historic England have raised objections on this basis.
- 9.74. In response, the applicant has submitted a supporting statement. This sets out the limited contribution the application site currently makes to the setting of the SAM and the currently interrupted viewpoints into the SAM. The statement confirms that the land to the east of the existing poultry farm will remain completely clear of any built development with all development concentrated on the western part of the site and that the built development proposed within the poultry farm site (considered under 19/01746/OUT) would be within the footprint of the existing buildings; a landscaped no-build zone is also proposed to provide a buffer to the SAM boundary.
- 9.75. The statement also sets out that the proposals would have a positive impact on the setting of the SAM by increasing public access, understanding and knowledge, and by ensuring a more sensitive design approach and the introduction of a green buffer adjacent to the SAM boundary. It is argued that this would better reveal the significance of the heritage asset.
- 9.76. Whilst Historic England maintain their objection in this respect, Planning Officers are satisfied that the effect on the SAM has been adequately considered given the location of the proposed development and taking into account the surrounding context and the detail of the proposals.
- 9.77. Planning Officers agree with the position set out by the applicant and consider that there would be no harm to the setting of the SAM as a result of the proposed development. It is clear that the application, which is in accordance with the scale and form of development envisaged by the allocation, would bring about positive effects by setting back the proposed built form through the inclusion of a landscaped 'no build zone' providing an improved edge to the SAM. Public access will also be provided through the large area of open green space within the eastern half of the application site which will allow for greater appreciation of the SAM than currently exists.
- 9.78. The applicant has also agreed to include interpretation boards within the application site providing explanation and information about the Alchester Roman Town SAM. These can be secured by condition.

Conclusion

- 9.79. Despite the objections raised by OCC Archaeology and Historic England in respect of the setting of the Alchester Roman Town SAM, in the opinion of Officers the proposals would not lead to harm to the significance of the heritage asset. The proposed development would enhance the setting of the SAM by securing a more considered approach to development along its boundary, by maintaining the open nature of the eastern part of the site and by including opportunities for public access through the site to better reveal the assets significance.
- 9.80. On this basis, the application is considered to be in accordance with policies Bicester 10 and ESD 15 of the CLP 2031 Part 1 and the NPPF.

Ecology Impact

Legislative context

- 9.81. 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 (EPS)', and the adaptation of planning and other controls for the protection of European Sites.
- 9.82. 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.
- 9.83. 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.
- 9.84. 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.

9.85. 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

9.86. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.87. Paragraph 175 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.

9.88. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.89. Policy ESD10 of the CLP 2031 Part 1 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. This policy approach is 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.

9.90. Policy Bicester 10 of the CLP 2031 Part 1 requires that applications be supported by an ecological survey and that there is adequate investigation of, protection of and management of priority and protected habitats and species on site given the ecological value of the site. The policy requires that biodiversity be preserved and enhanced.

Assessment

9.91. 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')

9.92. The Standing Advice sets out habitats that may have the potential for protected species. In this regard, the site is close to the Langford Brook and there are a number of mature trees and hedgerows within and adjacent the site, which have the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.93. 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.

9.94. 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.

9.95. The application is supported by an Environmental Impact Assessment which includes detailed protected species surveys and botanical surveys. These surveys confirmed that the site is of limited value to protected species, except for bats and flora and fauna interest was also limited. The development of the adjacent poultry farm site (considered under 19/01746/OUT) involves the demolition of buildings which are currently used for bat roosting. Both sites have been identified as foraging and commuting for bats.

9.96. A licence will therefore be required for the demolition stage of the development and mitigation is proposed to be built into the development proposals including bat tubes and a sensitive approach to external lighting proposals.

9.97. A proposed district wildlife site would also be lost as a result of the proposals constituting a significant loss of grassland. The site is adjacent to the Bicester Wetland Reserve and the grassland on site currently offers resources to a range of birds and its loss has the potential to affect the reserve's ecology if not appropriately buffered.

9.98. The proposed development will include the creation of a wetland/species rich wet grassland within the eastern part of the site. The Council's Ecologist has considered these proposals and is satisfied that they will deliver adequate mitigation and enhancement for ecology and biodiversity as part of the development, providing water attenuation for the development and habitat creation compatible with the adjacent Bicester Wetland Reserve which will strengthen the wetland corridor along the watercourse and enhance an important wildlife corridor resulting in a net biodiversity gain.

Conclusion

- 9.99. Reasonable mitigation is proposed to protect roosting bats and by way of the wet grassland habitat which will result in an acceptable level of net gain for biodiversity on the site. On the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, the proposed development is considered to be acceptable subject to conditions, and the welfare of any European Protected Species present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. Therefore, 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.

Flood Risk and Drainage

Policy Context

- 9.100. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.101. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.
- 9.102. Policy Bicester 10 of the CLP 2031 Part 1 also identifies the area within the east of the site as flood plain and requires that a sequential approach be followed. Where possible buildings should be located away from areas at high risk of flooding. The development should be made safe without increasing flood risk elsewhere requiring full mitigation of flood risk in accordance with policies ESD 6 and ESD 7.

Assessment

- 9.103. An Environmental Impact Assessment has been submitted with the application which addresses flood risk and drainage. The site lies within Flood zones 1, 2 and 3 and a significant area of the site is at risk of flooding. The development proposals have been developed so as to avoid built development within the functional flood plain and flood compensation areas are proposed as part of the development.
- 9.104. The Environment Agency and OCC Drainage initially raised objections to the proposals based on insufficient information. The applicant has submitted additional information and a revised Flood Risk Assessment which have satisfactorily addressed the objections raised. Conditions are recommended.

Conclusion

- 9.105. The application site is allocated for development through the CLP 2031 Part 1, a process which was informed by a strategic flood risk assessment. Policy Bicester 10 of the CLP 2031 Part 1 sets out specific and detailed requirements for addressing flood risk as part of any development on the site. It is clear from the form of the application and the information submitted to support it that the applicant has sought to comply with these policy requirements. The objections of the EA and OCC Drainage have been overcome and the application is considered to be acceptable in this regard.

Energy Efficiency and Sustainability

Policy Context

- 9.106. Policy Bicester 10 expects development on the allocation to demonstrate climate change mitigation and adaption measures including exemplary compliance with the requirements of policies ESD1 to 5. ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.107. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.108. To support the health and racquet club proposals, the applicant has submitted a detailed Energy Strategy which sets out a commitment to achieving carbon savings within the proposed development. As part of the development it is proposed to improve the building fabric and install high efficiency equipment to provide improvements against building regulation targets. In addition, CHP and Air Source Heat Pumps will be installed providing a low carbon and renewable energy saving of 35.8%. Overall it is set out that the health club will achieve a 39% improvement on Part L 2013 building regulations and the development as a whole will achieve CO₂ savings of 159 tonnes per annum.
- 9.109. An Outline Energy Statement has been submitted to support the Outline proposals for both applications which addresses how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard. This sets out a staged energy hierarchy which would employ passive design solutions such as natural daylight and improved building fabric performance to maximise energy saving. Low and zero carbon technologies have also been assessed to attain further carbon reduction where required. The assessment confirms that Air Source Heat Pumps and/or Photovoltaics could feasibly be utilised on this development.

Conclusion

- 9.110. Subject to the imposition of suitable conditions requiring compliance with the submitted Energy Strategies, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

Planning Obligations

- 9.111. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.112. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning

obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.

9.113. Officers have had regard to the consultation responses, the Council's SPD for Developer Contributions (2018), and the statutory tests in considering the application and recommend that the following financial items be secured through a joint S106 legal agreement to cover both the current Outline and Hybrid planning applications in the event that planning permission is granted in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations.

| Contribution | Amount £ | Price base | Index | Towards (details) |
|--|----------------------|-------------------|--------------|--|
| Highway works (1) | £598,404.24 | October 2019 | Baxter | The Strategic Highway Infrastructure contribution (SEPR) |
| Highway Works (2) | £50,000 | October 2019 | Baxter | Towards highway safety improvement measures at Vendee Drive roundabout |
| Public transport services | £375,000 | October 2019 | RPI-x | Towards bus service enhancements to extend a local bus service to/from this site at peak times |
| Public transport infrastructure (if not dealt with under S278/S38 agreement) | £10,000 | October 2019 | Baxter | A bus Shelter including a standard flag pole and information case |
| Travel Plan Monitoring | £3,280 | October 2019 | RPI-x | Travel plan monitoring fees of £2,040 for the B1 employment floorspace. |
| Total | £1,036,684.24 | | | |

9.114. The developer is also required to enter into a s278 agreement with the local highway authority to deliver safe and suitable access to the development to include the vehicular access onto the site; the shared use cycle/footway; realignment of Wendlebury Road to form new roundabout access; new single bus stop on Wendlebury Road.

9.115. An obligation will also need to be included to ensure that the development permitted under planning permission ref. 19/01746/OUT shall not commence until the development permitted under this consent is substantially complete, so that the development does not come forward in advance of or jeopardise the delivery of the Bicester 10 strategic policy allocation.

9.116. In addition, the District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within the S106 agreement, the final amounts to be negotiated. The

District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the S106 agreement.

9.117. In addition to the above, the Council's Developer Contribution SPD seeks to secure construction apprenticeships, skills and training. It has been agreed with the applicant that this can be secured through condition attached to the planning consent. Similarly, the provision of public art within the site will also be secured by condition.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.

10.2. The application proposes development that, with respect to the B1 use class employment development, is considered to be in accordance with the development plan in principle. With respect to the proposed health and racquets club development, which is not a B1 use, this would not be in accordance with the development plan. However, Officers are persuaded that the proposal passes the sequential test and there would not be adverse impacts on Bicester town centre. The proposal would also bring about benefits as a result of the development of this part of the site for a high quality leisure use, that would outweigh the potential harm which may have resulted from the loss of employment development. The application is also submitted concurrently with a further Outline application for additional employment development on the adjacent poultry farm site (ref: 19/01746/OUT and recommended for approval on the agenda for this Committee) which would assist in making up for any deficit in employment development at this location if approved.

10.3. The development is therefore considered to be acceptable in principle in accordance with the development plan and where the proposals depart from the development plan, there are other material considerations which on balance outweigh the conflict. The submission and approval of a development framework plan, to ensure that reserved matters deliver the key site specific design and place shaping principles set out in policy Bicester 10, can be secured by condition, and for the reasons set out above, the impacts of the development in other respects (e.g. transport, ecology, archaeology, flooding and drainage) can also be adequately addressed by condition and/or legal agreements. Approval is thus recommended subject to conditions and planning obligations.

10.4. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report. The ES and amendments to it, identify mitigation to overcome any adverse environmental impacts as a result of the development. This mitigation will need to be secured through conditions and/or legal agreements. As such, the conditions and obligations proposed incorporate the mitigation identified in the ES.

11. RECOMMENDATION

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

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

- a) Highway Works (1) - £598,404.24 (index linked)
- b) Highway Works (2) - £50,000 (index linked)
- c) Public Transport services - £375,000 (index linked)
- d) Public Transport infrastructure - £10,000 (index linked)
- e) Travel Plan Monitoring - £3,280 (index linked)
- f) Payment of the District Council and County Council monitoring costs – (TBC)
- g) That the developer commits to enter into a s278 highway agreement

CONDITIONS AND REASONS RELATING TO THE FULL PLANNING PERMISSION

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1 Statutory Time Limit

The development to which this planning 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 Compliance with plans

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

- A-PL-04-010xP01_Proposed Ground GA Plan
- A-PL-04-011xP01_Proposed First GA Plan
- A-PL-04-012xP01_Proposed Roof GA Plan

- A-PL-05-010xP01_Proposed GA Elevations
- A-PL-05-020xP01_Proposed Air Dome Elevations
- A-PL-05-030_Proposed Sauna Elevations

- A-PL-06-001_Proposed GA Sections
- A-PL-06-010_Proposed Site Sections

- A-PL-09-000_Existing Site Plan
- A-PL-09-010xP05_Proposed Site Plan
- A-PL-09-020xP04_Proposed Site Tracking Layout
- A-PL-09-100_Proposed Tree Pit Detail
- A-PL-09-101_Proposed Entrance Barrier Detail
- A-PL-09-102xP02_Proposed Bike Shelter Detail

- A-PL-95-010xP04_Proposed Surfacing Plan
- A-PL-97-010xP04_Proposed Boundary Treatment

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| | <p>Bicester Design and Access Statement Rev02 Bicester Material Samples_P02</p> <p>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.</p> |
| 3 | <p>Site Clearance (nesting season)</p> <p>The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.</p> <p>Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.</p> |
| 4 | <p>BREEAM/Energy Strategy</p> <p>The development hereby permitted shall be implemented in accordance with the DLL Bicester Energy Strategy (ref. 41602/JT dated December 2019) and shall be constructed to at least a BREEAM 'Very Good' standard.</p> <p>Reason - To ensure exemplary energy and resource efficiency practices are incorporated into the development in accordance with Policy Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.</p> |
| 5 | <p>Travel Plan</p> <p>The development hereby permitted shall be implemented and operated in accordance with the David Lloyd Leisure Ltd Health and Racquets Club Travel Plan (ref SKP/RJM/19539-08a dated 22nd July 2019).</p> <p>Reason: In the interests of highway safety and to promote sustainable transport, to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF.</p> |
| 6 | <p>Flood Risk</p> <p>The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and • 7878m³ of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes. |

| | |
|------------------------------------|---|
| | <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.</p> <p>Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.</p> |
| 7 | <p>Maintenance of planting</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or 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, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with 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.</p> |
| 8 | <p>Land Contamination not Previously Identified</p> <p>If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.</p> <p>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.</p> |
| PRE-COMMENCEMENT CONDITIONS | |
| 9 | <p>Construction Management Plan (CMP)</p> <p>No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and shall provide for at a minimum;</p> <ul style="list-style-type: none"> • Routing of construction traffic and delivery vehicles including means of access into the site; |

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| | <ul style="list-style-type: none"> • Details of and approval of any road closures needed during construction; • Details of and approval of any traffic management needed during construction; • Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway; • Measures to control the emission of dust and dirt during construction; • Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions; • The erection and maintenance of security hoarding / scaffolding if required; • A regime to inspect and maintain all signing, barriers etc; • Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided; • Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc; • Details of arrangements for site related vehicles (worker transport etc); • Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc; • A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted; • Any temporary access arrangements; • Delivery, demolition and construction working hours (which must be outside network peak hours); • Storage of plant and materials used in constructing the development; • A scheme for recycling/ disposing of waste resulting from demolition and construction works. <p>The approved Construction Management Plan shall be adhered to throughout the construction period for the development.</p> <p>Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| 10 | <p>Construction Environmental Management Plan (CEMP) for Biodiversity</p> <p>No development shall take place (including demolition, ground works, or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:</p> <ol style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities; b) Identification of 'Biodiversity Protection Zones'; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; |

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| | <ul style="list-style-type: none"> f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) Use of protective fences, exclusion barriers and warning signs <p>The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| 11 | <p>Landscaping Scheme</p> <p>No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:</p> <ul style="list-style-type: none"> (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation, (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps. <p>Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.</p> <p>Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| 12 | <p>Arboricultural Method Statement (AMS)</p> <p>No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.</p> <p>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 built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the</p> |

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| | development as it is fundamental to the acceptability of the scheme. |
| 13 | <p>Sustainable Drainage</p> <p>No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.</p> <ul style="list-style-type: none"> • S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout • FRA (Issue 3) - Main Body Text (PART 1 OF 11) • Appendix A (PART 2 OF 11) • Appendix B (PART 3 OF 11) • Appendix C (PART 4 OF 11) • Appendix D (PART 5 OF 11) • Appendix E (PART 6 OF 11) • Appendix F (PART 7 OF 11) • Appendix G (PART 8 OF 11) • Appendix H (PART 9 OF 11) • Appendix J (PART 10 OF 11) • Appendix K (PART 11 OF 11) <p>Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| | THAMES WATER CONDITIONS – awaiting response from TW to confirm recommended conditions |
| 14 | <p>Land Contamination: Desk Study/Site Walk Over</p> <p>No development shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's '<i>Model Procedures for the Management of Land Contamination, CLR 11</i>' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.</p> <p>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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| 15 | Land contamination: Intrusive Investigation |

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| | <p>If a potential risk from contamination is identified as a result of the work carried out under condition 14 no development shall take place until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.</p> <p>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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>16</p> | <p>Land Contamination: Remediation Scheme</p> <p>If contamination is found by undertaking the work carried out under condition 15 no development shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.</p> <p>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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>17</p> | <p>Archaeological WSI</p> <p>Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).</p> |
| <p>18</p> | <p>Archaeological Evaluation and Mitigation</p> <p>Following the approval of the Written Scheme of Investigation referred to in</p> |

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| | <p>condition 17 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.</p> <p>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 (2019).</p> |
| <p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE</p> | |
| <p>19</p> | <p>Piling Method Statement</p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.</p> <p>Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure and so this condition is necessary to protect that infrastructure, in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF.</p> |
| <p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION</p> | |
| <p>20</p> | <p>Landscape and Ecological Management Plan (LEMP)</p> <p>Prior to the first occupation of the development hereby permitted, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.</p> |
| <p>21</p> | <p>Details of Lighting</p> <p>Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.</p> |

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| | <p>Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.</p> |
| 22 | <p>Electric Vehicle Charging</p> <p>The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).</p> <p>Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework</p> |
| 23 | <p>Land Contamination: Carry out Remediation</p> <p>If remedial works have been identified in condition 16 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</p> |
| <p><u>CONDITIONS AND REASONS RELATING TO THE OUTLINE PLANNING PERMISSION</u></p> | |
| <p>TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS</p> | |
| 24 | <p>Quantum of Development</p> <p>The development hereby permitted shall comprise a maximum floorspace of 16,800sqm and shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 35% (5,880sqm) shall be developed for purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended).</p> <p>Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the transport impacts of the development are mitigated, as set out in the Environmental Statement and in accordance with Policy SLE4, Bicester 10 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning</p> |

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| | Policy Framework. |
| 25 | <p>Reserved Matters</p> <p>No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).</p> |
| 26 | <p>Phasing Plan</p> <p>No development shall take place until a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.</p> <p>Reason - To ensure the proper phased implementation of the development in accordance with Government guidance contained within the National Planning Policy Framework.</p> |
| 27 | <p>Development Framework Plan</p> <p>Prior to the submission of any reserved matters application, a Development Framework Plan to include landscaped spaces, the distribution of land uses, form of buildings including height parameters, street frontage, key movement corridors and the creation of attractive and well-defined streetscapes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Development Framework Plan.</p> <p>Reason - To ensure a coherent and high quality development of the Bicester 10 strategic allocation as a whole in accordance with policy Bicester 10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.</p> |
| 28 | <p>Statutory Time Limit</p> <p>Application for approval of all the reserved matters for the first Phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission.</p> <p>Application for approval of all the reserved matters for the remaining phases of the development shall be made to the Local Planning Authority not later than five years from the date of this permission.</p> <p>The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason - To comply with the provisions of Section 92 of the Town and Country</p> |

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| | <p>Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</p> |
| 29 | <p>Compliance with plans</p> <p>Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s) the development shall not be carried out otherwise than in complete accordance with the approved plans</p> <p>18022/TP/101 Rev B, Site location plan 18022/TP/102 Rev B, Parameters plan 01 18022/TP/103 Rev C, Parameters plan 02 18022/TP/104 Rev B, Parameters plan 03 18022/TP/105 Rev B. Parameters plan 04</p> <p>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.</p> |
| 30 | <p>Site Clearance (nesting season)</p> <p>The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.</p> <p>Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.</p> |
| 31 | <p>Prohibition of Outside Storage</p> <p>No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard the visual amenities 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.</p> |
| 32 | <p>BREEAM/Energy Strategy</p> <p>The development hereby permitted shall be implemented in accordance with the Outline Energy Strategy (ref. 1463/ESC/00/ZZ/RP/Z/0014 dated February 2020) and shall be constructed to at least a BREEAM 'Very Good' standard.</p> <p>Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.</p> |

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| <p>33</p> | <p>Flood Risk</p> <p>The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and • 7878m³ of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.</p> <p>Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.</p> |
| <p>34</p> | <p>Maintenance of planting</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or 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, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with 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.</p> |
| <p>35</p> | <p>Land Contamination not Previously Identified</p> <p>If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out within that phase until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.</p> <p>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.</p> |

PRE COMMENCEMENT CONDITIONS

36 Construction Management Plan (CMP)

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

37 Construction Environmental Management Plan (CEMP) for Biodiversity

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP:

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| | <p>Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities; b) Identification of 'Biodiversity Protection Zones'; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) Use of protective fences, exclusion barriers and warning signs <p>The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>38</p> | <p>Arboricultural Method Statement (AMS)</p> <p>No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter, all works on site shall be carried out in accordance with the approved AMS.</p> <p>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 built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>39</p> | <p>Training and Employment Plan</p> <p>No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.</p> <p>Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is</p> |

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| | <p>sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.</p> |
| 40 | <p>Sustainable Drainage</p> <p>No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.</p> <ul style="list-style-type: none"> • S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout • FRA (Issue 3) - Main Body Text (PART 1 OF 11) • Appendix A (PART 2 OF 11) • Appendix B (PART 3 OF 11) • Appendix C (PART 4 OF 11) • Appendix D (PART 5 OF 11) • Appendix E (PART 6 OF 11) • Appendix F (PART 7 OF 11) • Appendix G (PART 8 OF 11) • Appendix H (PART 9 OF 11) • Appendix J (PART 10 OF 11) • Appendix K (PART 11 OF 11) <p>Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| | <p>THAMES WATER CONDITIONS – awaiting response from TW to confirm recommended conditions</p> |
| 41 | <p>Land Contamination: Desk Study/Site Walk Over</p> <p>Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.</p> <p>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.</p> |
| 42 | <p>Land contamination: Intrusive Investigation</p> |

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| | <p>If a potential risk from contamination is identified as a result of the work carried out under condition 41, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.</p> <p>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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>43</p> | <p>Land Contamination: Remediation Scheme</p> <p>If contamination is found by undertaking the work carried out under condition 42, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i> and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.</p> <p>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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>44</p> | <p>Archaeological WSI</p> <p>Prior to 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.</p> <p>Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).</p> |
| <p>45</p> | <p>Archaeological Evaluation and Mitigation</p> <p>Following the approval of the Written Scheme of Investigation referred to in</p> |

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| | <p>condition 44, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the 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.</p> <p>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 (2019).</p> |
| 46 | <p>Estate Roads, parking and turning areas</p> <p>Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning areas to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting, drainage and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.</p> <p>Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.</p> |
| <p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE</p> | |
| 47 | <p>Piling Method Statement</p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.</p> <p>Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p> |
| <p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION</p> | |
| 48 | <p>Framework Travel Plan</p> <p>Prior to the occupation of any unit within the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport’s Best Practice Guidance Note “Using the Planning Process to Secure Travel Plans” and its subsequent amendments, shall be submitted to and approved</p> |

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| | <p>in writing by the Local Planning Authority. This Framework Travel Plan to be based on the draft document 19539-07a dated 22nd July 2019. The travel plan shall be implemented in accordance with the details approved.</p> <p>Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.</p> |
| 49 | <p>Landscape and Ecological Management Plan (LEMP)</p> <p>Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.</p> |
| 50 | <p>Electric Vehicle Charging</p> <p>The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).</p> <p>Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework</p> |
| 51 | <p>Scheduled Ancient Monument Public Information</p> <p>Prior to the first occupation of the development hereby permitted, details of a Public Information Scheme relating to the Scheduled Ancient Monument and to be provided on the site, including arrangements for members of the public to access the information and a timings for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.</p> <p>Reason – To increase public awareness of the Schedule Ancient Monument and assist in revealing its significance as part of the development in accordance with Policy ESD 15 and Policy Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p> |
| 52 | <p>Land Contamination: Carry out Remediation</p> <p>If remedial works have been identified in condition 43, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 43. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.</p> |

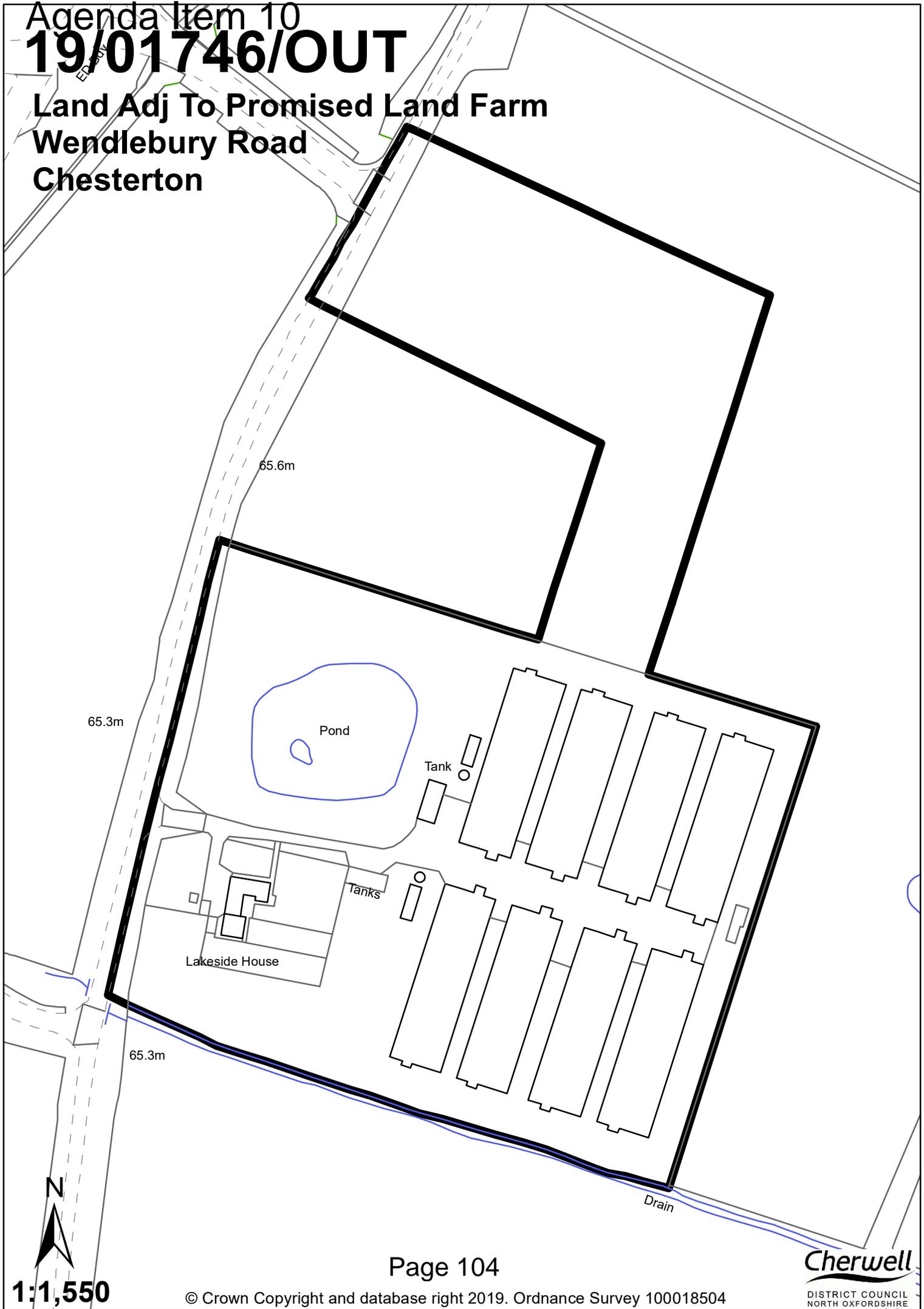
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| | <p>Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried 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.</p> |
| <p>NOTES TO APPLICANT</p> | |
| <p>1</p> | <p>Environmental Impact Assessment</p> <p>In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.</p> |

CASE OFFICER: Bernadette Owens

TEL: 01295 221830

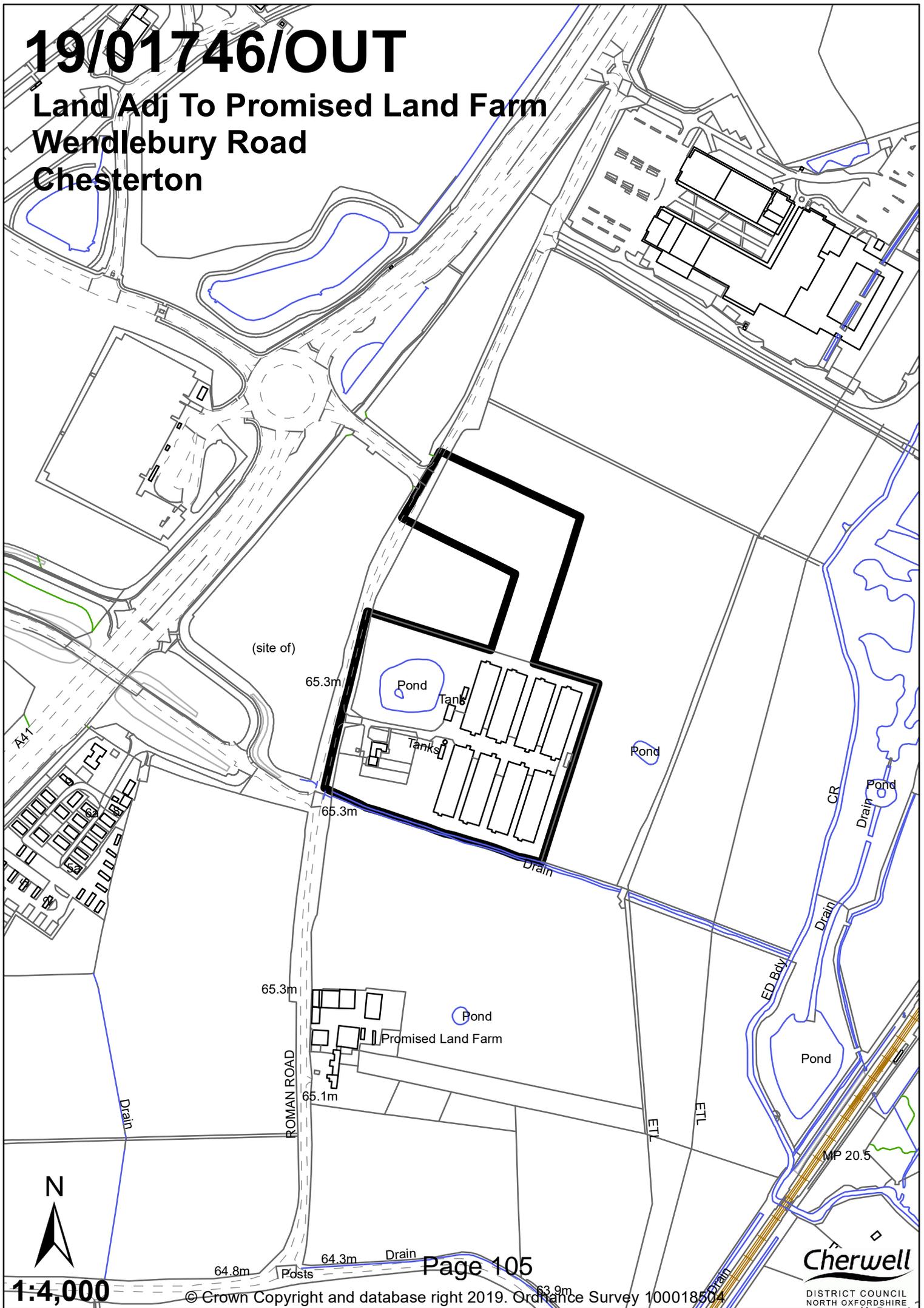
Agenda Item 10 19/01746/OUT

Land Adj To Promised Land Farm Wendlebury Road Chesterton



19/01746/OUT

Land Adj To Promised Land Farm
Wendlebury Road
Chesterton



Case Officer: Bernadette Owens

Applicant: Mr Kelvin Pearce

Proposal: Outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure works

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin; Cllr James Macnamara; Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 21 May 2020

Committee Date: 21 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT (AND ANY CHANGES TO CONDITIONS)

Proposal

The application seeks Outline consent for up to 10,200sqm of B1 development with all matters reserved except access.

Consultations

The following consultees have raised **objections** to the application:

- Wendlebury Parish Council and Historic England.

The following consultees have raised **no objections** to the application:

- Bicester Town Council, Chesterton Town Council, CDC Planning Policy, CDC Economic Development, CDC Ecology, CDC Arboriculture, CDC Environmental Health, Banbury Ornithological Society, Natural England, Thames Valley Police, Thames Water, Environment Agency and OCC Drainage.

9 letters of objection have been received and 2 letters of support have been received.

Planning Policy and Constraints

The application site is outside of the CLP 2031 Part 1 Bicester 10 policy allocation on a previously developed site (currently in use as an operational poultry farm). The site adjoins the Alchester Roman Town Scheduled Ancient Monument to the south of the site.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Environmental Impact Assessment
- Principle of development

- Transport and highway impacts
- Design, and impact on the character of the area
- Amenity and neighbouring land uses
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and completion of a satisfactory S106 legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site (Site B) comprises approximately 4.6ha of agricultural land to the southwest of Bicester. The site is an operational poultry farm comprised of a series of large poultry sheds. Residential properties are situated at the front of the site with a large pond to the north surrounded by mature trees.
- 1.2. The application site is bound by Wendlebury Road to the west and fields to the north and east. The Bicester Avenue Garden Centre lies to the north and an existing watercourse to the east with railway track beyond. Immediately to the south is the Alchester Roman site Scheduled Ancient Monument.
- 1.3. The site is bound by mature trees and hedgerow with open countryside to the south. Wendlebury Road also has a rural character defined by hedge lined verges containing mature trees and vegetation.
- 1.4. The site is adjoined to the north and east by the Policy Bicester 10 allocation (Bicester Gateway) of the Cherwell Local Plan (Part 1) (2011-2031) but is not allocated for development itself.
- 1.5. A Hybrid application has also been submitted simultaneously by the applicant for the adjacent land (19/01740/HYBRID) (to the west of Wendlebury Road) allocated within policy Bicester 10. The application proposes the development of the site for B1 development with access from Wendlebury Road through the adjacent site. The HYBRID application is the subject of a separate report also included on this Committee agenda.

2. CONSTRAINTS

- 2.1. The application site adjoins the boundary of the Alchester Roman site Scheduled Ancient Monument (SAM) which comprises an approximate 10ha site to the south of the application site.
- 2.2. Part of the application site lies within flood zones 2 & 3 and is close to the Bicester Wetland Reserve to the east.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application is submitted in Outline form and seeks;

Outline planning permission (all matters reserved except access) for B1 development (Use Classes B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure.

3.2. For the avoidance of doubt, B1a comprises most types of office use (but excluding those providing a service to visiting members of the public), B1b comprises research and development uses (e.g. involved in the development of products and processes) and B1c comprises light industrial uses (i.e. industrial uses that would be compatible in a residential area).

3.3. Access will be taken from Wendlebury Road through the adjacent site by way of a new roundabout with the Vendee Drive link incorporating an upgraded footpath/cycleway on Wendlebury Road.

3.4. The application is accompanied by an Environmental Statement which covers the matters of Biodiversity, Water Resources and Flood Risk, Transport and Access and Cumulative Effects.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the application site. However, planning permission has already been granted for the first phase of the development of the Bicester 10 allocation on land to the west of the site between the A41 and Wendlebury Drive. The approved Hotel development is currently under construction. The following planning history for the adjacent site is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|--|
| 16/02586/OUT | Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sqm (Gross External Area) of B1 employment-based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards. APPROVED |
| 17/02557/REM | Reserved matters to 16/02586/OUT – Erection of hotel and associated works. APPROVED |

An Outline application has now also been received for the remainder of the Phase 1 site (application ref. 20/00293/OUT) for B1 office space; 273 residential units including ancillary gym; Café space with an ancillary, mixed use co-working hub; multi-storey car park; multi-use games area; and amenity space.

The application will be considered for determination at a later Planning Committee.

5. PRE-APPLICATION DISCUSSIONS

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

| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|-----------------|
|-------------------------|-----------------|

18/00287/PREAPP Outline application for employment development (Use Classes B1/B2/B8) and leisure club (Use Class D2)

19/00069/PREAPP FOLLOW-UP PREAPP - Outline application for employment development (Use Class B1) and leisure club (Use Class D2)

5.2. The pre-application proposals included the re-development of the chicken farm site as well as the land within the Bicester 10 allocation. Whilst there was no significant objection to the inclusion of the chicken farm site, the proposals for the Bicester 10 site did not accord with the policy allocation through the inclusion of the leisure club and the predominance of light and general industrial warehouse units as opposed to the high tech knowledge development proposed through the allocation.

5.3. A follow up pre-application enquiry was submitted setting out revised proposals which included provision of B1 (a, b and c) uses with a focus on high tech, knowledge based industries. This included a flexible approach to accommodating the full range of B1 uses based on market research. Officers offered more positive comments based on the information submitted.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **3rd February 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties to both applications are summarised as follows:

- Support for sport and recreation facilities and subsequent health benefits for residents;
- Support for investment in Bicester;
- Support for high tech industries locating in Bicester and subsequent socio-economic benefits;
- Concern regarding Highway Safety and Traffic Impact on the A41 and Bicester generally;
- Inadequate provision for walking and cycling;
- Lack of connectivity to Bicester;
- Concerns about car parking provision;
- Concerns about amount, location and security of cycle parking;
- Concerns about the impact on the Alchester Roman Town SAM.

6.3. A letter has been received from Oxfordshire County Cllr Dr Suzanne Bartington raising concerns regarding the inadequate provision of active travel network connectivity and objecting on the basis that the proposal does not accord with the

Healthy New Town vision, policies of the Oxfordshire Transport Plan and the CLP 2031 Part 1 and will not achieve connectivity to transport hubs and housing development sites.

6.4. Objections have been received from Bloombridge LLP, the owners of the remainder of the Bicester 10 site. The objections are made on transport grounds raising the following issues;

- Significant underestimation of potential trip generation; underestimation of the baseline traffic conditions; overestimation of the available capacity of the local road network.
- Substandard provision for pedestrians and cyclist;
- Lack of improvements to the Vendee Drive (link);
- Road safety issues at the A41/Vendee Drive roundabout;
- Acceptability and deliverability of public transport contributions and subsequent improvements to bus services;

6.5. Objections have been received from Value Retail, the owners of Bicester Village. The objections are made on transport grounds raising the following issues;

- Proposed restriction of B1(a) use is not in accordance with CLP 2031 Part 1 policy Bicester 10;
- Underestimation of potential trip generation and traffic flow.

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BICESTER TOWN COUNCIL: **No objection.** Welcome the application, particularly the proposal for additional leisure facilities, proposed B1b use and the proposed improvements to the wetlands. However, concerns are raised regarding highway and traffic concerns at the A41 roundabout at Vendee Drive and enhanced public access to wetland areas for educational and leisure purposes should also be considered.

7.3. CHESTERTON PARISH COUNCIL: **No objection.** Design, biodiversity and flood risk all appear to have been taken into account. However, concerns are raised regarding the resultant increase in traffic in the area and the lack of provisions for walking and cycling, lack of measures to safeguard areas of archaeological interest and impact on wintering/breeding birds in the wetlands from construction vehicles. Suggest that a contribution be sought through S106 to create a footpath/cycleway from Chesterton to the Park and Ride site and the proposed development.

7.4. WENDLEBURY PARISH COUNCIL: **Objection.** There was insufficient engagement at the pre-application stage, the traffic modelling appears inadequate, SEPR is only

aspirational at this stage and funding should not be secured, major changes are required to the Vendee Drive roundabout, traffic should not be routed along Wendlebury Road which should be available for local traffic only to protect Wendlebury from rat-running, a robust Travel Plan needs to be secured through condition, the increase in traffic will have a detrimental effect on the rural character of Wendlebury Road and access to the village, impact on flood risk.

7.5. LANGFORD VILLAGE COMMUNITY ASSOCIATION: **No comments** received.

CONSULTEES

7.6. BICESTER DELIVERY TEAM: **No comments** received.

7.7. CDC ARBORICULTURE: **No objection.** A number of trees will be lost to facilitate the proposals which should be mitigated through proportionate replanting. Further information confirming tree removal should be submitted at the detailed design stage along with a landscaping plan identifying mitigation measures. An Arboricultural Method Statement is also required.

7.8. CDC ECOLOGY: **No objection.** Some issues with the ecological information submitted with the application. Reasonable mitigation is proposed securing an acceptable level of net gain for biodiversity. A CEMP for biodiversity will be required, a bat licence, full lighting strategy, LEMP for the site including enhancement on the buildings and a Habitat Management Plan for the mitigation including funding, review timescale and full management details.

7.9. CDC ECONOMIC DEVELOPMENT: **No objections.** Supports the provision of a flexible mix of office, research and development, production and ancillary distribution to suit current market/occupier need. Supports the development of the site (including the poultry farm) being considered as a single potentially more viable site.

7.10. CDC ENVIRONMENTAL HEALTH: **No objections.** Conditions will be required in respect of contaminated land.

7.11. CDC LANDSCAPE SERVICES: **No comments** received.

7.12. CDC PLANNING POLICY: **No objection.** Subject to satisfactory justification for inconsistency with the Local Plan.

7.13. CDC PUBLIC ART: **No comments** received.

7.14. CDC RECREATION AND LEISURE: **No comments** received.

7.15. OCC HIGHWAYS: **No objection.** OCC Highways initially objected to the application on the basis of queries with the methodology of the Transport Assessment and provisions for pedestrian and cycle access including the design of the access roundabout.

7.16. Further amended information and revisions have been submitted in consultation with OCC to address their concerns and all objections to the application have now been removed subject to recommended conditions.

7.17. OCC DRAINAGE (LLFA): **No objection.** OCC Drainage originally objected to the application on the basis that insufficient drainage, flood risk and SuDS usage had been provided to enable a full technical assessment and audit of the proposal.

- 7.18. Further amended information and revisions have been submitted in consultation with OCC to address their concerns and these objections have now been withdrawn subject to conditions.
- 7.19. OCC ARCHAEOLOGY: **No objection.** The County's Archaeologist initially objected to the application due to a lack of assessment of the significance of identified archaeological features/heritage assets and the setting of the scheduled monument.
- 7.20. An updated Desk Based Assessment has been submitted and whilst the County's Archaeologist still has concerns, the objection has been removed and conditions are recommended to secure a programme of evaluation and mitigation.
- 7.21. WILDLIFE TRUST: **No comments** received.
- 7.22. BANBURY ORNITHOLOGICAL SOCIETY: **No objection.** Comments and observations made relating to existing species and habitats and the creation of the proposed Conservation Zone.
- 7.23. CPRE: **No comments** received.
- 7.24. ENVIRONMENT AGENCY: **No objection.** The initial objections raised by the EA have now been resolved and conditions are recommended.
- 7.25. HISTORIC ENGLAND: **Objection.** The submitted assessment underestimates the harm to the significance of the Scheduled Ancient Monument and does not set out how the development will better reveal the significance of the monument which is a requirement of policy Bicester 10.
- 7.26. NATURAL ENGLAND: **No objection.** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Generic advice on other natural environment impacts is provided.
- 7.27. THAMES VALLEY POLICE: **No objections.** Condition suggested to require Secured by Design standards and advice given on measures required to meet those standards.
- 7.28. THAMES WATER: **No objections:** Conditions suggested in respect of waste and water infrastructure.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- SLE1 - Employment Development

- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- BICESTER 10 - Bicester Gateway
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Environmental Impact Assessment
- Principle of development
- Transport and highway impacts
- Design, and impact on the character of the area
- Amenity and neighbouring land uses
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

Environmental Impact Assessment

9.2. The application is supported by an Environmental Statement (ES). The scope of the ES considers in detail the following topics: Biodiversity, Water Resources and Flood

Risk, Transport and Access and Cumulative Effects. Having regard to the site's allocation for employment use, the nature and likely impacts of the proposed uses, and the site constraints, Officers are satisfied with the scope of the submitted ES. On this basis it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable.

- 9.3. Regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.4. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

Principle of Development

Policy Context

- 9.5. Policy Bicester 10 of the CLP 2031 Part 1 allocates an area of land to the southwest of Bicester, described as Bicester Gateway, for the provision of B1 Business Use (office, R&D, light industrial), with development based on high-tech knowledge industries. The policy sets out that approximately 3,500 jobs could be delivered through development of the site in this way. It is envisaged that the Bicester Gateway development has the potential to be a major high quality employment area at a critical gateway into the town providing opportunities to encourage the knowledge economy associated with Oxford, with a key place shaping principle being "the provision of high quality property to attract and retain 'best in class' technology companies".
- 9.6. Policy SLE1 of the CLP 2031 Part 1 applies to B use class employment development and requires that development proposals in Bicester are within the built-up limits of Bicester (unless on an allocated site). Whilst not explicit about how proposals for development on non-allocated sites at Bicester should be viewed, the policy does go on to state that "The Local Plan has an urban focus. With the potential for increased travel by private car by workers and other environmental impacts, justification for employment development on new sites in the rural areas will need to be provided".
- 9.7. Policy ESD 13 of the CLP 2031 Part 1 resists development proposals where they would cause undue visual intrusion into the open countryside or be inconsistent with local character. Likewise, saved policy C8 of the CLP 1996 seeks to resist sporadic development in the open countryside.

Assessment

- 9.8. Outline planning consent is sought for commercial development falling within use class B1. The application lies outside of the policy Bicester 10 allocation boundary and as such the proposed development is not consistent with policy SLE 1 and policy Bicester 10 the CLP 2031 Part 1 in this regard. The application has been advertised as a departure from the Local Plan.

- 9.9. Whilst submitted in outline form, it is intended to create a high-quality business park in a landscaped setting comprising up to 10,200sqm of B1 development. The development will be brought forward with a maximum amount of B1a floorspace, capped at 35% of the overall development.
- 9.10. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As such, the Outline proposals would be viewed unfavourably, due to their apparent conflict with the development plan.
- 9.11. However, it is important to take into consideration the outline application (16/02586/OUT) for the first phase of the Bicester 10 allocation, which also included an additional area of land outside of the Bicester 10 allocation contrary to the Local Plan. Officers concluded in that case, that the additional area of land adjacent to the policy allocation was well contained and well related to the policy allocation, comprising a clear and logical addition to the allocation without adverse effects on its surroundings or the environment.
- 9.12. This current application proposes a similar southward extension to the Bicester 10 allocation to include the existing poultry farm, a site which is effectively surrounded by the development which would come forward under policy Bicester 10 and through subsequent planning approvals under 16/02586/OUT. The poultry farm site is already intensively developed but well contained in landscape terms, taking into consideration the form of the Bicester 10 allocation and wider development beyond. The site offers a logical extension to the allocation and would furthermore enable an improved layout and form of development, removing what could otherwise be an incompatible neighbouring use which would not relate well to the high quality and attractive vision for the development of Bicester 10.
- 9.13. As such, whilst the proposed development of the poultry farm site would be outside of the policy Bicester 10 allocation, the proposals would be consistent with the objectives of the policy by supporting the delivery of an attractive business park within a landscaped setting on the edge of the town. The development of the site would also bring forward additional employment floorspace which would off set that which would be lost if the proposed David Lloyd health club is also approved on the Bicester 10 site (being considered under 19/01740/HYBRID which is included as a separate item on the agenda for this Committee).
- 9.14. When viewed as a comprehensive development, the proposals put forward under the current Hybrid and Outline applications comprise a logical and high quality solution to the development of this area, which support the aims of the CLP 2031 Part 1 as set out in policy Bicester 10 in bringing forward an attractive employment generating development for knowledge based industries.
- 9.15. The application seeks a flexible planning permission, enabling a mix of B1 uses to be brought forward to respond to the needs of the knowledge economy, reflecting market requirements. This flexible market-led approach and the provision of flexible accommodation will enhance the attractiveness of the site for future occupiers. However, in order to ensure a comprehensive approach to the development of the area, any future reserved matters applications will need to demonstrate accordance with the site specific design and place making principles set out in Bicester 10. Officers are therefore supportive of a flexible permission in principle, subject to agreeing a development framework plan to ensure a wholistic approach to key place making principles such as design, layout, transport integration and connectivity, and ecology and flood risk mitigation. This can be addressed by condition.

Job Creation

- 9.16. Policy Bicester 10 sets out the potential of the site to bring about the creation of 3,500 jobs – although it is noted that site constraints may reduce this number. It is now clear that the flood risk constraints of the site will reduce the developable area within the site and as such the number of jobs created will be reduced.
- 9.17. Based on the information submitted, it is estimated that the Bicester 10 allocation (in its entirety) could deliver up to approximately 2,050 jobs based on the consented scheme for Phase 1 of the allocation and the current application proposals. A revised application for development of Phase 1 has now been submitted with an amended mix of uses including residential, resulting in a slight reduction in job creation across the allocation to approximately 1,925 jobs.

Conclusion

- 9.18. Whilst the proposed B1 development falls outside of the CLP 2031 Part 1 policy Bicester 10 allocation, the site is already intensively developed for commercial purposes and on balance, it is considered that the development of this site is well related to the allocation and would assist in achieving the wider economic objectives of the development plan, which has an urban focus. The principle of the proposed development is therefore considered to be acceptable. Although the application site lies outside of the policy Bicester 10 allocation, it is considered that the proposals should conform with the requirements of the policy to achieve a cohesive development of this area in accordance with the wider objectives of the Local Plan. This can be secured by condition, including a requirement for submission and approval of a development framework plan.

Transport and Highway Impact

Policy Context

- 9.19. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 9.20. Policy Bicester 10 of the CLP 2031 Part 1 requires the consideration of traffic and highway impact through the submission of a detailed transport assessment to assess the impact on the proposed development on the highway network. The development should be well integrated providing connectivity for pedestrians and cyclists to include the provision and upgrading of footpaths and cycleways that link with the existing network to maximise opportunities for walking and cycling. The development should also accommodate bus stops to link to the wider town.

Assessment

- 9.21. The application is submitted in Outline form with all matters reserved except access. Access is to be taken from Wendlebury Road through the adjacent Bicester 10 allocation, as proposed under the concurrently submitted Hybrid application (19/01740/HYBRID). The proposals include minor re-alignment of Wendlebury Road to accommodate a new four arm roundabout which connects with the existing Vendee Drive link and provides access into the Bicester 10 allocation to the application site. Access to the application site is dependent on the development of the adjacent site and the applicant has stated that the application site would not be developed in isolation of the adjacent B1 development proposed under the Hybrid application; this can be secured by way of a planning obligation.

- 9.22. In order to slow traffic and give priority to cyclists, OCC recommended that a more compact design be utilised in this location. The applicant has submitted a revised roundabout design which is more compact and provides good quality off-carriageway cycle provision and pedestrian crossing points to address the objections raised by OCC.
- 9.23. To further support access to the site by pedestrians and cyclists, the applicant has proposed improvements to Wendlebury Road to include a 3m shared footpath/cycleway. It is noted that a short section of this provision is constrained by land take, where a 3m wide shared facility may not be achievable. OCC highways have agreed that narrowing along the route will be acceptable, provided that this is for short distances only and must not be less than 2.5m wide. The submitted plans indicate that this would be achievable.
- 9.24. The application drawings for the proposed upgrades to Wendlebury Road also include the provision of a southbound bus stop on the frontage of the site, and a financial contribution has also been requested by OCC towards public transport to extend the local bus service closer to the development. A further contribution is also sought for the provision of a bus shelter including standard flag pole and information case. These will be secured by S106 agreement.
- 9.25. OCC have subsequently removed their objection to the applications. Although, concerns have been raised by Bicester Bike Users Group (BBUG) to the revised roundabout design proposed under the concurrently submitted Hybrid application (19/01740/HYBRID).
- 9.26. Whilst the comments of BBUG are noted and the safety of cyclist and pedestrians is of great importance in securing an acceptable design solution, the proposed scheme has been subject of discussion between the applicant and OCC including consideration through an independent safety audit which has concluded that the proposed roundabout arrangements are safe. The intentions of BBUG to create optimum connections and a safe environment for cyclists and pedestrians is supported but must be considered taking into consideration the location and context of the site and surrounding highway network.

Traffic Impact

- 9.27. An Environmental Impact Assessment has been submitted with the application. The transportation chapter of the ES has been informed by a Transport Assessment and Travel Plans which address the traffic impact of the development.
- 9.28. The proposed development has been brought forward by the applicant to respond to the market requirements as identified by them and set out in the application. This has resulted in a flexible B1 use which caps B1(a) use at 35% of the development which also limits the effects of the development on the strategic and local highway network.
- 9.29. In their initial response to the application(s), OCC raised concern regarding the trip rates applied to the proposed development. As a result, and in consultation with OCC highway officers, revised figures have been incorporated into a revised Transport Assessment and their objection on this basis has subsequently been removed. On the basis of these revised parameters, revised operational appraisal of the highway has been undertaken, assessing the impact of the proposed development traffic at the site access junction, Vendee Drive roundabout and the A41 corridor. Beyond this study area, it has been shown that the material impact from this development would be sufficiently low as not to require junction assessment.

- 9.30. OCC are satisfied that the proposed development would not have an adverse impact on the surrounding road network. Modelling outputs however show that the northern A41 corridor junctions are already saturated and are likely to operate outside of their capacities. This is expected to improve with the introduction of the South East Perimeter Road (SEPR). The proposed development will therefore be required to make a contribution towards the SEPR to mitigate the impact of the development on the highway network. The applicant has confirmed that they are willing to make a proportionate contribution which shall be secured through a S106 agreement.
- 9.31. In addition, a Framework Travel Plan has been submitted to cover the employment floorspace proposed setting out measures to maximise opportunities for sustainable modes of travel to and from the site. The submission of further detailed measures to promote sustainable travel will be secured through condition.
- 9.32. It is noted that there have been a number of accidents at the A41/Vendee Drive roundabout in the last five years and the addition of vehicle movements through the junction generated by the development is likely to exacerbate the risk. In order to address the safety of this junction, OCC are developing a scheme that comprises gradual speed reduction measures on approach to the roundabout to include road marking, signing and lane improvements. A financial contribution is sought towards the cost of implementing these measures and will be secured through a S106 agreement.

Conclusion

- 9.33. The development would be accessible by a range of modes of transport through the provision of bus stops in close proximity to the site and contributions towards the local bus service, and by way of a shared footpath/cycleway along Wendlebury Road. The development would not give rise to severe traffic congestion or highway safety risks but contributions are required towards the South East Perimeter Road and the proposed improvements to the A41/Vendee Drive roundabout.
- 9.34. There have been a number of detailed objections raised on highway grounds through third party representations as set out earlier in the report. These have been considered by the applicant and OCC, as local highway authority, through the revisions which have been made to the Transport Assessment and access arrangements to the site and it is considered that the concerns raised have been satisfactorily addressed.
- 9.35. The proposals are therefore considered to be in accordance with the requirements of policies SLE4 and Bicester 10 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF.

Design and impact on the character of the area

Policy Context

- 9.36. Policy Bicester 10 requires development on the site to be of high quality, modern design and finish with careful consideration given to architecture and layout and with care given to building heights to reduce overall visual impact. Policy Bicester 10 also requires development on the site to provide structured open spaces and planting that provides a strong landscape setting.
- 9.37. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way its functions. These development plan policies

are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

Assessment

- 9.38. The application is submitted in Outline with all matters reserved except access. Notwithstanding this, the application is supported by indicative drawings illustrating the layout and appearance of the proposed B1 development to demonstrate that the type and amount of development proposed can be satisfactorily accommodated on the site.
- 9.39. The submitted drawings and indicative information submitted with the Outline scheme, propose a modern and attractive development within a landscaped setting reflecting the policy requirements and context of the site. The development proposals comprise two storey development (approximately 11m in height) of modern design and appearance which could reasonably accommodate a mix of B1 uses.
- 9.40. The development proposals indicate significant opportunities for landscaping and tree planting within the development, which will create a high quality environment within the site and a positive transition between the development to the north and west of the site and the open countryside to the south.
- 9.41. Whilst noting the desired flexibility to enable a mix of B1 uses to be brought forward to respond to the needs of the knowledge economy, reflecting market requirements, it is nevertheless important to ensure that a development framework plan is agreed which establishes the key place making principles for the site taking into account the wider Bicester 10 proposals. Reserved matters applications would then need to be made in accordance with the framework plan. The framework plan will need to consider key place shaping principles such as the relationship between buildings, landscaped spaces and key movement corridors, the creation of attractive and well-defined streetscapes, the distribution of uses across the site, and set minimum and maximum height parameters. The framework plan can be secured by condition, prior to submission of reserved matters.
- 9.42. Due to the flood risk constraints of the policy Bicester 10 site, a large area of the adjacent site to the east has been removed from the developable area. This has positive benefits to the whole development, providing a substantial area of open space which has the opportunity for further landscaping around flood compensation areas which will incorporate species rich wetland, capable of delivering significant biodiversity gain. This greatly enhances the environment within the whole site.
- 9.43. The visual impact of the development has been considered through the submission of a Strategic Landscape Assessment. It is noted that the visual effects of the development are likely to appear in the context of existing development and that which has been consented or is currently under construction, as such the development would appear as a natural extension to the wider development proposals in the area. It should also be noted in considering the visual impact of the development, that the application site is already developed comprising large poultry sheds which already have an urbanising effect at this location. A planning obligation will be used to ensure that this site is not developed in advance of the allocation site, to avoid isolated development taking place that is poorly integrated into the built form of Bicester.
- 9.44. The high-quality design approach to the site and incorporation of integrated landscaping and green infrastructure has the effect of assimilating the development within its urban-rural setting thus reducing the wider visual impacts.

Conclusion

- 9.45. The development as proposed is of a scale and design which would be sympathetic to the context and setting of the site. Whilst the proposals are in Outline form, the indicative details satisfactorily indicate careful consideration to achieving a landscape led scheme in accordance with the requirements of CLP 2031 Part 1 policy Bicester 10. The key site specific design and place shaping principles set out in policy Bicester 10 can be secured at reserved matters stage, informed by a development framework plan.

Amenity and neighbouring land uses

Policy Context

- 9.46. Policy Bicester 10 requires development to comply with policy ESD15 of the CLP 2031 Part 1. Policy ESD15 in turn, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.47. The development of the application would involve the demolition of all structures within the application site including the existing residential dwellings. This will remove the need to consider residential amenity as a result of the application proposals. The use of the poultry farm site itself and the noise and odour impacts which arise from this existing use would also be removed as part of the development.
- 9.48. The parameter plans submitted with the application set a significant set back of built development from Wendlebury Road providing some 30 metre separation to the adjoining Phase 1 development which now proposes residential uses. This set back provides for a satisfactory relationship between the adjoining development allowing for appropriate landscaping and buffer planting if required. It should also be noted that B1 uses are generally considered to be compatible with residential uses.
- 9.49. It is proposed to secure a Development Framework Plan to consider key place shaping principles such as the relationship between buildings, landscaped spaces and key movement corridors, the creation of attractive and well-defined streetscapes, the distribution of uses across the site, and set minimum and maximum height parameters. The framework plan can be secured by condition, prior to submission of reserved matters.

Conclusion

- 9.50. A satisfactory relationship with adjacent and proposed development is considered to be achievable. Parameter Plans submitted with the application secure areas of built development and maximum building heights so that the development would be compatible with adjacent land uses and the key site specific design and place shaping principles set out in policy Bicester 10 can be secured at reserved matters stage, informed by a development framework plan. On this basis, the application is considered to be in accordance with policies Bicester 10 and ESD 15 of the CLP 2031 Part 1 and the NPPF.

Heritage Impact

- 9.51. The application site adjoins the designated boundary of the Alchester Roman Town Scheduled Ancient Monument which comprises an approximate 10ha site to the south of the application site.

Policy context

- 9.52. Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* The NPPF also states that, where a development proposal leads to harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- 9.53. Policy Bicester 10 acknowledges the adjacent Alchester Roman Town and requires conservation and enhancement of its setting and the setting out of opportunities to better reveal its significance.
- 9.54. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

Assessment

- 9.55. The application site lies to the north of the Alchester Roman Town SAM. The monument consists of buried remains and earthworks. The application is supported by a Written Scheme of Investigation for Archaeological Investigation which has been informed by a Heritage Desk-Based Assessment and Archaeological Field Evaluation.
- 9.56. Historic England and OCC Archaeology initially raised objections on the basis of insufficient information and the impact on the adjacent SAM and the applicant has been liaising with these external consultees in order to address the objections raised.
- 9.57. Specifically, OCC Archaeology initially advised that the results of the archaeological evaluation and trial trenching, which has already been undertaken, need to be incorporated into the desk based assessment and will need to examine the significance of the archaeological features identified within the context of the wider environs. Also, as there has been no archaeological investigation of the area of the existing poultry farm, it is important that the assessment considers the wider context and the potential for significant archaeological deposits being present on this part of the site.
- 9.58. An updated Desk-Based Assessment has been submitted and whilst the County's Archaeologist still has concerns, the objection to the applications has been removed and conditions are recommended to secure a programme of evaluation and mitigation.
- 9.59. OCC Archaeology and Historic England also consider that the development has the potential to significantly impact on the designated SAM.
- 9.60. In response, the applicant has submitted a supporting statement, this sets out the limited contribution the application site currently makes to the setting of the SAM and the currently interrupted viewpoints into the SAM. The statement confirms that

the land to the east of the existing poultry farm will remain completely clear of any built development with all development concentrated on the western part of the site and that the built development proposed within the poultry farm site would be within the footprint of the existing buildings; a landscaped no-build zone is also proposed to provide a buffer to the SAM boundary.

- 9.61. The statement also sets out that the proposals would have a positive impact on the setting of the SAM by increasing public access, understanding and knowledge, and by ensuring a more sensitive design approach and the introduction of a green buffer adjacent to the SAM boundary. It is argued that this would better reveal the significance of the heritage asset.
- 9.62. Whilst Historic England maintain their objection in this respect, Planning Officers are satisfied that the effect on the SAM has been adequately considered given the location of the proposed development and taking into account the surrounding context and the detail of the proposals.
- 9.63. Planning Officers agree with the position set out by the applicant and consider that there would be no harm to the setting of the SAM as a result of the proposed development. It is clear that the application would bring about positive effects by setting back the proposed built form (on the poultry farm site) through the inclusion of a landscaped 'no build zone' providing an improved edge to the SAM. Public access will also be provided through the large area of open green space within the eastern half of the allocation site (being considered under 19/01740/HYBRID) which will allow for greater appreciation of the SAM than currently exists.

Conclusion

- 9.64. Despite the objections raised by OCC Archaeology and Historic England in respect of the setting of the Alchester Roman Town SAM in the opinion of Officers the proposals would not lead to harm to the significance of the heritage asset. The development proposed is within a previously developed site and would enhance the setting of the SAM by securing a more considered approach to development along its boundary.
- 9.65. On this basis, the application is considered to be in accordance with policies Bicester 10 and ESD 15 of the CLP 2031 Part 1 and the NPPF.

Ecology Impact

Legislative context

- 9.66. 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.
- 9.67. 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.

- 9.68. 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.
- 9.69. 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.
- 9.70. 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

- 9.71. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.72. Paragraph 175 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.
- 9.73. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst

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

- 9.74. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.75. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.76. Policy Bicester 10 of the CLP 2031 Part 1 requires that applications be supported by an ecological survey and that there is adequate investigation of, protection of and management of priority and protected habitats and species on site given the ecological value of the site. The policy requires that biodiversity be preserved and enhanced.

Assessment

- 9.77. 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')
- 9.78. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the Langford Brook 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.
- 9.79. 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.
- 9.80. 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.

- 9.81. The application is supported by an Environmental Impact Assessment which includes detailed protected species surveys and botanical surveys. These surveys confirmed that the site has limited value to protected species, except for bats and flora and fauna interest was also limited. The development of the poultry farm site involves the demolition of buildings which are currently used for bat roosting. Both sites have been identified as foraging and commuting for bats.
- 9.82. A licence will therefore be required for the demolition stage of the development and mitigation is proposed to be built into the development proposals including bat tubes and a sensitive approach to external lighting proposals.
- 9.83. A proposed district wildlife site would also be lost as a result of the proposals constituting a significant loss of grassland. The site is adjacent to the Bicester Wetland Reserve and the grassland on site currently offers resources to a range of birds and its loss has the potential to affect the reserves ecology if not appropriately buffered.
- 9.84. The proposed development will include the creation of a wetland/species rich wet grassland within the eastern part of the site. The Council's Ecologist has considered these proposals and is satisfied that they will deliver adequate mitigation and enhancement for ecology and biodiversity as part of the development, providing water attenuation for the development and habitat creation compatible with the adjacent Bicester Wetland Reserve which will strengthen the wetland corridor along the watercourse and enhance an important wildlife corridor resulting in a net biodiversity gain.

Conclusion

- 9.85. Reasonable mitigation is proposed to protect roosting bats and by way of the wet grassland habitat which will result in an acceptable level of net gain for biodiversity on the site. On the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, the proposed development is considered to be acceptable subject to conditions, and the welfare of any European Protected Species present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. Therefore, 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.

Flood Risk and Drainage

Policy Context

- 9.86. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.87. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

- 9.88. Policy Bicester 10 of the CLP 2031 Part 1 also identifies the area within the east of the site as flood plain and requires that a sequential approach be followed. Where possible buildings should be located away from areas at high risk of flooding. The development should be made safe without increasing flood risk elsewhere requiring full mitigation of flood risk in accordance with policies ESD 6 and ESD 7.

Assessment

- 9.89. An Environmental Impact Assessment has been submitted with the application which addresses flood risk and drainage. The wider site (including the allocation land being considered under 19/01740/HYBRID) lies within Flood zones 1, 2 and 3 and a significant area of the wider site is at risk of flooding. The development proposals have been developed so as to avoid built development within the functional flood plain and flood compensation areas are proposed as part of the wider development.
- 9.90. The Environment Agency and OCC Drainage initially raised objections to the proposals based on insufficient information. The applicant has submitted additional information and a revised Flood Risk Assessment which have satisfactorily addressed the objections raised. Conditions are recommended.

Conclusion

- 9.91. Policy Bicester 10 of the CLP 2031 Part 1 sets out specific and detailed requirements for addressing flood risk as part of any development on the site. It is clear from the form of the application and the information submitted to support it that the applicant has sought to comply with these policy requirements. On this basis, planning officers are confident that the objections of the EA and OCC can be overcome.

Energy Efficiency and Sustainability

Policy Context

- 9.92. Policy Bicester 10 expects development on the allocation to demonstrate climate change mitigation and adaption measures including exemplary compliance with the requirements of policies ESD1 to 5. ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.93. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.94. An Outline Energy Statement has been submitted to support the Outline proposals for both applications which addresses how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard. This sets out a staged energy hierarchy which would employ passive design solutions such as natural daylight and improved building fabric performance to maximise energy saving. Low and zero carbon technologies have also been assessed to attain further carbon reduction where required. The assessment confirms that Air Source Heat Pumps and/or Photovoltaics could feasibly be utilised on this development.

Conclusion

- 9.95. Subject to the imposition of suitable conditions requiring compliance with the submitted Energy Strategy, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

Planning Obligations

- 9.96. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.97. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.98. Officers have had regard to the consultation responses, the Council's SPD for Developer Contributions (2018), and the statutory tests in considering the application and recommend that the following financial items be secured through a joint S106 legal agreement to cover both the current Outline and Hybrid planning applications in the event that planning permission is granted in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations.

| Contribution | Amount £ | Price base | Index | Towards (details) |
|--|-------------|--------------|--------|--|
| Highway works (1) | £598,404.24 | October 2019 | Baxter | The Strategic Highway Infrastructure contribution (SEPR) |
| Highway Works (2) | £50,000 | October 2019 | Baxter | Towards highway safety improvement measures at Vendee Drive roundabout |
| Public transport services | £375,000 | October 2019 | RPI-x | Towards bus service enhancements to extend a local bus service to/from this site at peak times |
| Public transport infrastructure <i>(if not dealt with under S278/S38 agreement)</i> | £10,000 | October 2019 | Baxter | A bus Shelter including a standard flag pole and information case |
| Travel Plan Monitoring | £3,280 | October 2019 | RPI-x | Travel plan monitoring fees of £2,040 for the B1 employment floorspace. |

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| Total | £1,036,684.24 | | | |
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- 9.99. The developer is also required to enter into a s278 agreement with the local highway authority to deliver safe and suitable access to the development to include the vehicular access onto the site; the shared use cycle/footway; cycle/footway link to the A41; realignment of Wendlebury Road to form new roundabout access; new single bus stop on Wendlebury Road.
- 9.100. An obligation will also need to be included to ensure that the development permitted under this planning consent shall not commence until the development permitted under planning permission ref. 19/01740/HYBRID is substantially complete, so that the development does not come forward in advance of or jeopardise the delivery of the Bicester 10 strategic policy allocation.
- 9.101. In addition, the District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within the S106 agreement, the final amounts to be negotiated. The District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the S106 agreement.
- 9.102. In addition to the above, the Council's Developer Contribution SPD seeks to secure construction apprenticeships, skills and training. It has been agreed with the applicant that this can be secured through condition attached to the planning consent.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.
- 10.2. The application proposes development on a site which is not allocated for development and would not be in accordance with the development plan. However, it is concluded that the benefits that would be brought about as a result of the development of this site, would outweigh the potential harm and that there are other material considerations which on balance outweigh the conflict with the development plan. The application is also submitted concurrently with a Hybrid application for the adjacent allocated site and would provide for additional employment to make up for any deficit in employment development at this location if approved.
- 10.3. The development is therefore considered to be an acceptable departure from the development plan, being a logical extension to the allocation under policy Bicester 10 that will deliver economic benefits with limited harm to the character of the countryside. The submission and approval of a development framework plan, to ensure that reserved matters deliver the key site specific design and place shaping principles set out in policy Bicester 10, can be secured by condition to ensure a comprehensive and integrated approach to the development of this area. For the reasons set out above, the impacts of the development in other respects (e.g. transport, ecology, archaeology, flooding and drainage) can also be adequately addressed by condition and/or legal agreements. Approval is thus recommended subject to conditions and planning obligations.

10.4. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report. The ES and amendments to it, identify mitigation to overcome any adverse environmental impacts as a result of the development. This mitigation will need to be secured through conditions and/or legal agreements. As such, the conditions and obligations proposed incorporate the mitigation identified in the ES.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Highway Works (1) - £598,404.24 (index linked)
- b) Highway Works (2) - £50,000 (index linked)
- c) Public Transport services - £375,000 (index linked)
- d) Public Transport infrastructure - £10,000 (index linked)
- e) Travel Plan Monitoring - £3,280 (index linked)
- f) Payment of the District Council and County Council monitoring costs – (TBC)
- g) That the developer commits to enter into a s278 highway agreement

CONDITIONS AND REASONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1 Quantum of Development

The development hereby permitted shall comprise a maximum floorspace of 10,200sqm and shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 35% (3,570sqm) shall be utilised for purposes falling within Class B1(a) (including ancillary uses) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

2 Reserved Matters

No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local

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| | <p>Planning Authority.</p> <p>Reason - To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).</p> |
| 3 | <p>Phasing Plan</p> <p>No development shall take place until a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.</p> <p>Reason - To ensure the proper phased implementation of the development in accordance with Government guidance contained within the National Planning Policy Framework.</p> |
| 4 | <p>Development Framework Plan</p> <p>Prior to the submission of any reserved matters application, a Development Framework Plan to include landscaped spaces, the distribution of land uses, form of buildings including height parameters, street frontage, key movement corridors and the creation of attractive and well-defined streetscapes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Development Framework Plan.</p> <p>Reason - To ensure a coherent and high quality development of the Bicester 10 strategic allocation as a whole in accordance with policy Bicester 10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.</p> |
| 5 | <p>Statutory Time Limit</p> <p>Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the outline development hereby permitted shall be begun either before the expiration of seven years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.</p> <p>Reason - To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</p> |
| 6 | <p>Compliance with plans</p> <p>Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s) the development shall not be carried out otherwise than in complete accordance with the approved plans</p> <p>18022/TP/111 Rev B, Site location plan 18022/TP/112 Rev B, Parameters plan 01</p> |

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| | <p>18022/TP/113 Rev C, Parameters plan 02 18022/TP/114 Rev B, Parameters plan 03 18022/TP/115 Rev B. Parameters plan 04</p> <p>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.</p> |
| 7 | <p>Site Clearance (nesting season)</p> <p>The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.</p> <p>Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.</p> |
| 8 | <p>Prohibition of Outside Storage</p> <p>No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: In order to safeguard the visual amenities 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.</p> |
| 9 | <p>BREEAM/Energy Strategy</p> <p>The development hereby permitted shall be implemented in accordance with the Outline Energy Strategy (ref. 1463/ESC/00/ZZ/RP/Z/0014 dated February 2020) and shall be constructed to at least a BREEAM 'Very Good' standard</p> <p>Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.</p> |
| 10 | <p>Flood Risk</p> <p>The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and • 7878m³ of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes. |

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| | <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently to be agreed in writing by the local planning authority.</p> <p>Reason - In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.</p> |
| 11 | <p>Maintenance of planting</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or 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, unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with 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.</p> |
| 12 | <p>Land Contamination not Previously Identified</p> <p>If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.</p> <p>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.</p> |
| 13 | <p>Bat Licence</p> <p>Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.</p> <p>Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.</p> |

PRE COMMENCEMENT CONDITIONS

14 Construction Management Plan (CMP)

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

15 Construction Environmental Management Plan (CEMP) for Biodiversity

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP):

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| | <p>Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities; b) Identification of 'Biodiversity Protection Zones'; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) Use of protective fences, exclusion barriers and warning signs <p>The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>16</p> | <p>Arboricultural Method Statement (AMS)</p> <p>No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter, all works on site shall be carried out in accordance with the approved AMS.</p> <p>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 built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| <p>17</p> | <p>Training and Employment Plan</p> <p>No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.</p> <p>Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is</p> |

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| | <p>sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.</p> |
| 18 | <p>Sustainable Drainage</p> <p>No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.</p> <ul style="list-style-type: none"> • S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout • FRA (Issue 3) - Main Body Text (PART 1 OF 11) • Appendix A (PART 2 OF 11) • Appendix B (PART 3 OF 11) • Appendix C (PART 4 OF 11) • Appendix D (PART 5 OF 11) • Appendix E (PART 6 OF 11) • Appendix F (PART 7 OF 11) • Appendix G (PART 8 OF 11) • Appendix H (PART 9 OF 11) • Appendix J (PART 10 OF 11) • Appendix K (PART 11 OF 11) <p>Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| | <p>THAMES WATER CONDITIONS – awaiting response from TW to confirm recommended conditions</p> |
| 19 | <p>Land Contamination: Desk Study/Site Walk Over</p> <p>Unless already discharged under the Detailed Permission, prior to the commencement of the development of any phase hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.</p> <p>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.</p> |
| 20 | <p>Land contamination: Intrusive Investigation</p> |

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| | <p>If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.</p> <p>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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| 21 | <p>Land Contamination: Remediation Scheme</p> <p>If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.</p> <p>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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</p> |
| 22 | <p>Archaeological WSI</p> <p>Prior to 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.</p> <p>Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).</p> |
| 23 | <p>Archaeological Evaluation and Mitigation</p> <p>Following the approval of the Written Scheme of Investigation referred to in condition 22, and prior to any demolition on the site and the commencement of the</p> |

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| | <p>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.</p> <p>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 (2019).</p> |
| 24 | <p>Estate Roads, parking and turning areas</p> <p>Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning areas to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting, drainage and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.</p> <p>Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.</p> |
| <p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE</p> | |
| 25 | <p>Piling Method Statement</p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.</p> <p>Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p> |
| <p>CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION</p> | |
| 26 | <p>Framework Travel Plan</p> <p>Prior to the occupation of any unit within the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport’s Best Practice Guidance Note “Using the Planning Process to Secure Travel Plans” and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. This Framework Travel Plan to be based on the draft document 19539-07a dated 22nd July 2019. The travel plan shall be</p> |

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| | <p>implemented in accordance with the details approved.</p> <p>Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.</p> |
| 27 | <p>Landscape and Ecological Management Plan (LEMP)</p> <p>Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.</p> |
| 28 | <p>Close Existing Access</p> <p>Prior to the first occupation of the development hereby permitted, the existing access onto Wendlebury Road shall be permanently stopped up in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority and shall not thereafter be used by any vehicular traffic whatsoever.</p> <p>Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.</p> |
| 29 | <p>Electric Vehicle Charging</p> <p>The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).</p> <p>Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework</p> |
| 30 | <p>Land Contamination: Carry out Remediation</p> <p>If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21, of the Detailed Permission. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</p> |

NOTES TO APPLICANT**1 Environmental Impact Assessment**

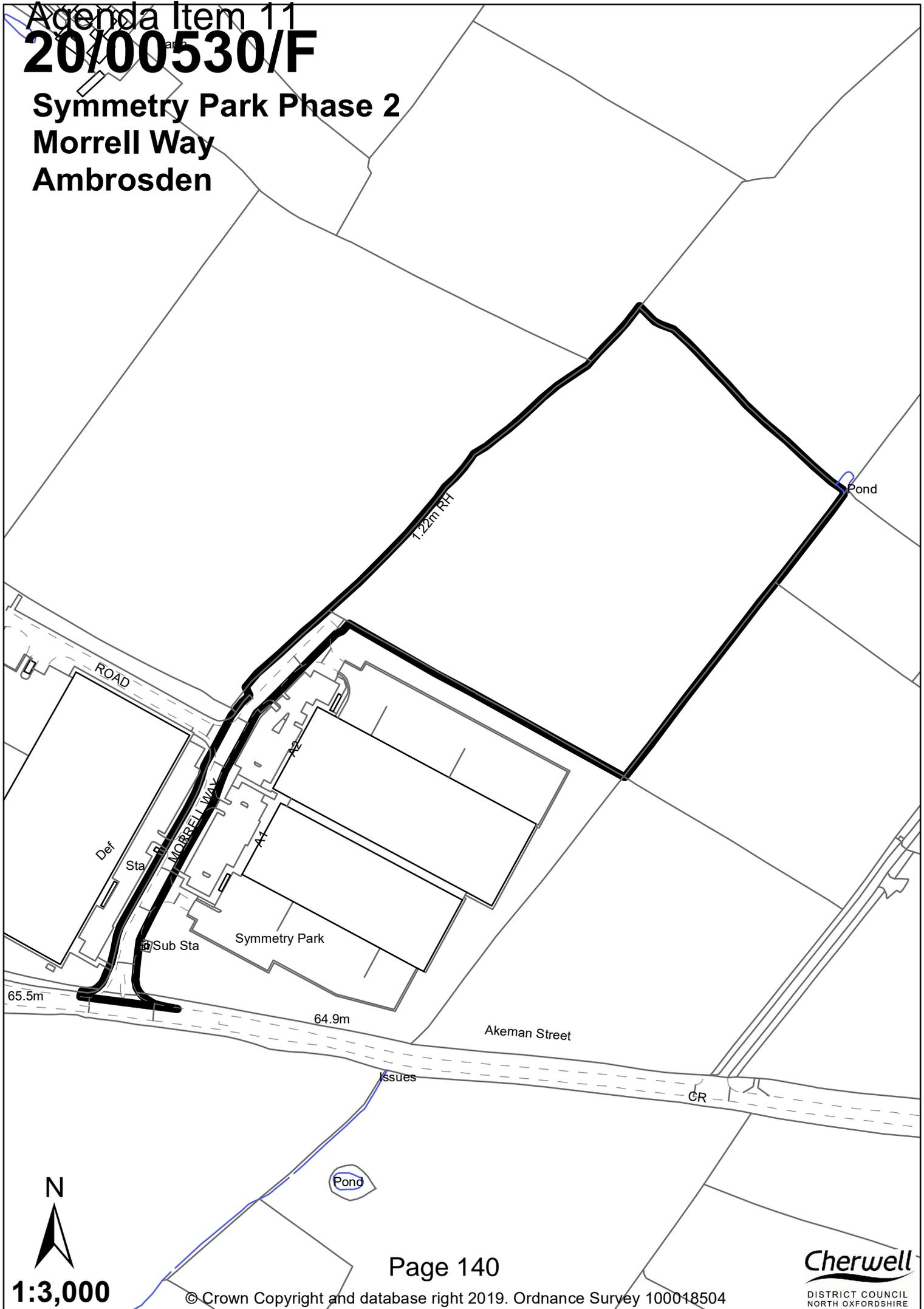
In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.

CASE OFFICER: Bernadette Owens

TEL: 01295 221830

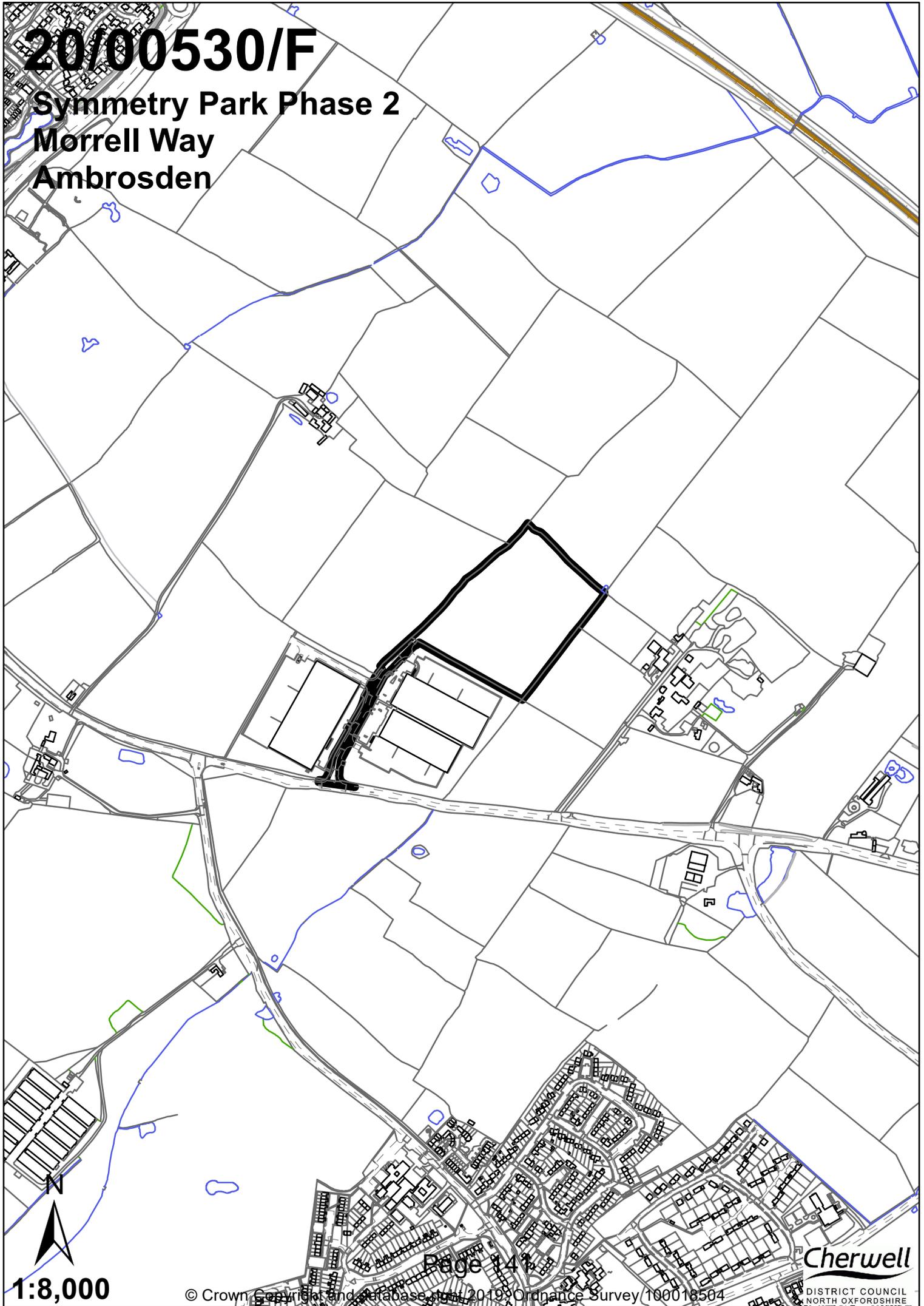
Agenda Item 11
20/00530/F

**Symmetry Park Phase 2
Morrell Way
Ambrosden**



20/00530/F

Symmetry Park Phase 2 Morrell Way Ambrosden



1:8,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

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Case Officer: Bernadette Owens

Applicant: Tritax Symmetry Bicester 2 Ltd

Proposal: Full planning application for 4,635sq. m of logistics floor space, within Class B8, including ancillary Class B1 (a) office, (592sq.m), a customer collection facility (112 sq.m), staff mess pod (142 sq.m), and associated infrastructure including external service yard, lorry, van and staff car parking, re-fuelling facility, fencing, landscaping, storm water drainage and private sewage treatment plant, with an access road off Morrell Way

Ward: Bicester South And Ambrosden

Councillors: Cllr Nick Cotter; Cllr Dan Sames; Cllr Lucinda Wing

Reason for Referral: Major development that is a departure from adopted development plan.

Expiry Date: 22 May 2020

Committee Date: 21 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The application seeks detailed planning consent for a 4,635sqm of class B8 development, comprising a parcel distribution centre to facilitate the relocation and expanded operation of DPD Group UK Ltd within Bicester.

Consultations

The following consultees have raised **objections** to the application:

- Blackthorn Parish Council, Ambrosden Parish Council, OCC Highways

The following consultees have raised **no objections** to the application:

- CDC Planning Policy, CDC Ecology, CDC Environmental Health, CDC Landscape Services, OCC Drainage, OCC Archaeology

Planning Policy and Constraints

The application site lies adjacent to but outside of the CLP 2031 Part 1 Bicester 12 policy allocation on an area of relatively flat agricultural land.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Design, and impact on the character of the area
- Ecology impact

- Heritage impact
- Transport and highway impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the south east of Bicester town centre and north of the village of Ambrosden. The site extends to 5.14 hectares and comprises an extension to the existing Symmetry Park development which is directly adjacent to the A41. The site adjoins the southern edge of the wider South East Bicester strategic local plan allocation.
- 1.2. The application site is currently agricultural land which is mainly flat with access through the Symmetry Park development from the A41. The site is well defined along its boundaries by existing hedgerows and mature trees. Open agricultural land currently lies to the north of the site, although this will eventually come forward for development as part of the strategic allocation for South East Bicester under Policy Bicester 12 also known as Wretchwick Green.
- 1.3. Beyond the site to the east, separated by a field is a recycling and car breakers yard and the Bicester Caravan and Leisure Park including two residential dwellings 'The Bungalow' and 'Windmill Cottage'.

2. CONSTRAINTS

- 2.1. The application site is relatively flat and is not subject to any landscape designations. Stratton Audley Quarries lies to the north and Long Herdon Meadow lies to the east of the site, both are sites of geological interest located over 4km from the application site.
- 2.2. To the north, within the Wretchwick Green site, lies the Wretchwick deserted medieval village scheduled ancient monument and listed buildings at Wretchwick Farm are located to the southwest on the opposite side of the A41.
- 2.3. Arncott Bridge Water Meadows (SSSI) is situated over 2.5km to the south east of the site and the Meadows NW of Blackthorn Hill Local Wildlife Site is approximately 500m to the northeast within the Bicester 12 allocation.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks detailed planning permission for a single B8 unit comprising 4,635sqm of logistics floor space with ancillary office to accommodate a parcel distribution depot to be operated by DPD Group UK Ltd. The building proposed

would be much smaller than those already consented and constructed on the Symmetry Park site but would have a similar external appearance.

- 3.2. Vehicle access is taken from the A41 through the existing Symmetry Park development and the proposals include a large service yard with lorry and van parking situated around the building. Service/delivery bays are located on all sides of the building and the building is located centrally within the site. Staff and visitor car parking is located in the northern part of the site.
- 3.3. The proposed distribution depot is required out of a direct need for DPD, already located in Bicester, to expand and maintain their logistics base whilst retaining and increasing their current workforce in the town.
- 3.4. The proposals include a substantial landscaping scheme which comprises the retention and enhancement of the existing established hedgerows around the site, the retention of existing trees, and the planting of further trees including Beech and Oak and the addition of native structural planting around the site.

4. RELEVANT PLANNING HISTORY

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

| <u>Application Ref.</u> | <u>Proposal</u> | <u>Decision</u> |
|-------------------------|--|---|
| 15/02316/OUT | Outline - Proposed development of up to 69,677sqm (750,000 sq feet) of logistics floorspace, within Class B8 of the Town and Country Planning use classes order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means of access included for approval. | Appeal lodged against non-determination but later withdrawn |
| 16/00861/HYBRID | HYBRID – full planning permission for 18,394 sqm of logistics floor space within Class B*, access to A41 and outline planning permission for up to 44,314 sqm of logistics floor space within B8. | Application permitted |
| 18/00091/F | Full planning permission for 14,200sqm of logistics floor space within class B8, including ancillary B1(a) offices (929sqm), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant | Application permitted |

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. A pre-application enquiry was submitted in February 2019 for an extension to the existing Symmetry Park development based on the success of the first phase of its development and a demonstrable demand for further high-quality logistics buildings. The pre-application submission identified a shortfall of employment land now coming forward as part of the Bicester 12 allocation and sought to compensate for this through a second phase of development at Symmetry Park. The site identified comprised of 11.61ha of unallocated land adjacent to the Symmetry Park development proposing up to 3 units of use class B8 development.
- 5.3. Officers noted the case put forward by the applicant but set out that the site was unallocated and should be considered and brought forward through the local plan review. Policy officers identified a significant number of sites already allocated for employment development within the District and concluded that it was too early in the plan period to consider unallocated sites.
- 5.4. Development Management and Policy officers suggested that further information be submitted providing clear justification based on the needs of specific clients and an assessment as to why other allocated sites were not suitable before turning to unallocated sites. Economic Development officers were supportive of the proposals but conscious of the implications for allocated sites.
- 5.5. In November 2019 a further pre-application enquiry was submitted for the erection of a single B8 unit to facilitate use specifically by DPD Group UK Ltd. The submission, on a much smaller site than the previous pre-application proposals, set out the specific requirements of DPD to expand and relocate from their existing depot in Bicester and the submission was supported by a review of employment sites already allocated for employment development through the adopted local plan.
- 5.6. Based on the supporting information submitted and the exceptional circumstances presented by DPD as an existing commercial occupier, already well established in Bicester, planning officers offered support to the proposals subject to detailed justification being provided to support any application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **29 April 2020**, although comments received after this date and before finalising this report have also been taken into account. Bicester Town Council were not included in the initially consultation and have subsequently been consulted at a later date. The final date for their comments to be received is 20th May 2020 and any comments they may wish to make will be updated to Committee.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BLACKTHORN PARISH COUNCIL: **objection** for the following reasons: unidentified need; inadequate consideration of impacts from noise; pollution risk from re-fuelling facility; light pollution; traffic impact.
- 7.3. AMBROSDEN PARISH COUNCIL: **objection** for the following reasons: premature in advance of the commencement of development on the larger part of the Bicester 12 site; other sites are available and should be considered first (at Bicester 2 and Bicester 11 and Bicester 4 and Bicester 10); inadequate justification to depart from local plan.
- 7.4. Should the Council be minded to approve the application, the Parish Council request a number of conditions and legal obligations be secured as follows; legal obligation tying the proposed development to DPD as a user; bus stops on A41 being brought into operation; financial contribution towards improvements to the Ploughley Road junction with the A41; the submission of a construction management plan; opening up of cycleway within the site.
- 7.5. BICESTER TOWN COUNCIL: comments awaited.

CONSULTEES

- 7.6. CDC PLANNING POLICY: **no objection**
- 7.7. CDC ECONOMIC DEVELOPMENT: **no comments received**
- 7.8. CDC ENVIRONMENTAL HEALTH: **no objection**
- 7.9. CDC ECOLOGY: **no objection** – the submitted ecological appraisals are sufficient in scope and depth and the recommendations with regards to mitigation can be conditioned (LEMP and CEMP for biodiversity).
- 7.10. CDC LANDSCAPE SERVICES: **comments made** – in order to mitigate the harm on landscape and visual receptors, native woodland planting to the north western corridor (between the building and the boundary of the site) is required.
- 7.11. CDC ARBORICULTURE: **no comments received**
- 7.12. CDC BUILDING CONTROL: A building regulations application will be required supported by a Fire Engineers Design Statement and Disabled Access Statement.
- 7.13. OCC HIGHWAYS: **objection** – the number of car parking spaces proposed is significantly above the county council's maximum standards. This will serve to encourage car travel to the site above other modes.
- 7.14. Further information has been submitted by the applicant to OCC Highways to justify the levels of car parking required. On this basis, OCC anticipate that they will be able to remove their objection. A formal response is awaited and will be updated to Committee.
- 7.15. OCC DRAINAGE: **no objection**
- 7.16. OCC ARCHAEOLOGY: **no objection**

7.17. BBO WILDLIFE TRUST: **no comments received**

7.18. CPRE: **no comments received**

7.19. ENVIRONMENT AGENCY: **no comments to make**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in favour of sustainable development
- SLE1: Employment development
- SLE4: Improved transport and connections
- BSC2: Effective and efficient use of land
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy hierarchy and allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised energy systems
- ESD5: Renewable energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- BICESTER 12: South East Bicester
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Obligations SPD (February 2018)
- Conservation of Habitats and Species Regulations 2017

8.4. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is "Clean, Green and Safe", that it supports "Thriving Communities & Wellbeing", and is a District of "Opportunity & Growth". All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

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
- Ecology impact
- Heritage impact
- Transport and highway impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

Principle of Development

Policy Context

- 9.2. Policy Bicester 12 of the CLP 2031 Part 1 allocated a 155 hectare site to the southeast of Bicester for strategic development to include a mix of uses including employment and residential development to enable the delivery of important infrastructure to support wider proposals for the town. The policy sets a maximum of 1,500 homes providing a mix of dwellings including 30% affordable housing and 40 hectares of employment land creating approximately 3,000 jobs primarily within use class B8.
- 9.3. Policy SLE1 of the CLP 2031 Part 1 applies to B use class employment development. The policy seeks to protect existing employment sites and focus employment development within the built-up area of Bicester and supports the requirement for employment development as set out in policy Bicester 12.
- 9.4. Detailed planning consent is sought for commercial development falling within use class B8 in accordance with the aspirations of Policy Bicester 12. However, whilst it

is closely related to the Bicester 12 allocation, the application site lies outside of the boundary of the policy allocation and as such the proposed development is not consistent with local plan policy. The application has been advertised as a departure from the Local Plan.

DPD Background

- 9.5. DPD is one of the UK's leading domestic carriers and employs over 13,000 people in the UK, operating more than 8,700 vehicles from 65 locations around the country, delivering over 230 million parcels a year. The domestic parcel industry has grown significantly in recent years, only around 12% of parcels were delivered direct to home addresses ten years ago, DPD figures show that this has risen to 53% in recent years and is growing.
- 9.6. DPD's transport operations are zero carbon with plans for phasing in new electric vehicles into their delivery fleet with 10% of delivery vehicles being electric in 2020.
- 9.7. DPD located in Bicester and committed investment to a base here, four years ago with a business plan to establish a logistics and management structure as well as a customer base. As the majority of DPD deliveries are to domestic households, the company's growth strategy focuses on housing growth areas such as Bicester. The existing DPD depot is located in Bicester Commercial Park where DPD are currently operating out of a unit comprising 2,787sqm. The existing depot currently operates 7 days a week and employs around 34 members of staff.
- 9.8. Based on the predicted growth of the business over the next 25 years, larger premises will be required by DPD that can accommodate a floor area of around double the size with an increase in staff numbers to around 200 members of staff once the depot is at full capacity in around 2023-2025.
- 9.9. DPD are therefore looking to vacate their existing premises (a break clause in their current lease means they will need to vacate their current premises by February 2021) and have been seeking alternative distribution/warehouse sites within Bicester that would meet their needs and their critical occupation deadline of early 2021.
- 9.10. Fundamental to DPD's search is not only the time critical nature of the relocation but also the size and layout of the site. The DPD operation requires a circular distribution route around the depot building. To facilitate this, the building is situated centrally within the site with service yard and lorry/van parking extending to all sides of the unit. The application site has been identified as being available and deliverable to meet the operational needs of DPD and the occupation deadline of early 2021.
- 9.11. The applicant has put forward that they would be willing to enter into a Unilateral Undertaking with the Council to ensure that development would not commence on Site until a lease agreement has been signed with DPD, so that the site could only be brought forward to meet their specific needs and would not become a speculative scheme.

Assessment

- 9.12. As set out above, the application has been submitted to meet the specific and bespoke needs of DPD in order to retain their operational base in Bicester. However, the application site identified by DPD for development lies outside of the built-up limits of Bicester and whilst it is adjacent to the Bicester 12 allocation, it is not allocated for development. As such the proposed development is not in strict

accordance with the development plan, which seeks to focus development within the built-up limits of existing towns or within strategic allocations.

9.13. The site is therefore being put forward by the applicant as an 'exception site' and the Council is being asked to consider allowing a departure from the local plan to accommodate their exceptional requirements. To support the application, the applicant has undertaken a site search to demonstrate that there are no other sites available and suitable to accommodate its operational requirements within the timeframe set.

9.14. The site search and assessment identified the following strategic sites and has discounted those sites for the reasons given;

- North West Bicester – Policy Bicester 1

Phase 1 of the employment development on Bicester 1 includes 5 large scale and 8 small scale units. The layout and scale of these units will not accommodate the DPD operation. DPD explored the suitability of remaining land to the northwest of the allocation, this was also discounted as the size and shape of the land would not accommodate the service yard and circular distribution route requirements of DPD.

- Graven Hill – Policy Bicester 2

Current phasing for the delivery of the employment sites on the Graven Hill development is dependent on a current outline planning application and the transfer of the land to the developer. Subsequently, reserved matter applications will have to be submitted and approved and strategic infrastructure delivered before development can commence and be occupied. The timescales for this will not meet the DPD occupation deadline.

- Bicester Business Park – Policy Bicester 4

Site not assessed as the allocation is for B1(a) office development not B8.

- Bicester Gateway – Policy Bicester 10

Site not assessed as the allocation is for B1 development not B8.

- North East Bicester – Policy Bicester 11

The employment development on this site has been built out and there are no available units.

- South East Bicester – Policy Bicester 12

Wretchwick Green - whilst the site has a resolution to grant planning permission (subject to S106) this has not yet been issued. Subsequently, reserved matter applications will have to be submitted and approved and the internal infrastructure delivered before development can commence and be occupied. The timescales for this will not meet the DPD occupation deadline and will likely take several years to deliver.

Symmetry Park - the existing Symmetry Park development forms part of the Bicester 12 allocation. Detailed planning consent has been granted for Unit B and Unit C on the site and Unit B has been built out and the developer is already in talks with a potential occupier for Unit C. The layout of these units would not suit the operational requirements of DPD and the size of both units are also too large.

Job Creation

- 9.15. Policy Bicester 12 identified 40ha of employment land within the strategic allocation for B1, B2 and B8 use, promoting the creation of 3,000 jobs. Subsequently, the existing Symmetry Park development came forward separately from the remainder of the allocation and has delivered 16.49ha of employment development. In considering the currently pending planning application for the remainder of the Bicester 12 allocation, it was resolved to accept a reduction in the provision of employment land to 6.66ha to address heritage and flood risk matters and was considered acceptable on the basis of a higher proportion of B1 jobs being brought forward on the Wretchwick Green site. This results in a total of 23ha across the Bicester 12 policy allocation.
- 9.16. This reduced employment provision will deliver approximately 60% of the employment requirement of Policy Bicester 12. There is therefore likely to be a shortfall in the number of jobs delivered on the Bicester 12 site compared to the local plan requirement, although this could be expected to some degree given the policy requirement for primarily B8 use.
- 9.17. The additional jobs created by the DPD operation at this location provides an opportunity to redress this balance albeit marginally.

Conclusion

- 9.18. Whilst the proposed development falls outside of the CLP 2031 Part 1 policy Bicester 12 allocation, it is considered that the development of this site is well related to the allocation and would assist in achieving the wider economic objectives of the development plan in a sustainable location. The applicant is an established commercial operation within Bicester requiring larger premises to expand its base in the town providing additional local employment opportunities.
- 9.19. The application site is located close to the built-up area of Bicester and with the ongoing residential development of Graven Hill and the further residential development at Wretchwick Green, the proposed development site would be sustainably located close to existing and future bus links and walking and cycling networks. The application site would represent a logical extension to the development of the Bicester 12 strategic policy allocation and would be well related to the existing uses without adverse impact to amenity.
- 9.20. It is considered that satisfactory justification to discount other allocated strategic sites within the town has been submitted to support the application and that the development would not undermine the employment strategy of the local plan or the delivery of allocated employment sites within the District. The submitted application has demonstrated and justified the specific requirements and exceptional circumstances of DPD and the applicant has agreed to enter into a planning obligation so that the development would only come forward to facilitate the delivery of their expanded operation in Bicester and would not become a speculative development.
- 9.21. The premises vacated by DPD on the Bicester Commercial Park are considered to be modern and attractive and are not expected to remain empty once vacated by DPD.
- 9.22. The principle of the proposed development is therefore considered to be acceptable. Whilst the application site lies outside of the policy Bicester 12 allocation, it is considered that the proposals should be considered with regard to the requirements

of the policy, to achieve a cohesive development of this area in accordance with the wider objectives of the Local Plan.

Design and impact on the character of the area

Policy context

- 9.23. Policy Bicester 12 requires commercial buildings to have a high quality design and finish with careful consideration given to layout, architecture, materials and building heights to reduce the overall visual impact of development. A well designed approach to the urban edge is also required.
- 9.24. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way its functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

Assessment

- 9.25. The application proposals have been developed to meet the specific needs of DPD and their operational requirements. The proposed use is a parcel distribution centre and the layout comprises of a single unit with floor space of 5,470sqm. The building is rectangular in shape and includes 4,635sqm of warehousing, 846sqm of offices, staff welfare facilities and a customer collection point. The maximum roof height of the building is 12.5m to the ridge
- 9.26. Whilst the site is a generous size the proposed building itself is modest in comparison to the adjacent development at Symmetry Park and would be viewed in the context of these much larger buildings on the urban edge of Bicester. Although the building and development of the site are proposed to meet the specific needs of DPD, the external appearance of the building follows the general design principles of the main site and the design of the building and materials used, are in keeping with and maintain the high quality approach to the existing Symmetry Park development.
- 9.27. Surface finishes within the development will also be in keeping with the existing Symmetry Park development comprising block paving to the circulation areas within the staff and visitor car park with asphalt parking bays and Marshalls paving to pedestrian areas around the car park and the front of the building.
- 9.28. Boundary fencing to the site is incorporated for site security utilising Paldin mesh fencing with galvanised steel posts to be coloured dark green to match the existing Symmetry Park development. The substantial existing hedgerows and mature trees already well established along the site boundaries will be retained and enhanced through further native structural planting.
- 9.29. The visual impact of the development has been considered through the submission of a Landscape and Visual Impact Assessment. It is noted that the rural character of the site and its landscape context is degraded in part by the visual intrusion of urban elements, including the commercial built form to the south of the site and that the influence of the urban edge of Bicester will be increased further in the future when development is brought forward on the adjacent Wretchwick Green site. The development of the strategic site allocation at Bicester 12 will have the effect of increasing the prominence of built development in views from the application site, fundamentally changing the character of the immediate landscape context and strongly influencing the character of the site.

- 9.30. The landscaping proposals for the site have been designed to 'soften and filter views' of the development and enhance biodiversity. Specifically, proposed tree planting is proposed to reinforce existing trees around the perimeter of the site and would be strategically placed to enhance views into and out of the site. Structural planting and landscape bunds within the site boundary will also buffer the proposed development and assimilate it into the existing landscape.
- 9.31. The Council's Landscape officer has advised that, order to mitigate the harm on landscape and visual receptors, native woodland planting to the north western corridor (between the building and the boundary of the site) is required. The landscape drawings have been amended to address this.
- 9.32. The submitted Design and Access statement sets out that lighting within the site will be set to direct light only where it is required to minimise obtrusive effects, where necessary additional shielding is also proposed. A lighting scheme has been submitted with the application. The Council's Environmental Health officer and Ecology officer have raised no objections to the scheme.

Conclusion

- 9.33. The development proposed is of a scale and design which is in keeping with the existing Symmetry Park development. The landscaping proposals for the site include the retention and enhancement of the established hedgerow boundary to the site and the planting of additional trees to soften views of the development. Ultimately, the visual effects of the development would appear in the context of the existing Symmetry Park development and the future further development of the adjacent Wretchwick Green site. As such the development would appear as a natural extension to the wider development proposals in the area.
- 9.34. The development is therefore considered to be satisfactory in this regard, in accordance with the requirements of policy ESD15 of the CLP 2031 Part 1.

Ecology impact

Legislative context

- 9.35. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.36. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.37. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may

proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.38. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

(1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

(2) That there is no satisfactory alternative.

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

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

Policy Context

9.40. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.41. Paragraph 175 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.

9.42. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.43. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to

accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.44. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.45. Policy Bicester 12 of the CLP 2031 Part 1 requires adequate investigation of, protection of, and management of protected species on the wider site. The policy requires that biodiversity be preserved and enhanced.

Assessment

- 9.46. 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')
- 9.47. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a managed agricultural land contained by established hedgerow to the boundaries. There are a number of trees close by and in the boundary of the site which would not be affected by proposals. There are no buildings to be removed or altered due to the proposed development.
- 9.48. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development.
- 9.49. The application is supported by an Ecological Appraisal which was informed by a desk study, Extended Phase 1 Survey and detailed species surveys relating to hedgerows, breeding birds, foraging/commuting and roosting bats, badgers, great crested newts, reptiles and butterflies. The surveys confirmed the presence of breeding birds, foraging/commuting and roosting bats and brown hairstreak butterfly.
- 9.50. The landscape proposals for the site provide for the retention and enhancement of habitats within the site to support those existing species identified and to promote biodiversity gain. The boundaries of the site is proposed to be strengthened through new tree and scrub planting to directly benefit bird and bird populations. Areas of wildflower planting have also been proposed to benefit nectar and pollen feeding insects. Seasonal wet areas are also proposed through the inclusion of swales to enhance the local amphibian population, providing an aquatic resource which is not currently present on the site.

9.51. The Council's Ecologist is satisfied that the submitted ecological appraisals are sufficient in scope and depth and the recommendations within them as regards species, measures for avoiding harm and specific mitigation can be conditioned within a full LEMP and a CEMP for biodiversity. The submitted application demonstrated a lack of biodiversity gain proposed on site. The applicant has reviewed their proposals, and this has now been increased to a satisfactory level.

Conclusion

9.52. Officers are satisfied, on the basis of the surveys and assessments submitted with the application and the advice of the Council's Ecologist, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development, and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

9.53. Reasonable mitigation is proposed to protect and enhance habitats within the site to achieve biodiversity gain which will be secured through the submission of further information prior to determination or by condition. The proposals are therefore considered to be in accordance with the requirements of policy ESD10 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF

Heritage impact

Policy context

9.54. Paragraph 197 of the NPPF states that: *the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regards to the scale of any harm or loss and the significance of the heritage asset.*

9.55. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

Assessment

9.56. The site is located in an area of archaeological potential along the line of the Roman road from Alchester to Verulamium. The line of this road has been confirmed during archaeological investigations west of the proposed site along with Iron Age and Roman deposits.

9.57. Archaeological evaluation of the site was carried out in January this year. The evaluation revealed little evidence of archaeological activity compared to previous excavations close by and the majority of evaluation trenches revealed no archaeological features. However, a number of features were found and excavated towards the western side of the site consisting of linear gullies and ditches which may possibly indicate the limited continuation of the Iron Age and Roman settlement and enclosures found in previous excavations to the west and to the south of the site.

9.58. The County Archaeologist has accepted the report and findings of the archaeological evaluation and has requested a further phase of archaeological

mitigation in relation to those deposits which were discovered on site. Conditions are recommended to secure the mitigation.

Conclusion

- 9.59. The proposed development would not cause harm to archaeological deposits and a satisfactory scheme of mitigation will be secured through conditions. The proposals are therefore considered to be in accordance with the requirements of policy ESD15 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF

Transport and highway impact

Policy Context

- 9.60. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 9.61. Policy Bicester 12 of the CLP 2031 Part 1 requires that development is well integrated, with improved sustainable connections between the existing development and new development on the site. It requires that new footpaths and cycleways should be provided for that link to existing networks in the wider area.

Assessment

- 9.62. The application is submitted in detail with access taken from the A41 through the existing Symmetry Park development. Access into the site is proposed through the existing field access with internal access roads leading to the service yard and the separate staff and customer car parking area. It is proposed to extend the existing 3m wide footpath/cycleway within the existing development to link into the site and a further connection is proposed on the northern boundary of the site to provide a pedestrian and cycle link into the Wretchwick Green development.
- 9.63. The application includes significant areas of parking and servicing commensurate with its use as a parcel distribution depot including 178 car parking bays; 157 van parking bays and 18 HGV parking bays. Electric charging points are to be provided within the car parking and service yard areas providing 10no. car charging bays and 20no. van charging bays. Cycle parking is provided within covered shelters at the front of the site.
- 9.64. The site operates around the main depot building which is situated centrally within the site to facilitate the circular distribution route around the building with lorry and van parking extending on all sides of the unit. There are 30 van docking stations and 11 HGV docks.
- 9.65. The DPD operation includes a range of jobs such as general managers and administrative staff, shift managers, depot operatives and drivers. Depot operatives and drivers follow a three shift pattern which spreads journeys to and from the site from early morning in to evening. The amount of parking and the arrangement of shift patterns ensures that sufficient parking is also available to prevent the potential for any on-street parking.

Traffic Impact

- 9.66. The planning application is accompanied by a Transport Statement (TA) and the approved Framework Travel Plan for the existing Symmetry Park site will be used as

a basis for developing a site specific Travel Plan for DPD. The site is considered to be in a sustainable location and within easy access of the local workforce.

- 9.67. The TA sets out that the development is unlikely to lead to a severe detrimental impact at the site access junction and it is accepted that the development is unlikely to lead to severe impacts elsewhere on the highway network. However, traffic generated from additional development at the Symmetry Park site will add to cumulative traffic growth in Bicester and strategic transport improvements are required in order to accommodate the level of planned growth. A proportionate contribution is therefore sought towards the South East Perimeter Road which will provide an improved connection between the site and the M40 (J9).
- 9.68. A proportionate public transport contribution is also sought in order to enhance the bus service to the site during key working hours.

Parking

- 9.69. The County highway officer has raised an objection to the 178 staff and visitor car parking spaces proposed, being vastly above the maximum provision set out in the County Council's parking standards. Highway officers set out that, appropriate parking standards are recommended for all new developments to balance demand and the need to simultaneously encourage alternative travel choices and it is considered that the level of parking provision proposed could encourage employees to drive to work and not take advantage of other more sustainable modes of transport. The maximum recommended provision for a B8 development of this floor area is of 27 car parking spaces. This would clearly be unrealistic when considering the operation and requirements of DPD as set out in the application.
- 9.70. DPD has set out its business expansion plans in Bicester to support the application, clearly highlighting an aspiration to increase the number of employees at the Bicester depot from its existing workforce of 35 employees up to 200 employees between 2023-2025. The amount of car parking included in the scheme is a direct result of the operational requirements of the DPD Group Ltd and its business growth strategy. It is set out through the Transport Assessment that many staff currently commute to and from the site in DPD delivery vans and as such lower levels of car parking would likely serve the needs of the business. However, DPD has a commitment to substantially increasing the use of electrical vehicles within its LGV fleet and electrical charging points are included as part of the current application for 20no. vans and ducting for additional future charging points is being provided within the service yard. Vans will need to be stored on site for charging and security and employees will no longer be given the option to use the vehicles for commuting. Additional staff parking is therefore required.
- 9.71. Whilst a shift pattern is operated by DPD Group which could alleviate the need for high levels of car parking, the current shift pattern includes some overlap, with all drivers arriving for a shift between 6.30am, 7am and 7.30am. There would also be further overlap with the depot operative shift patterns overlapping with the drivers shift times. DPD have set out that the number of parking spaces included within the proposed development is a response to the shift arrangements and to ensure that the proposed depot use will not result in any overspill car parking on the highway.
- 9.72. There is clearly a need to balance the potential economic and employment benefits of the proposals against the requirements to promote sustainable modes of transport. The site lies within a sustainable location adjacent to the Bicester 12 strategic policy allocation and would be within easy reach of bus services and walking and cycling routes. A contribution is to be secured towards enhancing bus service provision to support the shift patterns proposed and a Travel Plan will also

be agreed with the County Council to encourage reduced reliance on the use of private cars in favour of other modes of transport.

- 9.73. On this basis, planning officers would not wish to recommend withholding planning consent and consider that there is a reasonable prospect that a solution could be secured to address the objections of the local highway authority and meet the needs of DPD Group. Further discussions are taking place with OCC and the applicant to secure further information and solutions on this matter and an update will be provided to Committee.

Conclusion

- 9.74. The site lies within a sustainable location adjacent to the Bicester 12 strategic policy allocation and would be within easy reach of bus services and walking and cycling routes. Whilst there is an objection to the application in respect of proposed car parking provision, it is considered that a solution could be secured to balance the operational requirements of the site with the need to maximise access by sustainable modes in accordance with the requirements of policies SLE4 and Bicester 12 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF.

Flood Risk and Drainage

Policy context

- 9.75. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.76. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.77. The site lies within Flood zone 1. A Drainage Strategy Report has been submitted with the application which addresses flood risk and drainage. OCC Drainage engineers are satisfied that the submitted Strategy is acceptable subject to the inclusion of a flood extent pump failure plan and 50% extra storage capacity provision on site in the event of pump failure. This information has been provided to OCC engineers and will be included in an amended Drainage Strategy Report so as to avoid the need for a pre-commencement condition to secure this.

Conclusion

- 9.78. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

Energy Efficiency and Sustainability

Policy context

- 9.79. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 100sqm floorspace to provide for significant on-site renewable energy provision

unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.

- 9.80. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.81. A Sustainability Statement has been submitted to support the application which addresses how the development will seek to comply with policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard. With the current emphasis on energy conservation and the use of low and zero carbon technology, the submitted statement sets out the applicant's aspirations to maximise the sustainability credentials of the development.
- 9.82. The construction of the building is proposed to be based on low energy design principles which involves energy demand minimisation through effective building form, orientations, envelope design and proficient use of serviced. The building design will reduce energy usage through the inclusion of features such as roof lights to increase natural daylight to the warehouse floor and reduce the need for lighting during daylight hours. The air tightness of the building will also be improved to ensure the heating demands of the building are reduced.
- 9.83. Options for renewable energy within the site have been assessed within the submitted Statement and it is proposed that Solar Photovoltaic (PV) Panels will be installed to cover 25% (517sqm) of roof space and Air Source Heat pumps are to be installed to office areas within the building for heating/cooling.
- 9.84. In addition, and to support DPD carbon neutral targets for their delivery fleet, electric charging points are proposed within the staff and visitor car park and within the service yard totalling 10no. car charging bays and 20no. van charging bays with additional ducting in place to expand this capacity in the future.

Conclusion

- 9.85. Subject to the imposition of suitable conditions requiring compliance with the submitted Sustainability Statement, Planning Officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

Planning Obligations

- 9.86. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.87. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.

9.88. Officers have had regard to the statutory tests in considering the application and recommend that the following items be secured, in the event that planning permission is granted, in order to mitigate the impact of the proposed development;

| Contribution | Amount £ | Price base | Index | Towards (details) |
|----------------------------------|-----------------|-------------------|--------------|---|
| Strategic Transport Contribution | £85,736.28 | October 2015 | Baxter | Strategic Transport Infrastructure improvements outlined under Policy BIC 1 of the Local Transport Plan 4 – South East Perimeter Road, Western Section. |
| Public transport services | £13,110 | May 2016 | RPI-x | Enhancements to public transport servicing the site at times suitable for the site's occupiers. |
| Travel Plan Monitoring | £2,346 | December 2019 | RPI-x | To enable the Workplace Travel Plan to be monitored for a period of 5 years following occupation. |
| Highway works | £148,000 | April 2020 | Baxter | Improvements to cycle facilities along the A41. |

9.89. In addition to the above financial obligations, the applicant has also put forward that they would be willing to enter into an undertaking that the proposed development would not commence until a lease agreement is signed with DPD securing them as the occupier of the building. This would need to be secured through a legal undertaking.

9.90. The District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within any S106 agreement and the District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the an agreement.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.

10.2. The application proposes development on a site which is not allocated for development and would not be in accordance with the development plan. However, it is concluded that the benefits that would be brought about as a result of the development of this site, would outweigh the potential harm and that there are other material considerations which on balance outweigh the conflict with the development plan.

10.3. The development is therefore considered to be an acceptable departure from the development plan. Approval is thus recommended subject to conditions and planning obligations.

11. RECOMMENDATION

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

- a) Strategic Transport Contribution - £85,736.28 (index linked)
- b) Public Transport services - ££13,110 (index linked)
- c) Travel Plan Monitoring - £2,346 (index linked)
- d) Highway Works - £148,000 (index linked)
- e) Payment of the District Council and County Council monitoring costs – TBC

And an undertaking that development will not commence until DPD have signed the lease for the site.

CONDITIONS

Time Limit

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

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

2. The development hereby permitted shall be used only for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

Compliance with Plans

3. The development shall not be carried out otherwise than in complete accordance with the approved plans;

4036-X01-006 P5 Red Line Plan
4036-X01-007 P9 Estate Plan
4036-X01-008 P6 GA - Plans – Areas
4036-X01-010 P6 GA - Elevations & Section
4036-X01-011 P3 GA - Plans - Offices & Mess Pod
4036-X01-012 P4 GA - Roof plan
4036-X01-013 P7 Proposed Site Layout – Planning
4036-X01-014 P8 External finishes plan
4036-X01-015 P7 Parking Details Plan
4036-X01-016 P8 Fencing Details Plan
4036-X01-017 P7 Site Sections

Vehicle Tracking Drawings

10942-HYD-XX-XX-DR-TP-0001-P02
10942-HYD-XX-XX-DR-TP-0002-P02
10942-HYD-XX-XX-DR-TP-0003-P02
10942-HYD-XX-XX-DR-TP-0004-P01
10942-HYD-XX-XX-DR-TP-0005-P02
10942-HYD-XX-XX-DR-TP-0006-P02

Lighting

Dwg no 180971-E-011 P02 External Lighting Layout
Symmetry Park Bicester Warehouse External Luminaire Schedule (version 1)

Landscape and Ecology

edp4813_r001-C-LVA
edp4813_r002-A-Arbicultural Technical Note
edp4813_r008-C-Arbicultural Impact Assessment
edp4813_r007-D-Ecology Appraisal

edp4813_d022-H-Detailed Landscape Design.
edp4813 - BIA 19032020-1.4-
edp4813_d027c Illustrative Landscape Strategy

Sustainability

Sustainability Statement for Planning - Rev C 180971
PV report P03 CPW-ME-180971-P01

Surface Water Drainage

Flood Risk Assessment 10942-HYD-XXX-XXX-RP-FR-0002.
C-10942-RP-001_ 4 Symmetry Park Bicester Drainage Strategy Report-[FINAL]

Pump Failure surface Water Storage C-10942-TN-001 P1
C-10942-HYD-00-ZZ-DR-C-7012 – P3 Surface water flood extents
C-10942-HYD-00-ZZ-DR-C-7016 – P1 Surface water flood extents during pump failure
C-10942-HYD-00-ZZ-DR-C-7017 – P1 Additional surface water storage in case of pump failure

C10942-HYD-00-ZZ-DR-C-7005_External Levels_P6

Ground Conditions

10942-HYD-XX-XX-RP-GE-0001-P02-S2_Land_adj_Symmetry_Park_Unit_D (1)

Air Quality

BID-HYD-XX-ZZ-RP-Y-2101_P01 Air Quality Report

Noise Assessment

DPD-HYD-ZZ-XX-RP-Y-1001-P02 DPD Bicester Noise Assessment

Transport

Transport Statement 10942-HYD-XX-XX-RP-TP-4001-P03

Archaeology

edp4813_r004-A-Archaeological and Heritage Assessment
Archaeology Evaluation WFBO3_EV_MK202_20_V3

Design and Access Statement

Planning Statement

unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Reason – To clarify the permission and for the avoidance of doubt.

Conditions with which the development must comply

4. No development shall take place until the existing trees and hedgerows to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;
 - a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
 - b)The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
 - c)The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
 - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason – To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual

amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

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

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

8. The development hereby permitted shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) Rev 2 (A&H Construction Development. Plc.) May 2020.

Reason – In the interests of highway safety and to ensure that the environment is protected during construction and protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated 14th February 2020 10942-HYD-XXX-XXX-RP-FR-0002 and the Drainage Strategy report C-010942-HYD-XX-XX-RP-001 dated 14th February 2020.

Limiting the surface water run-off to 14l/s (QBAR) for all storm events up to 1 in 100 year +40% climate change event. With the use of below ground attenuation, swales, hydrocarbon interceptor and pumped discharge as described in the Drainage Strategy.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in

writing by the Local Planning Authority.

Reason – To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government advice in Section 14 of the National Planning Policy Framework.

10. The development hereby permitted shall be carried out in strict accordance with the detailed C-10942-RP-001_Symmetry Park Bicester Drainage Strategy Report-[FINAL] dated 14th February 2020 and the Technical Note C-10942-TN-001-Pump failure surface water storage dated 4th April 2020.

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 advice in the National Planning Policy Framework.

11. The building hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies ESD 1 - 5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

Conditions which must be complied with prior to the commencement of development

The applicant is keen to secure a permission without the need to discharge pre-commencement conditions. The application has been supported by detailed plans and by a number of assessments and reports to achieve this. Further reports and additional information are awaited to resolve the following conditions. However, if this information is not received prior to determination of the application, the following pre-commencement conditions will be required.

- Apprenticeship and Training Strategy
- Archaeological Written Scheme of Investigation

If information is submitted to satisfy the above, compliance conditions may be required to be imposed to ensure the development complies with the submitted and approved information.

Conditions which must be complied with prior to occupation

12. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport and means of implementation and methods of monitoring. Thereafter the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with policies SLE4 and ESD1 of the Cherwell Local

Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

13. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with the approved plan no. 4036-X01-015 P7. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason – In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby approved, the footpath/cycleway link to the adjacent Bicester 12 site as indicated on the approved plan no. 4036-X01-013 P7 shall be constructed up to the boundary of the site and thereafter be maintained and remain open for public use without restriction.

Reason – To make provision for future links to the adjacent Bicester 12 development site in the interests of sustainability and cohesive development through the provision of suitable footpath/cycle connections in accordance with Policies ESD 15 and Bicester 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

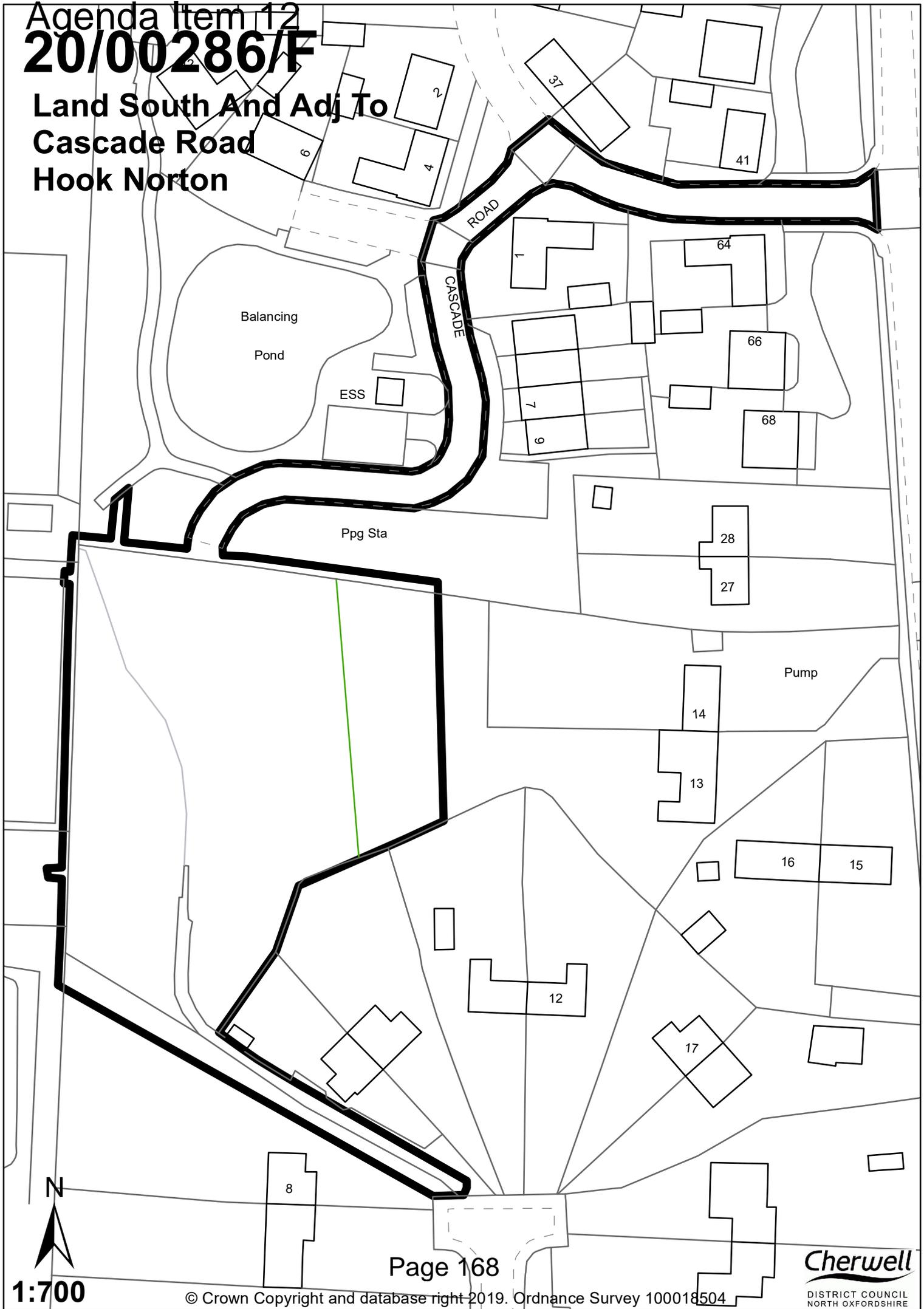
Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

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Agenda Item 12 20/00286/F

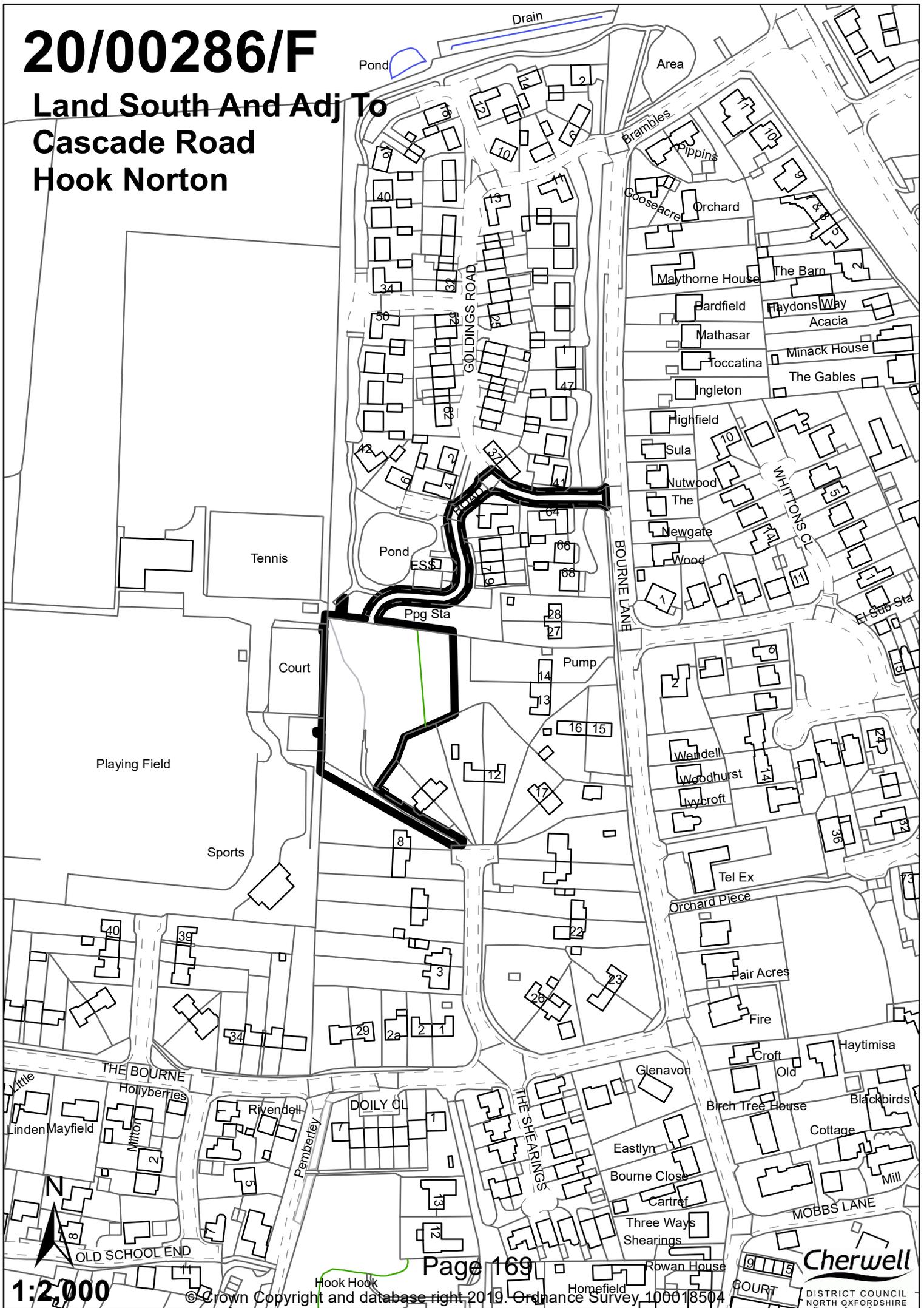
Land South And Adj To Cascade Road Hook Norton



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20/00286/F

Land South And Adj To Cascade Road Hook Norton



1:2,000

Case Officer: James Kirkham

Applicant: Hook Norton Community Land Trust

Proposal: Erection of 12no Passivhaus homes along with associated works including community building, landscaping, parking, vehicular and pedestrian accesses

Ward: Deddington

Councillors: Cllr Hugo Brown, Cllr Mike Kerford-Byrnes and Cllr Bryn Williams

Reason for Referral: Major development and the application affects Council's own land

Expiry Date: 4 May 2020

Committee Date: 21 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

GRANT PERMISSION SUBJECT RESOLUTION OF DRAINAGE AND PLANNING OBLIGATIONS MATTERS AND SUBJECT TO CONDITIONS AND S106 LEGAL AGREEMENT

Proposal

The proposal is for the erection of 12 contemporary dwellings on a parcel of land in the built limits of Hook Norton. The application is proposed by a Community Land Trust and would provide 8 affordable dwellings. A small community centre is also proposed.

Consultations

The following consultees have raised **objections** to the application:

- OCC Drainage

The following consultees have raised **no objections** to the application:

- CDC Planning Policy, CDC Ecology, CDC Environmental Protection, CDC Strategic Housing, CDC Tree Officer, OCC Highways, Thames Water, Sport England

The following consultees have **made comments** on the application:

- CDC Landscape, CDC Leisure and Recreation., OCC Education, Thames Valley Police

5 letters of objection have been received and 1 letter of support have been received.

Planning Policy and Constraints

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan, Hook Norton Neighbourhood Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Impact on the character and appearance of the area and design

- Highways
- Residential amenity
- Affordable housing and housing mix
- Ecology and landscape
- Infrastructure
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to the resolution of the outstanding issues and subject to conditions and a legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is an area of undeveloped land and garden land to the north west of Hook Norton. The site is bounded to the north by the new Bourne View housing estate, the 1950s Bourne estate to the east and south and the sports fields, including flood lit multi-use games areas (MUGA) and tennis courts, to the west. A large part of the site is currently overgrown and there is some planting to the northern and western boundaries. A drainage ditch runs to the west of the site. The site is relatively level but is on slightly lower ground than the new development to the north.

2. CONSTRAINTS

2.1. Whilst not a planning constraint the Council owns part of the site and has agreed to sell it to the applicant subject to it providing affordable housing along with a number of other conditions.

2.2. The site is located within the Hook Norton Neighbourhood Plan area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The current application seeks full planning consent for the erection of 12 Passivhaus homes on the site along with a community building, parking and landscaping. The scheme is being put forward by Hook Norton Community Land Trust, which is a not for profit Community Benefit Society. The aim is to provide a low carbon scheme to meet local housing needs. 8 of the 12 houses would be offered as Affordable Housing.

3.2. The development consists of two blocks of residential accommodation. A 2.5 storey building to the north eastern part of the site (the 'northern terrace') would form 8 dwellings. These would each be 2 bed units arranged over 2 floors (with the first floor split shared between the units). The upper floor flat would have access to a first floor balcony to the south and the lower floor unit would have access to a private rear garden to the north.

3.3. A further residential block would be located to the south west of the site. This would be 2.5 storeys and would accommodate 2 x 3 bed units on the lower floors (ground and first) and 2 x 1 bed units on the upper floors (first floor and roof space).

- 3.4. The residential units would be externally faced in natural ironstone on the lower floors with timber cladding on the upper floors. They would have metal balconies to the front and photovoltaic solar panels on the roof.
- 3.5. The development also includes the provision of a small community building to the south east of the site constructed of ironstone and timber cladding with a pitch slate roof and a sedum flat roof to the rear. This consists of two buildings joined together by a curved roof. The northern part of the building would consist of a community building which would be open to residents of the development and the wider community and would be available for a range of small community uses and events. It also includes a laundry facilities and guest bedrooms for the occupiers of the proposed development. These would be solely for the use of residents of the development and their guests. The other element of the building includes a small workshop space for residents of the development and wider community to rent out for DIY/art/making projects on a non-commercial basis. These elements of the scheme relate strongly to the applicant's desire to have a more communal sense of living than a traditional housing development.
- 3.6. The proposal also includes the provision of an area of public open space to the centre of the site, which is intended to become a new village green, and the provision of a shared greenhouse and growing beds (small allotment) for the development.
- 3.7. Vehicular access into the site would be from the north, via Cascade Road. Cascade Road is constructed up to the site boundary and will be extended into the site. 17 parking spaces would be provided in the main car park to the western part of the site and a further disabled space would be located to the east of the site.
- 3.8. New pedestrian connections are also proposed to the other areas of the village including access to the sports club to the west, The Bourne to the south east and Cascade Road to the north.
- 3.9. A flat roof sedum roofed storage building is proposed adjacent to the car park and would accommodate cycle parking, bin stores and individual storage units for the upper floor flats. In the north-west corner of the site a further building is proposed which would accommodate the infrastructure for the provision of a microgrid and batteries proposed at the site. These would be constructed predominately with timber cladding and have planted flat roofs.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal. However, the following is relevant:

Land to the west of site

02/01224/F – 3 new tennis courts and 1 multi-use games areas both with surround and lighting – Permitted

02/01223/OUT and 04/00060/REM – Reserved matters application ref.: 02/01223/OUT for erection of new pavilion, car parking, landscaping and access road – Permitted

04/02308/F - Erection of sports wall 10 metres long, 3 metres high, construction of tarmac playing area 10 x 14 metres, erection chain link fence 3 metres high to the eastern perimeter of tarmac – Permitted

05/00581/F – Erection of new floodlighting for existing (old) football pitch – Permitted

12/00301/F – Variation of conditions 4 and 5 of 02/01224/F – Hours of use and lighting hours – Permitted. This included to the following conditions:

1 That the tennis courts shall not be used between the hours of 22:00 and 08:00 and not before 09:00 on Sundays and Bank or Public Holidays.

2 That the multi-use games area shall not be used between the hours of 21:30 and 08:00 and not before 09:00 on Sundays and Bank or Public Holidays.

3 That the floodlighting for the tennis courts shall not be used between the hours of 22:00 and 08:00 and not before 09:00 on Sundays and Bank or Public Holidays.

4 That the floodlighting for the multi-use games area shall not be used between the hours of 21:30 and 08:00 and not before 09:00 on Sundays and Bank or Public Holidays.

4.2. Land to north of the site

11/01755/OUT – Outline planning permission with all matters reserved for the erection of up to 70 dwellings (Class C3), public open space including a play area/amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, a pumping station and other ancillary works – Appeal Allowed and followed by 14/00379/REM

5. **PRE-APPLICATION DISCUSSIONS**

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

5.2. 19/01919/PREAPP – Erection of 15 new dwellings and community hall – It was noted that the principle of a small scale development on the site may be acceptable. However, significant reservations were raised regarding potential conflict between the adjacent multi-use games area and the proposed development. Concerns were raised over the impact on landscaping to the boundaries, parking provision and design. Clarification was also requested on the level of affordable housing proposed and additional information was required in respect of a number of areas including flood risk and ecology. The current scheme before the Council has been significantly altered compared to the proposal presented at pre-app.

6. **RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of a site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to properties immediately adjoining the application site (with the exception of those just adjoining the existing access road) that the Council has been able to identify from its records. The final date for comments was **4 March 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 5 letters of objection have been received and 1 letter of support. The comments raised by third parties are summarised as follows:

- Pinch point between 1 and 2 Cascade Road is unsuitable for increase in traffic.
- Inadequate parking to serve the development.

- Inadequate access for construction traffic
- Inadequate visibility at the access.
- Poor pedestrian access from Cascade Road with no footway in places.
- Site should be accessed through the Sports and Social Club car park.
- The existing roads and open space in the new development to the north have not been adopted.
- Increase risk of accident with children using adjacent public open space.
- Noise, disturbance, dust and traffic during construction.
- Inadequate screening to northern boundary
- Attenuation pond in Goldings Road/Cascade Road is already at capacity and would not have capacity for the proposal.
- No business case for the community buildings and who will pay to maintain them.
- Lack of consultation.
- Supports proposal which is based on meeting actual housing need rather than financial profit. The application for the new Taylor Wimpey scheme to the north made it clear the access provided as part of that development would be suitable to serve this parcel of land.

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

7. RESPONSE TO CONSULTATION

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

CONSULTEES

7.2. CDC PLANNING POLICY: **No objection** to the principle of some additional residential development in Hook Norton. However, design, layout and other technical matters will need to be considered in detail, particularly the relationship of the proposed development with neighbouring sports facilities.

7.3. CDC ENVIRONMENTAL PROTECTION: **No objection.** The noise assessment and lighting assessment demonstrate that the adjacent sports facilities are unlikely to have a significant adverse impact. Planning conditions should be included relating to ground investigation and provision of electric vehicle charging infrastructure.

7.4. CDC STRATEGIC HOUSING: **No objections.** Original raised a number of concerns regarding the proposal. Further to additional information being submitted raises no objection subject to the swap of tenure of two of the affordable housing units which has now been agreed by the applicant.

- 7.5. The proposal would provide 8 affordable houses, which exceed the policy requirement of 4.2 and therefore provides additional benefit to the scheme and to those households who would not otherwise be able to access suitable and affordable housing locally. Requests that one of the ground floor units is for affordable rent to better reflect the housing needs survey of 2018 which are to be built to M4(2) standards. The Council normally seeks 50% of rented properties to be developed to this standard. Therefore, requests to change to unit 3A from shared ownership to affordable rented tenure and change unit to 3B from affordable rent to shared ownership tenure. This would then provide an affordable 2-bedroom ground floor rented home as suitable and accessible accommodation from the outset and would better reflect the affordable rented housing need and provide a more equitable approach. ***This has now been done.***
- 7.6. Concerns were also originally raised regarding the affordability of the unit given there may be service fees associated with the other facilities on site. Further to additional information confirming that the affordable rented units would be capped at Local Housing Allowance levels and that HNCLT would be responsible for any service charges or cost associated with the provision and ongoing use of the community building and its facilities, without obligations being placed on the affordable housing residents of the scheme there is no objection in this respect. This would help to keep the costs for all residents at an affordable level and is therefore acceptable. No objection is also raised in respect of parking.
- 7.7. CDC LANDSCAPE OFFICER: **Comments.** Raises concerns regarding no maintenance access to the rear of community building. Also has concerns over some of the species of trees proposed and their proximity to buildings. Requests the maintenance and management of the open space is secured through a legal agreement.
- 7.8. CDC ARBORIST: **No objection** subject to tree protection and replacement planting. The removal of the category B ash tree on the northern boundary is considered to be acceptable.
- 7.9. CDC ECOLOGY: **No objection** subject to Construction Environmental Management Plan and biodiversity enhancements being secured.
- 7.10. CDC LEISURE AND RECREATION: **Comment.** No contribution is sought to community buildings on the basis that one is being provided on site. This should be made publicly available. If the community centre is also in lieu of indoor sports provision and outdoor sports provision some additional details of the facilities should be provided.
- 7.11. THAMES VALLEY POLICE CRIME DESIGN ADVISOR: **No objection** but raises some concerns including re the lighting proposal and the use of bollard lighting and recommend pedestrian scale columns. Raises concerns over post and wire fence to northern and western boundary. Also raises concerns regarding the open covered sections of the community building and anti-social behaviour occurring in these areas.
- 7.12. OCC HIGHWAYS: Objection to original proposal. Concerns that lack of parking provision will lead to on-street parking in the area particularly in light of 3-5 spaces being used by the Car Club for the village. New pedestrian links are provided to the village. The access from Cascade Road is not adopted highway. Request details of cycle parking and a contribution to the local bus service (number 488) and relies on S106 contributions to stay in operation. The contribution is in scale with other contributions which have been sought in the village and should be secured through a S106.

- 7.13. Further to the receipt of additional information which clarified that some of the spaces will no longer be used by the Car Club for the wider village raises **no objection** subject to the bus contribution and conditions regarding cycle parking provision.
- 7.14. OCC LEAD LOCAL FLOOD AUTHORITY: **Objects.** Discrepancies between discharge rate in Surface Water Management Document and Surface Water Layout Drawing still exist. Also considers there is scope, despite the limited site size, to incorporate SuDS features that have been ruled out.
- 7.15. OCC EDUCATION: Requests contribution towards expansion of primary education at Hook Norton School. The proposed development is located in the designated area for Hook Norton CE Primary School. The school was previously a 1 form entry school, offering 210 primary places (30 places per year). To meet the demands expected from the cumulative effect of planned and permitted housing development in the area, the school has expanded to 1.5 form entry, increasing its admission number to 45 places per year. The need for these additional places is already being demonstrated by growing pupil numbers (as of September 2019, there were 246 pupils on roll), and demand is expected to increase further. This expansion meets the needs of already permitted development and also enables the expected primary pupil generation from this proposed development to be accommodated. Without this additional accommodation, Oxfordshire County Council would not be able to meet its statutory school sufficiency duty in the Hook Norton area, including meeting the expected increase in demand for places as a result of this application. It is therefore directly related to the proposed development, and a contribution towards the capital cost of the expansion is sought in proportion to the development's expected pupil generation. The total cost of the expansion as at September 2016 was £1.483m, creating 15 additional places per year group for primary provision (105 additional places in total), giving a cost per primary pupil of £14,124. This has been uplifted to TPI 333 (related to 3Q19), giving a per pupil cost of £17,228. The proposal is expected to generate 2.14 primary pupils giving a total contribution of £36,868
- 7.16. THAMES WATER: **No objections.** The waste water network and sewage treatment works have capacity to accommodate the development. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer
- 7.17. SPORT ENGLAND: **No comments.**

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:

HOOK NORTON NEIGHBOURHOOD PLAN (2015)

- CC1 – Protection and enhancement of local landscape and character
- CC2 – Design

- CC3 – Local distinctiveness, variety and cohesiveness
- CC4 – Resource efficient design
- CC5 – Lighting
- COM1 – Protection of Locally Valued Resources
- COM2: Public Rights of Way
- H1: Sustainable Housing Growth
- H2: Location of housing
- H3: Housing Density
- H4: Types of housing
- H5: Provision and retention of affordable housing
- T1: Access and Parking
- T2: Non-car transport

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- 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
- 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
- Villages 2 – Distribution 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 – Environmental pollution
- ENV12 – Potentially contaminated land

Other Material Planning Considerations:

- Cherwell Residential Design Guide SPD (2018)
- Developer Contributions SPD (2018)
- National Planning Policy Framework (NPPF)
- National Design Guide
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2019

9. APPRAISAL

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

- Principle of development
- Impact on the character and appearance of the area and design
- Highways
- Residential amenity
- Affordable housing and housing mix
- Ecology and landscape
- Infrastructure
- Other matters

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996. The Development Plan in this area also includes the Hook Norton Neighbourhood Plan, which was adopted in October 2019.
- 9.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate an appropriate housing land supply in accordance with the Written Ministerial Statement of 12 September 2018 and therefore the presumption in favour of sustainable development has to be considered in that context.
- 9.5. The overall housing strategy in the Cherwell Local Plan 2011-2031 (including Policy BSC1) is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. The Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.6. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Hook Norton is classified as a Category A village.
- 9.7. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for*

10 or more dwellings as at 31 March 2014". This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

9.8. Policy Villages 2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:

- *Whether the land has been previously developed land or is of less environmental value;*
- *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether best and most versatile agricultural land could be avoided;*
- *Whether significant adverse landscape impacts could be avoided;*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
- *Whether the site is well located to services and facilities;*
- *Whether necessary infrastructure could be provided;*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk."*

9.9. In regard to the policies in the Hook Norton Neighbourhood Plan (HNNP) Policy H1 allows for minor development within the built limits. Policy H1 states that 'minor development' means small scale development proposals, typically but not exclusively for less than 10 dwellings, and that proposals for up to 20 dwellings may be permitted where this does not result in more than 20 dwellings being built in the same location at any time. Policy H2 states that housing development will be assessed for suitability of location and suitable locations will be not within Flood Zone 2 or 3, comply with policies in the Neighbourhood Plan and take account of existing and potential alternative uses.

Assessment

9.10. Hook Norton is a Category A village which includes a good range of services and facilities within walking distance of the site and a bus service. The current application seeks to enhance the connections to the surrounding areas of land which would help the site integrate with the surrounding developments. Given the site's relationship with surrounding development the site can be considered to be within the 'built limits' of the village. Policy Villages 1 of the CLP and Policy H1 of the Hook Norton Neighbourhood Plan (HNNP) both allow for minor development within the built limits. Policy H1 defines 'minor development' as small scale development proposals, typically but not exclusively for less than 10 dwellings, and states that proposals for up to 20 dwellings may be permitted where this does not result in more than 20 dwellings being built in the same location at any time, considering any extant permissions. Whilst the proposal exceeds 10 dwellings it is noted that there is flexibility built in the policy in this regard, and it is considered this is one case that flexibility may be relevant given the site's close relationship with the surrounding built form and its relatively modest size.

9.11. Policy Villages 2 of the CLP is also relevant to the proposal and states that a total of 750 dwellings will be delivered at Category A villages in the district over the plan period and gives a number of criteria against which proposals will be assessed.

Permission has now been granted for well in excess of 750 dwellings under this policy so one might consider there to be some conflict with the overarching aim of this policy to restrict the amount of development in rural areas and focus development in the districts urban areas. However, successive appeal decisions have found that only when 750 dwellings have been *delivered* will the policy have been breached. In addition, given (1) the relatively small scale of the development (including the analysis above regarding Policy Villages 1 and H1), (2) the relatively good levels of services and facilities in the village (including the bus service) compared to some Category A settlements, (3) the site being well contained by existing development within the built limits of the village, (4) the fact the proposal would make efficient use of land and (5) the fact it is seeking to provide an innovative community led scheme looking to meet local affordable housing needs, it is considered that any identified conflict with Policy Villages 2 would not warrant a reason for refusal in this instance especially when weighed against the benefits of the scheme when the Development Plan is read as a whole, particularly the provision of affordable housing.

- 9.12. The proposed development is clearly separate from the new Taylor Wimpey site to the north, which is now largely complete and therefore the proposal is not considered to result in more than 20 dwellings being built in the same location at any time in accordance with Policy H1 of the HNMP.
- 9.13. Overall, for the reasons outlined above it is considered the principle of development of this scale on this site could be supported, subject to other material considerations outlined below.

Impact on character and appearance of area and design

- 9.14. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The national PPG notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.15. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 9.16. Policy ESD15 of the Cherwell Local Plan Part 1 states that: “New development proposals should:
- Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting significant trees,
 - Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
 - Reflect or, in a contemporary design response, re-interpret local distinctiveness.
- 9.17. Policy ESD13 of the Cherwell Local Plan Part 1 states that: “Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would Cause undue visual intrusion into the open countryside or be inconsistent with local character”. Policy Villages 2 also states regard will be had to whether a proposal would contribute to enhancing the built environment and whether significant adverse landscape and visual impacts can be avoided in determining applications under that policy.
- 9.18. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.19. Policy CC1, CC2 and CC3 of the HNNP also state development must be designed to be visually accommodated into its surroundings and provide a positive contribution to the locally distinctive character of Hook Norton. This includes taking into account the extent and amount of development; scale; layout; open spaces; appearance; and materials and retaining hedgerows and trees. The HNNP further states proposals should incorporate features to improve the environmental performance of buildings and reduce carbon emissions. It also states that there should be variety in buildings and buildings should be predominantly constructed in ironstone. Policy H3 of the HNNP states that the maintenance of local character has a higher significance than achieving a minimum housing density figure and in each case development should be in character with the local surrounding area.

Assessment

- 9.20. The application site is well contained in the wider landscape by the existing built form to the north, east and south of the site and the sports facilities to the west. This means the wider landscape and visual impacts of the development would be relatively limited and it is more appropriate in this case to consider the more localised impacts.
- 9.21. The scheme is relatively small in size. There is modern development to the north and more spacious post-war, semi-detached properties to the south and east of the site. The character of the surroundings and site is also impacted upon by the sporting facilities to the west of the site which includes various elements of infrastructure including a multi-use games area (MUGA) with fencing and flood lighting immediately to the west of the site. This gives the area a mixed and rather disjointed character and appearance with no prevailing sense of character or uniform density in the immediate locality.
- 9.22. The proposed development seeks to provide a contemporary designed scheme, which would provide a different and contrasting design approach to the surrounding

properties. However, given the factors outlined above it is considered that the provision of a high quality, higher density scheme may be supportable on the site subject to it being well designed and locally distinctive.

- 9.23. The layout of the scheme has evolved since the earlier pre-app on the site. One of the major constraints to the layout of the scheme is the relationship of the new residential development with the existing multi-use games area (MUGA) to the west of the site.
- 9.24. This is an existing facility that is flood lit and can be used into the evening (up to 22:00) and it is important that the provision of new housing on the application site does not prejudice the use of the MUGA as this would detrimentally impact on sporting provision in the village (the issues regarding noise and disturbance and light pollution are discussed at further length in the residential amenity section of this report).
- 9.25. This is a significant constraint and the impact on the layout of the site has resulted in the parking area serving the new residential units being located adjacent to this to act as a buffer between the dwellings and the MUGA and ensure the likelihood of future conflict in terms of noise and light pollution is reduced.
- 9.26. Whilst this is not ideal in design terms as the parking area is rather dominant in this area it is an important constraint that is considered to justify the layout. The applicant has attempted to break up the parking area with landscaping and provide surveillance over the parking area from the southern terrace.
- 9.27. Given the focus of the parking on the western part of the site it does allow for the remainder of the space to be free from vehicles and provides a more attractive shared pedestrian space focused around the central green space and the community building to reinforce the sense of communal living and shared spaces the applicant wishes to promote. The layout of the remainder of the site is considered to provide a high quality public realm. The northern terrace and community building/guest accommodation would face onto the public open space creating a well-integrated open space and provide a clear sense of surveillance. The applicant contends that the arrangement of uses and dwellings seeks to provide an environment which would increase social contact and provide a more communal way of living with shared amenity spaces, community building, shared guest spaces and outdoor spaces. Officers consider the proposed layout achieves this.
- 9.28. The layout of the site does somewhat turn its back on the new development to the north with the rear elevations of the northern terrace facing onto the northern boundary. Some planting currently exists on this boundary albeit that some of this would be lost as a result of the proposals. Officers consider it is important that this northern boundary be appropriately landscaped and softened and it is considered that this can be controlled through a revised landscaping condition. This would also help address some of the concerns of the Crime Prevention Design Advisor who has raised concern regarding the use of post and wire fencing on this boundary. The location of the southern terrace, open space and orientation of the community building all help to address and integrate the development when entering it from the north.
- 9.29. The main vehicular access to the site would be from the north of the site via Cascade Road. A pedestrian link is also proposed into Cascade Road to the west of the entrance which would link into the new path around the attenuation feature in the relatively new Taylor Wimpey scheme to the north. Neighbours to the north of the site have indicated that this existing footpath links to a private drive so would be of little use to residents. This is likely to mean that people using this link would not

have a continuous footpath link to the north and would need to cross over grass to continue their journey. However, whilst this is far from ideal it relates to land which is outside of the control of the applicant and is a product of the layout of the housing development to the north. Additional pedestrian links are also proposed through the site with a new access to the south east of the site into The Bourne and new accesses across the ditch to the west into the sports grounds.

- 9.30. Overall, whilst the lack of footpath link to the north is not ideal, the overall extent of pedestrian links proposed is considered to be positive elements of the scheme and provide a high degree of pedestrian permeability to integrate the development into the surrounding movement network and allow for journeys on foot to other parts of the village.
- 9.31. In terms of the detailed design and form of the dwellings they are different to the surrounding properties which include more traditionally designed modern housing to the north and a mix of predominantly post-war, semi-detached properties on more spacious plots to the south and east. The sports and social club located to the west includes various functional elements of infrastructure. Overall, it is considered that the application site is located in an area of transition where a more contemporary approach to development may be appropriate.
- 9.32. The height of the proposed dwellings would be 2.5 storey with rooms in the roof space. Given this and their more compact form in the arrangement of terraces the development would appear denser than the surrounding pattern of development and would also have greater cumulative massing. However, the character of the area is mixed and given the relatively small scale of the development this is not considered to appear incongruous in the locality. Section plans have also been submitted demonstrating the properties would not be significantly in excess of the height of other surrounding properties given the accommodation would be provided largely in the roof space.
- 9.33. The form of the northern terrace includes the use of a repetitive gable form which is not a strong characteristic of the area. However, it does provide a contemporary appearance to the scheme and a pleasing sense of rhythm using a relatively simple linear form. The applicant reasonably contends that the form of the building references Almshouses in Chipping Norton and this does link back to the scheme being a community led affordable housing project. This form of contemporary response is considered more appropriate for the site than flat roof dwellings which may appear more stark. The balconies to the front of the buildings also help to break up the scale and massing of the elevations of the building in a contemporary manner.
- 9.34. The proposal uses a mix of local ironstone on the ground floor of the dwellings and on other parts of buildings throughout the scheme, which is a locally distinctive material and would help to root the development into its context. Softwood timber cladding is used on the upper floor of the building and reclaimed slate on the roof. The community building and southern terrace are constructed of the same palette of materials and whilst the buildings are different in design this does provide a sense of unity and distinctiveness to the development as a whole, which affords an individual character to the scheme and provides a sense of place. The fenestration of the building also reinforces the contemporary approach to the development with large areas of glazing and is considered to be appropriate given the design approach adopted. Whilst timber cladding is not used widely in the area, given (1) the contemporary design approach used, (2) the site's relative lack of visibility and lack of visual impact on its surroundings, and (3) the design and detailing of the scheme, on balance it is considered to be acceptable in this case.

- 9.35. Areas of landscaping around the development help to soften the built form and the use of different ground surface materials including resin bound gravel, Cotswold colour asphalt and pavers all help to soften the spaces around the buildings and provide an attractive public realm.
- 9.36. Overall it is considered that the scheme provides a contemporary development response to the local area, which would be appropriate on this transition site where the surrounding development provides a varied context. The layout of the scheme responds to its context and along with the buildings provide a high quality contemporary development having regard to the constraints of the site. The proposal is therefore considered to comply with the design policies outlined above.

Residential amenity

Policy context

- 9.37. Policy ESD 15 of the CLP 2031 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, lighting, noise, ventilation, and indoor and outdoor space. Saved Policy ENV1 of the CLP (1996) states development which is likely to cause materially detrimental levels of noise and other types of environmental pollution will not be permitted. The NPPF also seeks to ensure a good standard of amenity for occupiers of land and buildings and ensures that proposals do not give rise to significant adverse impacts on health and quality of life from noise pollution and don't give rise to unacceptable light pollution. The Planning Practice Guidance (PPG) has been updated to include the 'agent of change' principle in regard to noise. In this respect it states:

Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made. Paragraph: 009 Reference ID: 30-009-20190722

- 9.38. Policy COM1 of the HNNP states that proposals which would adversely affect locally valued resources such as the playing fields will not normally be permitted.

Assessment

- 9.39. The first matter to consider in this respect is whether the development would provide a good standard of amenity for proposed residents.
- 9.40. The application site lies immediately to the east of the sports fields. This includes an artificial grass sports pitch immediately adjacent to the western boundary of the site and tennis courts further to the north. Both of these are floodlit and can be used up until 21:30hrs and 22:00hrs respectively (subject to planning conditions). There is also a games wall immediately adjacent to the MUGA. The use of all these areas is likely to create a high level of noise pollution as well as light pollution at certain times of the day, which could impact on the amenity of the proposed dwellings and therefore needs to be considered as this would not only impact on the amenity of the

proposed residents but may lead to pressure to reduce the use of the existing play areas, which would be to the detriment of the existing sports clubs and residents and by extension the vitality and sustainability of the village. This is a matter that was raised with the applicant at pre-application stage and subsequently the applicant has now undertaken noise monitoring at the site and also monitoring of the flood lighting and has submitted relevant reports with this application.

- 9.41. The Noise Report has included on site monitoring and a modelling exercise to determine the likely impact on the proposed dwellings taking into account the proposed layout. This notes that during daytime the target noise levels (as derived from the World Health Organization and British Standard 8233) would be exceeded were the properties to have their windows open. However, the scheme proposes to use mechanical ventilation with heat recovery and triple glazing and it is considered that this would allow for suitable internal noise environment.
- 9.42. In regard to the external noise environment for the private amenity areas (gardens and balconies) these are generally predicted to be below the relevant BS 8233 guideline value of 55dB Laeq, 16 hours although the first floor balcony of the southern terrace would be marginally above this. However, this assessment and modelling is based on a worst case 1 hour period of use of the MUGA with full use of the MUGA across all hours during the daytime. The results of the monitoring at the site indicate that the overall noise levels adjacent to the MUGA were typically lower than the worse case adopted in the modelling.
- 9.43. The Council's Environmental Protection Officer has reviewed the assessment and is satisfied that it demonstrates that noise from the MUGA is unlikely to cause significant nuisance and has therefore raised no objection in this respect. In light of this, officers consider, on balance, that the relationship of the proposed development with the adjacent sporting facilities would be acceptable and the proposal would not give rise to Significant Observed Adverse Effects in terms of noise.
- 9.44. The application also includes a lighting assessment to understand the potential impacts of the existing flood lighting at the adjacent sports facilities on the proposed properties. This has included monitoring at the site to understand the existing light environment and it considered the site should be classified as Environmental Zone E2 – Low district brightness area' in accordance with the Institute of Lighting guidance. Based on this the worst-case permitted light trespass limit at any proposed or existing property in the pre-curfew period (typically considered to be 07:00-23:00) is 5 lux and in the post curfew period (typically considered to be 23:00-07:00) is 1 lux. The flood lighting is the predominant source of lighting on the site and is conditioned to be switched off at 22:00 on other planning consents. Based on the monitoring and site layout none of the properties would have an exceedance of the 5 lux threshold. The Council's Environmental Protection Officer has reviewed this and has raised no objection and officers have no reason to disagree.
- 9.45. The proposed development is considered to create a good standard of amenity for future residents. Whilst not a policy requirement in the district the proposed internal layout of the dwellings meet the National Space Standard and would provide good sized accommodation for future residents. The external amenity space is more limited with relatively small gardens and balcony spaces. However, the concept of the scheme is to promote a more social contact between residents and there is an open space to the centre of the site and the provision of small areas for growing plants. Provision is also made for each property to have access to storage facilities and bike stores on site. Overall the provision of external amenity space is therefore considered to be acceptable.

- 9.46. Turning to the impact of the development on existing residents. The development has been designed with the eaves of the proposed buildings adjacent to the boundaries of the neighbouring property to reduce the impact on the outlook to neighbouring properties and gardens.
- 9.47. The community building would be situated on the rear boundary of the gardens of 9 and 10 The Bourne to the south west of the site and would clearly impact on their outlook, particularly number 10 where the building runs the entire length of their rear garden. The building is designed with a 3 metre ironstone wall to these properties and a flat roof sedum roof section to the rear of the community building to attempt to reduce the impact and bulk and mass of the building. The gardens of these existing properties are relatively generous in terms of width and depth and the building would be approximately 15 metres from the rear of these houses at the closest point. On balance, given these factors and the single storey scale of this building, the proposal is considered not to result in a level of harm to the outlook to such a degree which would warrant refusal.
- 9.48. The first floor bedroom windows on the rear of the southern terrace would provide views over the gardens to the south including 8 The Bourne. At the closest point these windows would be approximately 6 metres from the boundary however these windows would overlook the most rear part of the garden furthest from the house and given the distance and angle to the main property (approx. 30 metres) it is not considered that the proposal would result in an unacceptable level of overlooking to this property or garden. A second floor bedroom window is also proposed in the side elevation of this terrace facing towards 9 and 10 The Bourne; however, given the distances involved (approx. 25 metres) this is not considered, on balance to result in significant harm to their amenity.
- 9.49. The proposals include the provision of balconies to the front of the northern and southern terraces at first floor level. Where these are closest to the neighbouring properties these may result in harmful levels of overlooking to private garden areas as they offer a space where future residents may spend prolonged periods of time overlooking in an elevated position. It is therefore recommended that privacy screens be required by condition, to be provided to the balconies on the most easterly end of the northern and southern terraces where they are closest to neighbours. The community building would screen some of the views from the balconies on the northern terrace to the properties to the south and given the distances (in excess of 19m to the closest part of the garden) this overlooking is not considered to result in significant harm.
- 9.50. Concerns have been raised by existing residents over the noise and disturbance and traffic during the construction period. Whilst these concerns are noted given the relatively small scale of the proposal and the temporary nature of these impacts which arise from any housing development, these impacts are considered to be acceptable.
- 9.51. In conclusion on this matter the proposal is considered to be acceptable in regard to the impact on the amenity of existing neighbouring properties and provide a good standard of amenity for future residents. The proposal therefore complies with the relevant planning policy in this respect.

Highways

Policy context

- 9.52. Policy ESD15 of the Cherwell Local Plan Part 1 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable and

healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.” Policy SLE4 states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”

- 9.53. The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 9.54. Policy T1 of the HNNP proposals to provide access to the local road network which is suitable and sympathetic to the surroundings and requires new development to provide sufficient off-road car parking taking account of Oxfordshire County Council’s (OCC) parking standards. Policy T2 states that opportunities will be sought to improve the local footpath/cycleway network and provide developer contributions towards the provision of an enhanced bus service for Hook Norton where possible.

Assessment

- 9.55. Vehicular access into the site will be from the north, via Cascade Road, which is constructed up to the site boundary and will be extended into the site. The carriageway leading into the site is 5.5m wide but widens out to 6m adjacent to the car parking spaces. Although the carriageway will be designed to be a shared surface there will also be a separate pedestrian access from Cascade Road 10m west of the vehicular access.
- 9.56. It is estimated that the residential proposal would result in 56 daily movements (two-way) with 6 vehicle movements in the morning peak and 4 in the evening peak. The community building is estimated to generate 22 daily movements. However, in this case it is likely to be lower due to the encouragement of walking and the fact that no parking would be provided on site for this. This level of traffic is relatively modest and the Local Highway Authority (LHA) is satisfied with the proposed access and has raised no objection to the use of the access in terms of the capacity of the highway or highway safety and officers consider the use of this access would be acceptable to serve the development. Residents have raised concerns over the use of the access along Cascade Road as it is not part of the adopted highway. It is understood this remains in the ownership of Taylor Wimpey and the applicant has served the relevant ownership certificates and would need to satisfy themselves outside of the planning system that they have suitable access rights to use this access.
- 9.57. The application also seeks to provide pedestrian links to the land to the north, south east and west of the site as outlined elsewhere in this report. The provision of such links is actively encouraged by Policy T2 of the HNNP and ensures that the development is integrated and permeable. This is likely to encourage more journeys on foot to other parts of the village. Whilst all these accesses are not ideal, they need to be considered in the constraints of the site (see paragraph 9.25 regarding the limitations of the northern access). Therefore, the pedestrian accessibility is considered to be acceptable.
- 9.58. The proposal includes 17 parking spaces which would be provided on an unallocated basis which provides greater flexibility in the use of these spaces. This level of parking is broadly accordance with OCC Parking Standards for the proposed mix of dwellings (which requires 17.2 spaces). However, no additional parking is provided for the community building.

- 9.59. When the application was first submitted the applicant was also proposing that the Hook Norton Car Club would use 3 to 5 of these spaces for their vehicles which would have further reduced the number of spaces available to residents. Whilst the wishes of the applicant to provide a low carbon development with low car ownership is supported in principle, both officers and the LHA had considerable reservations as to whether the level of parking serving the site would be adequate to meet the needs of future residents particularly given the rural location of the proposal.
- 9.60. Following discussions with the applicant the proposal no longer proposes use by the Hook Norton Car Club and therefore there would be 17 spaces for the 12 dwellings provided. This would comply with the OCC Parking Standards for the residential element of the scheme so long as the parking remains unallocated and this can be controlled through a car parking management plan which can be secure by planning condition.
- 9.61. In relation to the community building the applicant has agreed the use of the neighbouring parking area with the sports club whereby the car parking facilities at the sports club can be used by visitors of the community centre. Whilst this is not secured in perpetuity there appears to be a clear intention to manage the site on this basis and footpath links are proposed to this area and these links can be secured by condition. The community building is also relatively modest in size and is likely to largely serve residents of the village given its scale. With the proposed provision of pedestrian connections to the surrounding areas of land it is considered many people would be able to walk to this. The LHA also raises no objection in this respect. On balance, given these factors, this matter is therefore considered to be acceptable.
- 9.62. The plans demonstrate that a refuse vehicle would be able to enter and leave the site in a forward gear and cycle parking provision is made for residents and visitors on the site.
- 9.63. Discussions regarding the S106 request for the bus service are outlined in the 'Impacts on Infrastructure' section of this report.
- 9.64. In conclusion the access arrangements are considered to be acceptable and opportunities have been taken to integrate the development into the surrounding context. On balance the parking requirement for the site is considered to be acceptable.

Affordable Housing and Housing Mix

Policy

- 9.65. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing being for rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of homes to meet current and expected future demand creating socially mixed and inclusive communities.
- 9.66. Policy H4 of HNNP requires proposals of this scale to include a statement as to how the proposed housing types, sizes and tenures comply with the most up to date Strategic Housing Market Assessment (SHMA) and Local Housing Needs Survey. Policy HN5 of the HNNP states where affordable housing is provided under a legal agreement the maximum proportion possible of the total units provided under Cherwell District Council's Allocation Scheme shall be allocated to people meeting

Hook Norton Needs or Connections Criteria (as set out in Appendix D of the Neighbourhood Plan) in perpetuity.

Assessment

- 9.67. Based on the policy requirements the proposed development would be required to provide 4.2 affordable homes (as defined in the NPPF) on the site. In this case the application is an affordable housing led scheme and proposes to provide 8 of the new dwellings as affordable including 3 affordable rent properties and 5 shared ownership properties. This would be controlled by S106. This is significantly in excess of the policy requirement and is a significant benefit stemming from the proposal. In accordance with Policy HN5 the affordable dwellings would also have a local connection to favour people with local connections where appropriate under the Councils Allocation Scheme.
- 9.68. During the course of the application the amount of housing meeting the definition of affordable housing in the NPPF has been clarified as outlined above. It is also stated that the applicant (Hook Norton Community Land Trust) proposes to maintain a minimum of 20% of the equity of the other 4 dwellings on the site as a community housing project. However, this would not meet the definition of affordable housing in the NPPF.
- 9.69. In terms of housing mix the proposal includes:
- 2 x 1 bed maisonette
 - 8 x 2 bed maisonette
 - 2 x 3 bed maisonette
- 9.70. This mix has been determined through a housing needs survey and is designed to meet the identified need. A survey was carried out in partnership with Cherwell District Council in September 2018 where demand was highest for 1 and 2 bedroom homes. Of the 15 respondents completing the full information including financial eligibility information, 12 needed either 1 or 2 bed homes. A further informal survey by the applicant of potential residents through an online survey in November 2019 provided a split of potential demand with 64% seeking 2-bed properties; 18% 1-bed properties and 18% 3-bed properties however it is understood this did not include financial eligibility information. Overall the proposal is predominantly for 2 bed roomed properties with some 1 and 3 bed properties and the proposed housing mix is broadly in accordance with up to date evidence regarding housing need.
- 9.71. The Council's Strategic Housing Officer did also request the consideration be given to providing some 1 bedroom ground floor units that would be accessible. This has not been possible, but the applicant has now agreed to include 1 of the 2 bedroom ground floor units as affordable rent to better reflect the identified housing need. Overall the Council's Strategic Housing Officer is satisfied with the housing mix.
- 9.72. During the course of the application queries were also raised by the Strategic Housing Officer regarding how the provision of the community buildings and guest accommodation may impact on the affordability of the unit by way of service charges etc. The applicant has responded stating that the affordable rented units would be capped at Local Housing Allowance levels and that the Community Land Trust would be responsible for any service charges or costs associated with the provision and on-going use of the community building and its facilities, without obligations being placed on the affordable housing residents of the scheme. This would help to keep the costs for all residents at an affordable level and is therefore acceptable.

- 9.73. Overall the level of affordable housing provided by the scheme is in excess of the local policy requirement and broadly meets the identified housing mix. This is considered to be a significant benefit arising from the scheme and weights significantly in favour of the development.

Ecology and Landscaping

Legislative context

- 9.74. 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. 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.
- 9.75. 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.

Policy Context

- 9.76. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity.
- 9.77. Paragraph 175 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.

- 9.78. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.79. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.80. 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

- 9.81. The application is accompanied by a Preliminary Ecological Appraisal, which outlines the site consists of scrub and small areas of amenity grassland. The hedges to the western and northern boundaries of the site are species poor and overall it is considered that the site is of low wildlife interest. The Council's Ecologist is broadly satisfied with the proposal and raises no objection but advises that a Construction Environmental Management Plan be conditioned to protect reptiles and nesting birds during site clearance and ensure the ditch and vegetation are protected.
- 9.82. In terms of biodiversity enhancement and achieving a net gain on the site the proposal includes trees and landscaping throughout the site to encourage wildlife and green roofs on the community building and storage building. The proposals include the provision of bird and bat boxes on the buildings within the scheme and these can be secured through a condition. The Council's Ecologist is satisfied with this.
- 9.83. The proposal would lead to the loss of a number of trees including 1 no category B Ash tree on the northern boundary. However, the category B tree (T11) is highlighted as being at the lower end of the grading due to its form and appears to have been coppiced in the past. The Council's Arborist has therefore raised no objection to the removal of the tree and on balance the loss of this tree is considered to be acceptable subject to appropriate mitigation planting. The planting plans show the provision of a number of new trees throughout the scheme to provide mitigation in this respect and as outlined elsewhere in this report it is considered that further planting is required on the northern boundary to provide a more robust landscaped boundary to Cascade Road. The landscape officer has also raised some concern regarding the details of the landscaping scheme and the applicant has agreed a revised scheme can be conditioned.
- 9.84. The Arboriculture report also highlights that the footprint of the northern terrace falls close to the root protection area of T12 (a Cat B Ash tree on the northern boundary) which will need to be protected during construction. Details of this can also be secured by condition.

Flooding Risk and Drainage

- 9.85. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.

Assessment

- 9.86. The site is located in Flood Zone 1 which has the lowest probability of flooding and residential development is considered to be acceptable in such areas. The Environment Agency surface water flood maps show the site to be at low risk of surface water flooding.
- 9.87. A drainage ditch is located to the western boundary of the site and it is proposed to control all flows from the site to existing greenfield rates to ensure it would not have an negative impact on this ditch. The applicant states it has sufficient capacity to take the flows generated from the development; however, there is currently a blockage within the ditch obstructing flows passing downstream.
- 9.88. The proposal includes the use of Sustainable Urban Drainage (SUDS) to manage the increase in surface water on the site taking into account climate change. The proposal includes the provision of green roofs on some of the buildings to reduce runoff. The strategy seeks to manage rainfall close to the building and direct water from the roofs to the sub-base of external surfaces prior to releasing it to the drainage ditch on the western boundary at greenfield rate. There is also the use of living roofs to reduce run-off and it has been demonstrated that infiltration is not possible on the site due to ground conditions. A number of technical queries have been raised from the Lead Local Flood Authority, which currently objects to the scheme and further information on this is awaited and will be provided through updates to Committee.
- 9.89. Foul water would be discharged to the existing foul sewer to the south east of the site using a pumping station and Thames Waters has advised that the waste water network and sewage treatment works have capacity to accommodate the development.

Sustainable Construction

- 9.90. Policy ESD1 of the CLP 2031 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2031 seeks to achieve carbon emission reductions. Policy ESD3 of the CLP 2031 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations.
- 9.91. In this case the applicant proposes to go significantly beyond the local plan requirement and seeks to achieve carbon neutrality both during construction and occupation and provide an exemplar scheme in this respect. The applicant proposes to achieve Passivhaus (or equivalent) standard (buildings that use very little energy for heating and cooling). They also propose to use solar arrays on the

building, Mechanical Ventilation Heat Recovery systems, air source heat pumps and low impact materials. They are also seeking to provide a micro-grid on the site to store energy produced on site and from the Sports and Social Club building in a battery to optimise the use of locally generated renewable energy from the site to use at peak times or export back to the grid. The applicants initial modelling for this indicate that both terraces will be 'energy positive' net exporters of energy over the year.

- 9.92. The applicant is also looking to reduce the amount of embodied energy during the construction period and materials. Officers consider that the proposal is an exciting and innovative scheme in terms of reducing carbon emissions and would go significantly in excess of the requirements and offer an exemplar scheme.

Impact on Local Infrastructure

Policy Context

- 9.93. Policy INF1 of the CLP 2015 states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*
- 9.94. Policy BSC11 of the CLP 2015 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.95. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.
- 9.96. Policy T2 of the HNNP states where possible opportunities will be sought to provide developer contributions towards the provision of an enhanced bus service for Hook Norton. Policy SLE4 of the CLP states that new development will be required to provide financial or in kind contributions to mitigate transport impacts of development and all development should facilitate the use of sustainable mode of transport.

Assessment

- 9.97. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development;
 - c) Fairly and reasonably related in scale and kind to the development.

- 9.98. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.99. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- The Councils Recreation and Leisure Officer originally requested contributions towards local community facilities, off-site indoor sport and off-site outdoor sport facilities. However, in light of the applicant providing a new community building as part of their proposal which will provide community and recreation opportunities to the wider village these contributions are not being sought. Given this it is considered important that the delivery of the community building be secured through the S106. In regard to the outdoor off-site sports provision the applicant has provided information that they have provided funds to the Hook Norton Sports and Social Club to provide solar panels on their pavilion building and also made contributions towards the upgrading of the access and parking areas serving the sports club. On balance this is considered acceptable.
- The provision, management and maintenance arrangements of the public open space
- £106 per dwelling for bins
- Affordable housing provision – 8 units with a local connection criteria (3 affordable rent and 5 shared ownership)

Oxfordshire County Council

- The County Council has requested a contribution of £862 per dwelling towards the local bus service (488- Chipping Norton to Banbury) which they state relies on S106 contributions to stay in operation. This provides an approximately hourly service between 07:00 to 18:00 Monday to Saturday. The bus service is considered to be important to the sustainability of the village as it provides access to a wider range of employment opportunities and services in facilities in the adjacent towns. Discussions are ongoing with the applicant regarding this.
- Contributions to expansion of Hook Norton Primary School. As noted in OCC Educations consultation response Hook Norton Primary School has recently been extended to meet the demand expected from the cumulative effect of planned and permitted housing in the area. Without this additional accommodation, Oxfordshire County Council would not be able to meet its statutory school sufficiency duty in the Hook Norton area, including meeting the expected increase in demand for places as a result of this application. The proposed development is estimated to generate a need of 2.14 primary pupils and therefore a contribution is sought to cover the cost of this based on overall cost of the extension (£36,868). Discussions are ongoing with the applicant and the County Council regarding this matter.

Other Matters

- 9.100. Policy BSC10 and BSC11 of the Cherwell Local Plan 2015 require new development to contribute to the provision of open space, sport and recreation together with securing arrangements for its long term management and maintenance. In this case when assessed against the policy requirement the proposal would require the provision of an unequipped local area of play (400m² including 100m² activity zone) and the provision of 0.08ha of general green space. The proposed development includes the provision of a circular grass area to the centre of the site and a community green house and growing beds. The open space will include tree planting and different areas for communal use including informal play. Whilst the level of open space is not fully compliant with the policy the provision of the other community spaces and provision of a larger quantum of affordable housing is considered to outweigh this. The close proximity of the sports ground to the west are is also a factor that weighs into consideration of this issue. Details of the ongoing management and maintenance of public open space can be secured through the legal agreement.
- 9.101. Saved Policy ENV12 of the CLP1996 sets out that development on land which is known or suspect to be contaminated will only be permitted if,
- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
 - (ii) The development is not likely to result in contamination of surface or underground water resources
 - (iii) The proposed use does not conflict with other policies in the plan.
- 9.102. The site is on land which is potentially contaminated, and the submitted Desk Based Study and Preliminary Risk Assessment concludes further investigation is required. The Council's Environmental Protection Officer (EPO) has therefore recommended that phased contaminated land conditions need to be attached should permission be granted. Officers agree with this assessment.
- 9.103. The Council's EPO has requested a condition in regard to the installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. It is considered reasonable and necessary for this to be secured through a condition of any permission given.

PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development would be located within the built limits of Hook Norton which is a Category A settlement with a range of services and facilities and some public transport options. The scale of the scheme is considered to be appropriate for the size of the village and would not undermine the Council's rural housing strategy.
- 10.2. The proposal would provide some modest economic benefits associated with the provision of new housing and increase expenditure in the area which are given limited weight in favour of the development.
- 10.3. In terms of the social aspects of the scheme it would provide a high level of affordable housing and is supported by a housing needs survey. This matter carries significant weight in favour of the development.

- 10.4. In terms of the environment aspect the proposal would provide a good quality contemporary designed scheme which would have a sense of local distinctiveness and whilst the density of the scheme would be higher than the surroundings given the mixed nature of the area this is considered to be acceptable. It would also provide a high level of building sustainability and some advanced approaches to renewable energy on the site including a small microgrid.
- 10.5. There are outstanding matters regarding the surface water drainage scheme and also the financial contributions towards public transport and educations. Subject to these matters being resolved it is recommended that the application is approved subject to conditions and a legal agreement.

10. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE RECEIPT OF SATISFACTORY FURTHER INFORMATION/DISCUSSION IN REGARD TO DRAINAGE AND FINANCIAL CONTRIBUTION (SCHOOL AND PUBLIC TRANSPORT) AND CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 8 affordable home including local connection criteria
- b) Provision of open space and details of management and maintenance arrangements
- c) Provision of community centre
- d) £106 per dwelling for bins
- e) contributions towards expansion of Hook Norton Primary (TBC)
- f) contributions towards bus service (TBC)

CONDITIONS

Time Limit

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

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

Plans

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

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

Levels

3. No development shall take place until details of all finished floor levels in relation

to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Investigation

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

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

5. If contamination is found by undertaking the work carried out under condition 4, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

Framework.

Tree Method Statement

7. The development shall be undertaken in accordance with the Sylva Consultancy Arboricultural Report (ref: 20002). Prior to the commencement of the development an Arboricultural Method Statement including the location of the tree protection fencing shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To protect the trees which are retained on site in accordance with Policy BSC10 and ESD15 of Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework.

Footpath connections

8. Prior to the commencement of development above slab level full details of the proposed footpath connections to the sports and social club and Bourne View and Cascade Road shall be submitted and approved in writing by the Local Planning Authority. The approved footpath connections shall be provided in accordance with the approved details prior to the first occupation of any building on the site and shall be retained as such thereafter.

Reason: To ensure the development is adequately connected to the surrounding parcels of land in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan (2011 - 2031) Part 1, the Hook Norton Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework.

Stone sample panel

9. Prior to any construction of any building above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwellings shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

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

Timber cladding

10. Prior to the installation of any external timber cladding, sample of the proposed timber cladding, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings.

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

Slate samples

11. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Detailing

12. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, together with the eaves and verge treatment, and details of the balconies and shades shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. This shall also include details of privacy screens on the most easterly first floor balconies on northern and southern terrace. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and achieve a high quality design and protect the amenity of neighbouring properties 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.

13. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and provide a high quality design 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.

Hard and soft landscaping

14. Notwithstanding the details on the approved plans prior to any works above slab level, a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

b) details of the boundary treatments including their materials, appearance and height

d) Detail of the hard surface areas including finish and appearance

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

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to protect the amenity of properties and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Management plan

15. Prior to the occupation of any part of the site a management plan for the use and operation of the community laundry and guest rooms demonstrating how they will remain ancillary to the proposed housing on the application site only and not separately let or sold shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved management plan.

Reason: To ensure the uses remain ancillary to the housing development and to retain control over the use of these areas in the future in the interests of amenity and parking.

Parking and access

16. The proposed access and parking, turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

17. Prior to the first occupation of any building a car parking management plan shall be submitted and approved in writing by the Local Planning Authority demonstrating that the parking serving the development will be retained on an unallocated basis for residents and not conveyed to separate individual properties. Thereafter the parking areas shall be managed in accordance with the approved details.

Reason: To ensure the parking provision on the site is adequate to serve the needs of the development.

Cycle and bin stores

18. Prior to the first occupation of any building on the site the bin store enclosures and cycle stores shall be provided on site in accordance with the approved details and permanently retained as ancillary to development and used for no other purpose whatsoever.

Reason: In the interest of well planned development and visual amenity of the area and in order to encourage sustainable forms of travel in accordance with Policies SLE4 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.

Ecological protection and enhancement

19. The proposed development shall be carried out in accordance with the recommendations outlined at Section 4.2 of the Cotswold Wildlife Surveys Preliminary Ecological Appraisal (Ref 3000-CWS-01) and in accordance with the biodiversity enhancements outlined in the Cotswold Wildlife Surveys letter dated 7th February 2020 submitted with the application. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

Sustainable construction

20. The development shall be carried out in accordance with the principles and incorporate the technologies outlined in the approved 'Sustainability and Energy Statement – Hook Norton Housing' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD2, 3 and 5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Water efficiency

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

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

Electric vehicle charging points

22. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve each dwelling or a scheme showing the provision of electrical vehicle charging points for each parking space has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first

occupation of any building.

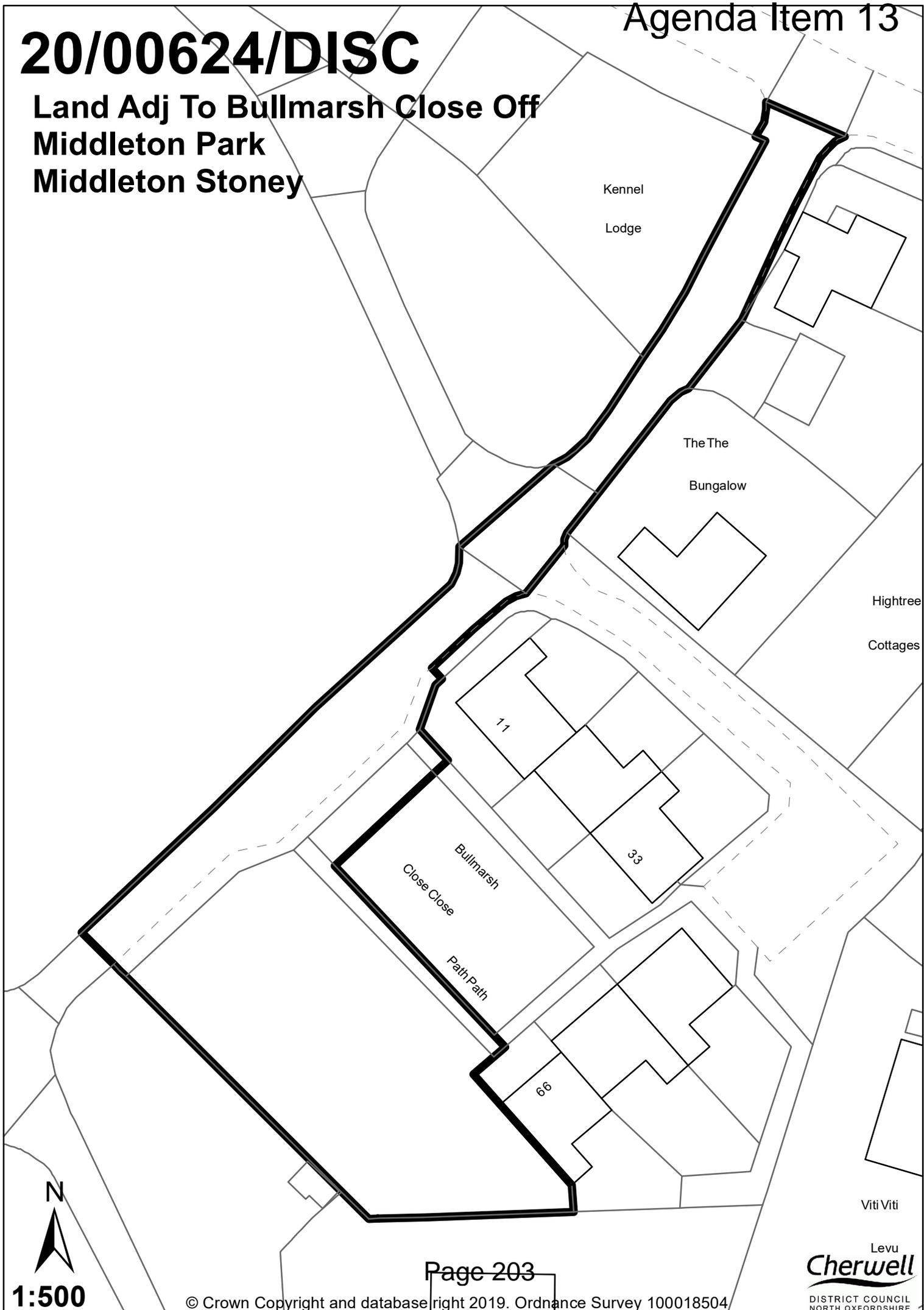
Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

CASE OFFICER: James Kirkham

TEL: 01295 221896

20/00624/DISC

Land Adj To Bullmarsh Close Off
Middleton Park
Middleton Stoney



Kennel
Lodge

The The
Bungalow

Hightree
Cottages

Bullmarsh
Close Close
Path Path

Viti Viti

11

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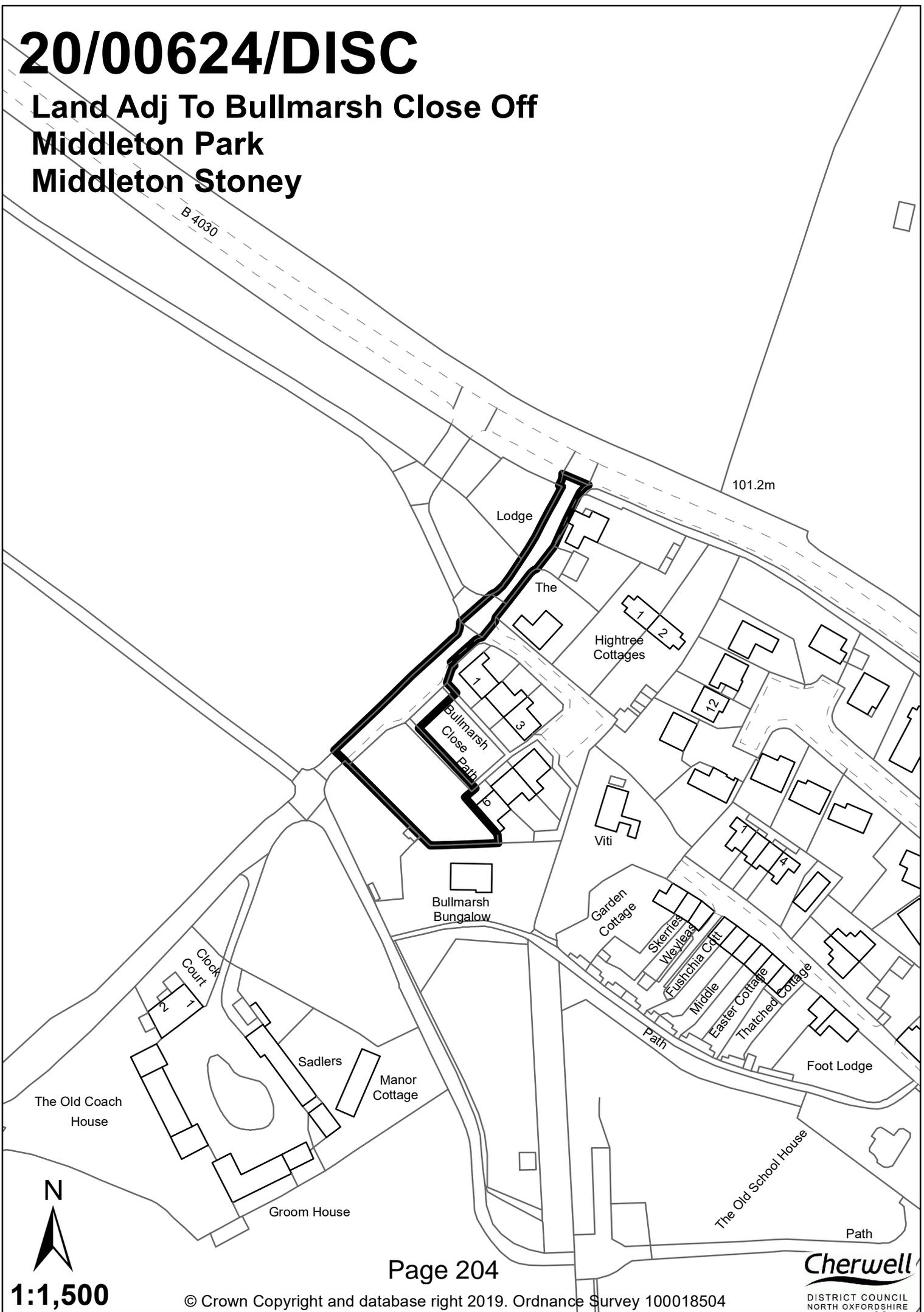
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20/00624/DISC

Land Adj To Bullmarsh Close Off
Middleton Park
Middleton Stoney



Case Officer: James Kirkham

Applicant: David Scrimgeour on behalf of Cherwell District Council

Proposal: Discharge of Conditions 3 (Archaeological Written Scheme of Investigation) and 5 (Arboricultural Impact Assessment and Method Statement) of 19/01709/CDC

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin, Cllr James Macnamara and Cllr Barry Wood

Reason for Referral: Application affects Council's own land

Expiry Date: 5 May 2020

Committee Date: 21 May 2020

1. APPLICATION SITE AND LOCALITY

1.1. The application site is an area of undeveloped land in a small grouping of bungalows located in Bullmarsh Close, which is situated at the western edge of Middleton Stoney. The site is relatively flat and is currently laid to grass with some young trees situated on it. It is accessed from a private road from Heyford Road to the north of the site.

2. CONSTRAINTS

2.1. The application site is located adjacent to Middleton Park which is a Grade II listed Registered Park and Garden. The site is also located in the Mid-Cherwell Neighbourhood Plan Area and within an archaeological notification area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Planning permission for 3 bungalows and associated parking was granted at the site by Planning Committee in 2019 (19/01709/CDC refers).

3.2. The current application seeks to agree the details relating to Condition 3 (Archaeological Written Scheme of Investigation) and 5 (Arboricultural Impact Assessment and Method Statement) attached to that permission.

4. RELEVANT PLANNING HISTORY

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

19/01709/CDC – Erection of 3no wheelchair adaptable bungalows for affordable housing - Permitted

5. PRE-APPLICATION DISCUSSIONS

5.1 N/A

6. RESPONSE TO PUBLICITY

- 6.1. No public consultation is undertaken on discharge of condition application. Full details of the submission are, however, available 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.

CONSULTEE RESPONSES

- 7.2. OCC ARCHEOLOGY: **No objections.** The WSI is acceptable and meets the requirements of condition 3. The condition can therefore be discharged.
- 7.3. CDC ARBORIST: **No objections.** The arboricultural method statement is acceptable.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ED10 – Protection of the natural environment.
- ESD15 - The Character of the Built and Historic Environment

- 8.3. Other Material Planning Considerations

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

9. APPRAISAL

- 9.1. The key issue for consideration in this case is whether the details submitted are adequate to discharge the condition.
- 9.2. Condition 3 of the planning consent requires that a Written Scheme of Investigation for archaeology be submitted and approved in writing by the Local Planning Authority as the site lies within an area of potential archaeological interest.
- 9.3. The applicant has submitted a scheme of investigation and the County Council's Archaeologist is satisfied with the scope and details of this to allow the below ground heritage to be investigated and subsequently recorded (if required). The details submitted in relation to this condition are therefore considered to be acceptable.

9.4. Condition 4 of the consent requires the works to be undertaken in accordance with the approved scheme and for a full report into the investigation to be submitted within 2 years of the commencement of development.

9.5. Condition 5 of the planning consent relates to the protection of the hedgerows on the site and states:

No development shall take place until an Arboricultural Impact Assessment and Method Statement, undertaken in accordance with latest British Standard has been submitted to and approved in writing by the Local Planning Authority. This shall include details of hedge protection measures during construction. Thereafter, all works on site shall be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9.6. The applicant has submitted an Arboricultural report, which indicates where protective fencing will be provided to protect the hedges to the south western and south eastern boundary of the site during construction. The Council's Tree Officer is satisfied with these details. The proposed details are considered to be acceptable and will protect the hedges during construction.

10. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO APPROVE THE DETAILS SUBMITTED IN ORDER TO SATISFY THE CONDITION.

Condition 3 – Written Scheme of Investigation

The submitted Oxford Archaeology report titled 'Bullmarsh Close, Middleton Stoney, Oxfordshire – Written Scheme of Investigation Archaeological Evaluation Feb 2020 (Issue 2, OA Reference: CRGAFA19, NGR: SP 55778 35141)

Condition 5 – Hedgerow Protection

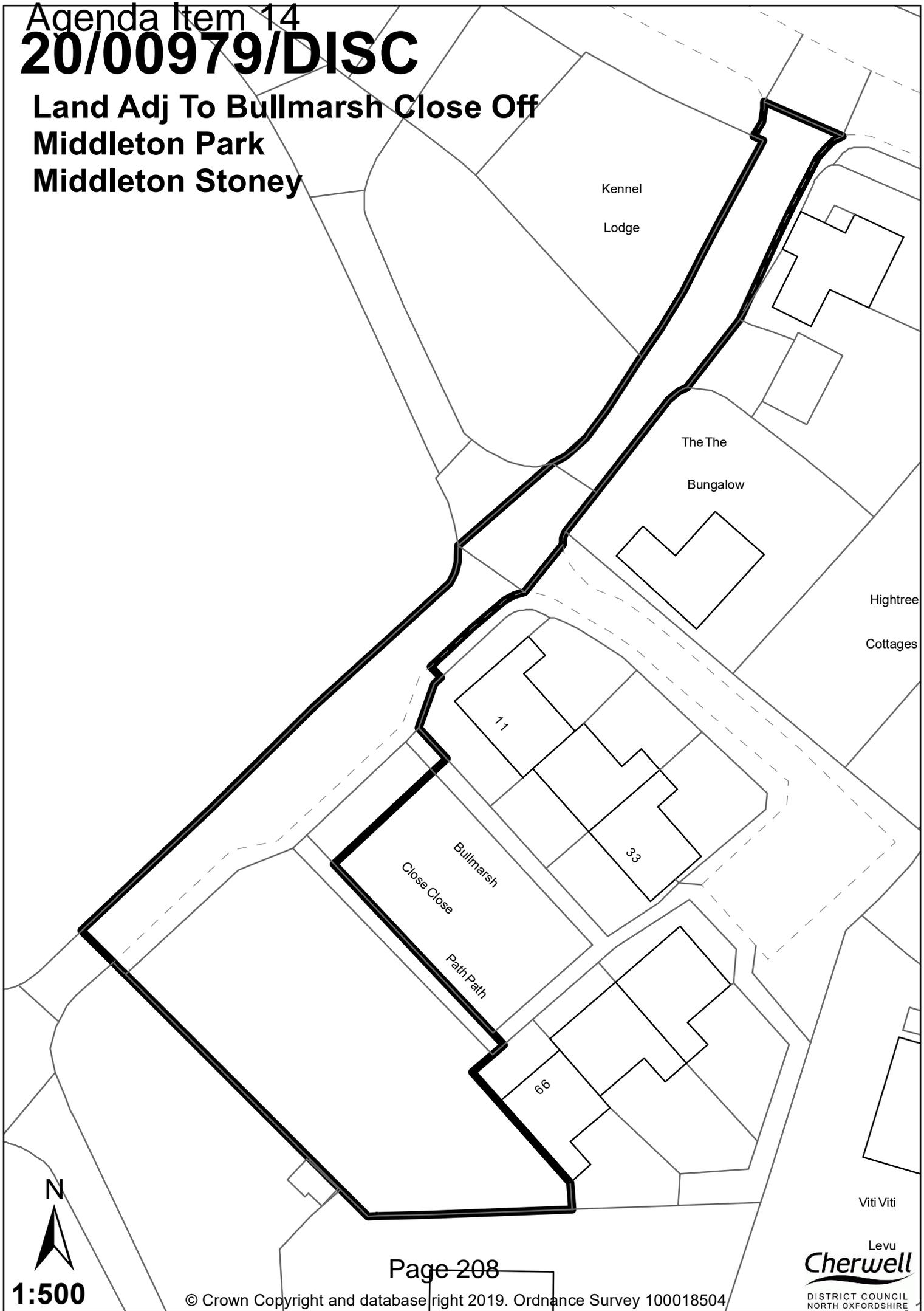
The details outlined in the Sylva Consultancy – Arboricultural Method Statement (Ref: 20025/AMS, Issued: 27.2.2020) submitted with this application, subject to the proviso that prior to commencement of development the hedgerow protection shall be put in place and retained for the length of the construction period.

CASE OFFICER: James Kirkham

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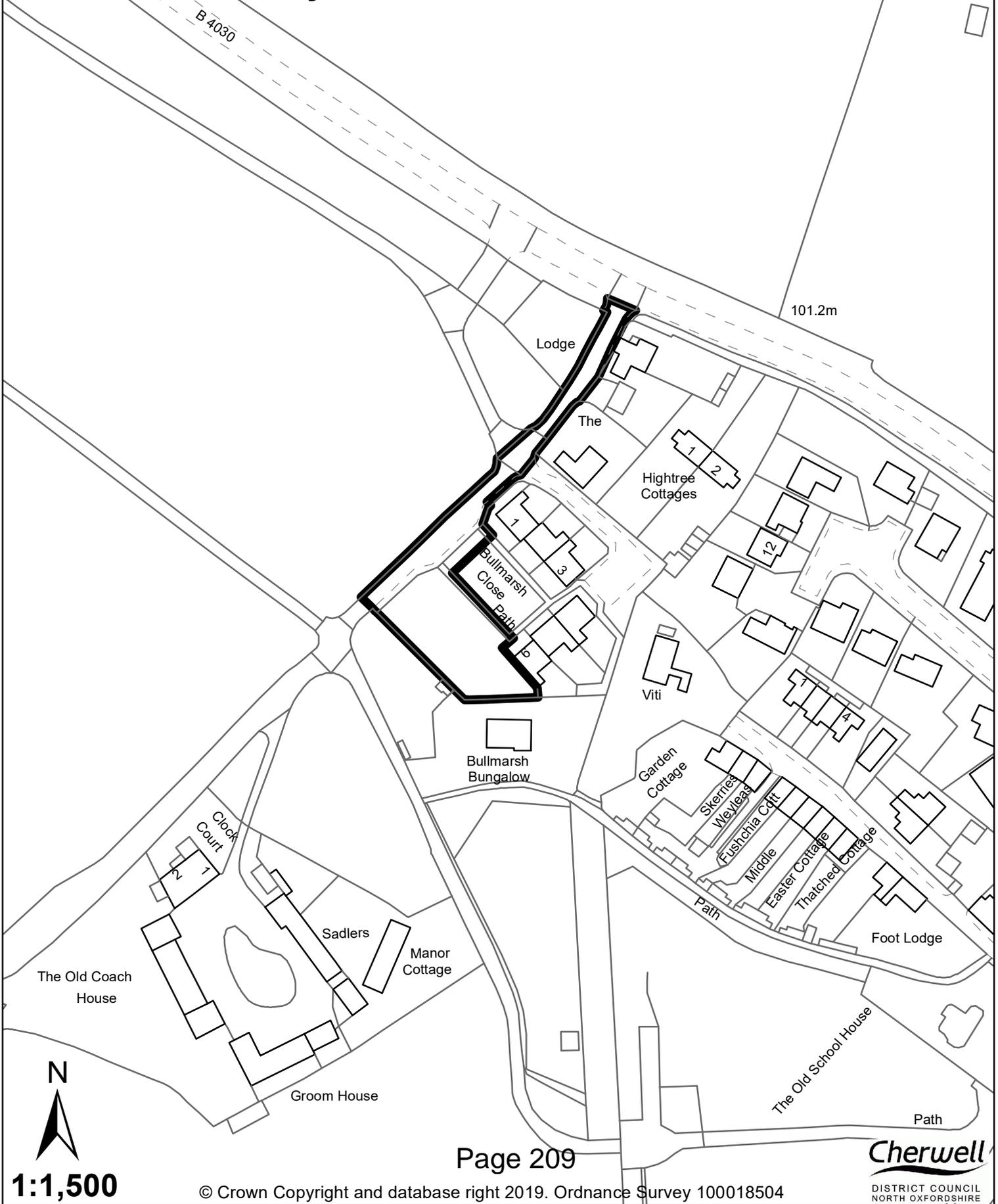
Agenda Item 14
20/00979/DISC

**Land Adj To Bullmarsh Close Off
Middleton Park
Middleton Stoney**



20/00979/DISC

Land Adj To Bullmarsh Close Off
Middleton Park
Middleton Stoney



1:1,500

Case Officer: James Kirkham

Applicant: Anna Wareham for Cherwell District Council

Proposal: Discharge of Condition 8 (duct routes for electric vehicle charging) and 9 (boundary & site enclosures) of 19/01709/CDC

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin, Cllr James Macnamara and Cllr Barry Wood

Reason for Referral: Application affects Council's own land

Expiry Date: 3 June 2020

Committee Date: 21 May 2020

1. APPLICATION SITE AND LOCALITY

1.1. The application site is an area of undeveloped land in a small grouping of bungalows located in Bullmarsh Close, which is situated at the western edge of Middleton Stoney. The site is relatively flat and is currently laid to grass with some young trees situated on it. It is accessed from a private road from Heyford Road to the north of the site.

2. CONSTRAINTS

2.1. The application site is located adjacent to Middleton Park which is a Grade II listed Registered Park and Garden. The site is also located in the Mid-Cherwell Neighbourhood Plan Area and within an archaeological notification area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Planning permission for 3 bungalows and associated parking was granted at the site by Planning Committee in 2019 (19/01709/CDC refers).

3.2. The current application seeks to agree the details relating to condition 8 (duct routes for electric vehicle charging) attached to that permission.

4. RELEVANT PLANNING HISTORY

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

19/01709/CDC – Erection of 3no wheelchair adaptable bungalows for affordable housing - Permitted

5. PRE-APPLICATION DISCUSSIONS

5.1 N/A

6. RESPONSE TO PUBLICITY

- 6.1. No public consultation is undertaken on discharge of condition application. Full details of the submission are, however, available 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.

CONSULTEES

- 7.2. CDC BUILDING CONTROL: **No objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD1 – Mitigating and Adapting to Climate Change
- SLE4 – Improved Transport and Connections
- ESD3- Sustainable Construction
- ESD15 - The Character of the Built and Historic Environment

- 8.3. Other Material Planning Considerations

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

9. APPRAISAL

- 9.1. The key issue for consideration in this case is whether the details submitted are adequate to discharge the condition.
- 9.2. Condition 8 requires details of the routing of the ducting to be provided to allow for the installation of electric vehicle charging points in the future on each of the properties. In this case the parking bays are located to the north west of the proposed dwellings and are slightly remote from the dwellings, which face onto a public open space. The submitted drawings show the provision of ducting to future provision of electric charging points from each property to their proposed parking space. This is considered to be acceptable in order to agree the details required by the condition.

10. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **APPROVE THE DETAILS SUBMITTED IN ORDER TO SATISFY THE CONDITION.**

Condition 8 - Electric vehicle ducting

Prior to the first occupation of any of the dwellings hereby permitted the ducting for electric vehicle charging points shall be provided in accordance with the details on drawing number 9497-CBG-XX-EX-DR-E-15001 Rev 0

CASE OFFICER: James Kirkham

TEL: 01295 221896

Cherwell District Council

Planning Committee

21 May 2020

Appeals Progress Report

Report of Assistant Director Planning and Development

This report is public

Purpose of Report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled, or appeal results achieved.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

2.1.1 New Appeals

19/00969/F - Bowler House, New Street, Deddington, OX15 0SS – Single storey rear extension forming new Sun Room
Officer recommendation – Refusal (Delegated)

19/00831/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - OUTLINE - Residential development of up to 15 dwellings
Officer recommendation – Refusal (Committee)
Method of determination: Written Representations

19/02444/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - Outline planning permission for the residential development of up to 14 dwellings - all matters save for the means of access are reserved for subsequent approval - revised scheme of 19/00831/OUT
Officer recommendation – Refusal (Committee)
Method of determination: Written Representations

19/02075/F – The Old Vicarage, Fringford Road, Caversfield, OX27 8TH - Erection of 4no dwelling houses with associated garages, access and landscaping

Officer recommendation – Refusal (Delegated)

19/02861/F – 2 Hudson Street, Bicester, OX26 2EP - Erection of 2no one bedroom dwellings - revised scheme of 18/02046/F

Officer recommendation – Refusal (Delegated)

19/02194/F – Swallows Barn, Manor Farm Lane, Balscote, OX15 6JJ - Construction of new greenhouse (retrospective)

Officer recommendation – Refusal (Delegated)

19/02501/F – Land to the Rear of Otmoor Lodge, Horton Cum Studley - Erection of a detached dwelling with parking, access, landscaping and associated works

Officer recommendation – Refusal (Delegated)

19/02831/ADV - 10 Banbury Cross Retail Park, Lockheed Close, Banbury, OX16 1LX - Scanlite Digital Electronic LED Full Colour Ticker Display

Officer recommendation – Non-determination within prescribed period

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

19/00634/F – Plot of Land South of 1 Greystones Court, Kidlington – New dwelling

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

19/00970/LB – Bowler House, New Street, Deddington, OX15 0SS - Single storey rear extension forming new Sun Room

Method of determination: Written Reps.

Key Dates:

Start Date: 20.02.2020 **Statement Due:** 26.03.2020 **Decision:** Awaited

Enforcement appeals

None

2.4 Forthcoming Public Inquiries and Hearings between 21st May 2020 and 18th June 2020

None

2.5 Results

Inspectors appointed by the Secretary of State have:

1. Dismissed the appeal by Mr L Faulkner for Two storey side extension. Rose Cottage, Woodstock Road, Kidlington, OX20 1QE. Officer recommendation – Refusal (Delegated) 19/01913/F

The Inspector considered the main issues to be the proposal's disproportionate size and design and the harm that would be caused to the Oxford Green Belt.

The Inspector concluded that there would be harm to the Green Belt and in respect of the design concluded that it "*would not respect or be sympathetic to the character and appearance of the host property*". In the absence of a certificate of lawfulness, confirming the extent to which the building could be enlarged without the need for planning permission, the Inspector considered that the permitted development fallback against this harm could only be given moderate weight.

The Inspector was asked to consider a recent development in the Green Belt nearby, where a new dwelling was erected but found "*there is little detail of this submitted to suggest that the circumstances of that development are similar to the appeal site*" giving this no weight.

In summing up the Inspector found that "*the proposals conflict with the NPPF when this is read as a whole. Very special circumstances have not been shown to arise in this case*" and therefore dismissed the appeal.

2. Dismissed the appeal by Mr M Morton for Two storey extension to front of property. 2 Springfield Avenue, Banbury, OX16 9HT Officer recommendation – Refusal (Delegated). 19/02020/F

The Inspector considered that the main issue of the appeal was the effect of the scheme on the character and appearance of the area. The application was for a two storey front extension.

The Inspector stated that aside from porches, the key feature of the streetscene on Springfield Avenue was the relative uniformity with little variation on the even numbered side of the street. As the appeal site occupies the end position, any significant change was considered to break the rhythm of the run of properties.

The Inspector concluded that the scheme would be harmful to the distinctive character and appearance of the area by breaking the rhythm and balance of both the appeal property and the wider run of semi-detached dwellings, leading to an incongruous form of development. The proposal was considered to be contrary to Policy ESD15 of the CLP 2031 Part 1 and saved Policies C28 and C30 of the CLP 1996. The appeal was therefore dismissed.

3. Dismissed the appeal by Mr and Mrs Arnold for Continued use of transportable building to be made permanent (Retrospective). Huckleberry Farm, Heathfield, Kidlington, OX5 3DU. 19/00621/F Officer recommendation – Refusal (Delegated)

The Inspector considered the main issues to be (1) whether the development is inappropriate development in the Green Belt, (2) the effect of the proposed development on the character and appearance of the area, (3) whether the location is suitable for new housing, having regard to the proximity of services and facilities, and (4) if the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

On issue (1) the Inspector agreed with the Council that the proposed dwelling was not a building for agriculture or forestry and would not meet the definition of Affordable Housing in the NPPF. The Inspector therefore found the proposal would not meet any of the exceptions under paragraph 145 of the NPPF and would reduce the openness of the Green Belt both in spatial and visual terms, was therefore inappropriate development in the Green Belt and would conflict with Local Plan Policy ESD14 and with the NPPF.

On issue (2) the Inspector agreed with the Council that the appeal scheme would be viewed as part of the open countryside and that the presence of the residential accommodation over recent years, with the associated domestic paraphernalia, demonstrated that the appeal proposal (for permanent accommodation) would be incongruous with and harmful to the appearance of the area. The Inspector considered whether this visual impact could be mitigated by a landscaping condition but held that the existence of screening is not a good justification to allow a development that would cause harm. The Inspector concluded that the proposal would unacceptably harm the character and appearance of the area.

On issue (3) and again agreeing with the Council the Inspector found that the site was not a suitable site for housing, having regard to its proximity to services and facilities, and that it would be contrary to the NPPF in relation to minimising pollution and the environmental impacts of traffic.

The Inspector then turned to consider whether there was an essential need for the dwelling. The Inspector examined the different elements of the enterprise in turn. The Inspector found that several elements did not justify a need to live on site, e.g. the chickens, ducks and rabbits, and that security did not amount to a concern of any significant weight in favour of the proposal. The Inspector found that it had not been demonstrated whether the business was currently viable or that it would be viable for the foreseeable future. Neither had it been demonstrated that there was no suitable alternative accommodation close to the site.

The Inspector noted that a temporary planning permission was given in 2013 and that government guidance states it will rarely be justifiable to grant a second temporary permission and that the business has not developed as previously stated. He therefore concluded that it had not been demonstrated that there is an essential need for a rural worker to live at or near the site and that the development conflicted with saved Policy H18 of the Cherwell Local Plan 1996.

The Inspector acknowledged the personal circumstances of the case relating to those currently living at the site along with the needs and desire of them to continue to do so and recognised that the failure of the appeal would put the occupation of the existing dwelling by the appellants at risk, but stated that the harm identified in respect of the main issues outweighed the personal matters. The Inspector held that the contribution to the district's housing land supply would be minimal and was satisfied that the Council could find the appellants and their family a home if required in the future to do so.

The Inspector concluded that very special circumstances did not exist to justify the inappropriate development in the Green Belt and dismissed the appeal.

**4. Dismissed the appeal by Mr R Hoddinott for Change of Use from an office to a one bedroom bungalow. Old Forge, Wroxton Lane, Horley, OX15 6BB. 19/01214/F
Officer recommendation – Refusal (Delegated)**

The Inspector considered the main issues to be (1) the proposal's effect on the living conditions of future occupants with regard to whether the internal layout provides a suitable amount of space and (2) whether the appeal site is an appropriate location for the development having regard to local planning policies.

On the first issue, the Inspector had particular concerns regarding the space provided for the bathroom and bedroom, doubting that a double bed or sufficient storage could be accommodated in the bedroom, and was concerned that access to the bathroom being through the bedroom was less than ideal to cater for any visitors that the future occupants may have. The Inspector found that the day to day living experience of future occupants would be cramped and inconvenient.

The Inspector acknowledged the Council's guidance within Sub Division of Buildings for Residential Use, Supplementary Planning Document, February 2011 (SPD) and that it reflected reasonable basic requirements to serve daily living similar to those that would be generated by the scheme, but which the proposal would fail to achieve. However, in reaching her decision on this aspect of the appeal the Inspector gave the SPD document little weight as it did not form part of an adopted policy in the development plan. The Inspector noted that the nationally described space standards did not form part of an adopted local plan policy.

The Inspector therefore found that the proposal would not provide adequate internal space and would therefore be unacceptably harmful to the living conditions of the future occupants.

On the second issue, the Inspector noted that the appeal site lies to the south of the village of Horley, and that the proposal did not comply with Policy Villages 1 of the 2015 Local Plan, but found that saved 1996 Local Plan Policy H19 was relevant and that it could be afforded significant weight. The Inspector found the final criteria of Policy H19 to carry less weight as it was

not sufficiently clear and unambiguous. The Inspector held that the proposal was in accord with the first three criteria of Policy H19, in particular that the building was capable of conversion, was not proposed to be significantly altered and would preserve the significance of the Horley Conservation Area, and was therefore an appropriate location for the proposed development.

Turning to other matters, the Inspector found it had not been demonstrated that the appeal proposal was the only way to address concerns regarding security and health and safety, and that the economic benefits of one additional dwelling would be modest and attributed them limited weight.

The Inspector concluded that the proposal would be unacceptably harmful to the living conditions of future occupants and accordingly upheld the Council's decision and dismissed the appeal.

**5. Allowed the appeal by Messrs C Smith and R Butcher for Change of use of land to use as a residential caravan site for 3 gypsy families, each with two caravans and an amenity building; improvement of existing access, construction of driveway, laying of hardstanding, installation of package sewage treatment plant and acoustic bund. Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton. 18/01332/F
Officer recommendation – Refusal (Committee)**

The Inspector considered there to be four main issues: (1) Whether the proposal is an unsustainable form of development, in relation to accessibility to shopping, leisure facilities, employment and other services. (2) Whether the proposal would provide satisfactory living conditions for the future residents of the site in relation to noise from the M40. (3) The effect of the proposal on the character and appearance of the area. (4) The effect of other considerations, including the need for gypsy and traveller accommodation and the personal circumstances of the occupiers, on the overall planning balance.

The Inspector noted that Chesterton was designated a Category A village and that the site was around 2.2km from the edge of Bicester and within 3km of many of its facilities, albeit that there was no bus service realistically linking the area around the site to Bicester. On the first issue, the Inspector concluded that for the purpose of assessing gypsy and traveller sites the appeal site was not in a location away from settlements where traveller sites should be very strictly limited.

On the second issue, the Inspector agreed that there is a significant level of noise on the site and the appeal development "would be sensitive to the prevailing acoustic environment". The Inspector noted the parties' agreement that, subject to manufacture, the noise environment inside the static caravans would be acceptable, and held that subject to a condition preventing overnight use of the touring caravans their use on the site would not be unacceptable. The Inspector found that the external amenity areas would not experience significant adverse effects or materially detrimental levels of noise.

The Inspector adjudged the proposal's landscape impact to be slight, and found that the proposed bund would be assimilated into the surroundings

within a short period of time and that the proposal overall would not be particularly out of place in its setting thought it would cause some harm to visual amenity.

On the fourth issue, the Inspector noted the Council's acceptance that it had a significant unmet need and that there were no allocated or emerging alternative sites, and that significant weight should be attached to this unmet need and the lack of allocation, and found that granting permission for the appeal proposal would "provide some limited assistance in meeting that need".

The Inspector noted the personal circumstances of the appellant families, including their forced eviction from the Newlands Bloxham site and noted the Council's acceptance that the appellant families were in serious need of proper permanent accommodation which, the Inspector held, added significantly to the weight to be given to personal circumstances.

The Inspector disagreed with the appellant that LP Policy BSC6 was out of date. The Inspector considered other matters raised by the Council and by local residents but concluded that the planning balance was "clearly in favour" of granting planning permission and that the harm to the character and appearance of the area was outweighed by the benefits of the proposal, the lack of allocation of gypsy traveller sites and the appellants' personal circumstances. Accordingly the Inspector allowed the appeal, subject to conditions.

6. Dismissed the appeal by Mr C Shellard against the enforcement notice served on the address The Kings Head, 92 East Street, Fritwell, OX27 7QF for Change of use to residential. 18/00057/ENFC

An appeal was submitted against an enforcement notice issued by the Council on 14 March 2019. The appeal was dismissed on 1 April 20 subject to a minor amendment. The breach of planning control specified in the notice is 'the change of use from a public house to use as a single dwelling house' and the requirement of the enforcement notice was to cease the use of the public house as a single dwellinghouse.

The appellant argued that the unauthorised change of use had been ongoing in excess of 4 years and was therefore immune from any enforcement action being taken. The appellants failed to provide sufficient evidence to substantiate their claim, particularly as the Council and Parish Council both provided evidence to disprove the claim. There was also conflicting evidence of what the appellant had told the Council during the course of the investigation.

The Inspector amended the notice at section 5 (requirements of the notice) by the deletion of the word 'public house' to 'property' and upheld the enforcement notice with that correction. The owners now have 3 months from 1 April 2020 to comply with the enforcement notice.

Please note that due to current Covid-19 restrictions, it is likely the Council may need to exercise some flexibility in this timescale.

7. Dismissed the appeal by Mr B Franklin against refusal of planning permission for Change of use of land for the siting of a mobile home (log cabin). Land OS Parcel 8751 South West Of Moorlands Farm, Murcott. 19/00464/F
Officer recommendation – Refusal (Delegated)

The Inspector considered the main issues to be (1) whether the proposal would be inappropriate development in the Green Belt, and the proposal's effect on the openness and purposes of the Green Belt, (2) its effect on the character and appearance of the area, (3) whether the proposal would be in a suitable location, with regard to access to services and facilities, (4) whether the proposal would be in a suitable location, with regard to flood risk, and (5) if the development is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by any very special circumstances.

On issue (1) the Inspector agreed with the Council that the proposal would be inappropriate development in the Green Belt and would not qualify under any of the exceptions in the NPPF relating the provision of appropriate facilities for outdoor sport and recreation as the use would be primarily residential. The Inspector agreed that the proposal would lead to moderate harm to the openness of the Green Belt (in spatial terms more than visually) and would also conflict with the purposes of including land in the Green Belt as a result of encroachment into the open countryside.

On issue (2) the Inspector agreed with the Council that the proposal would result in an urbanising impact on the character and appearance of the area but held that the extent of this harm would be modest.

On issue (3) the Inspector noted that the appeal site would be outside the built up limits of any village and that future occupiers of the mobile home would be dependent on the private motor car to access everyday services and facilities and would conflict with the Council's rural housing strategy, albeit that this needed to be considered in the context that Policy H18 of the CLP 1996 allows for rural workers dwellings where there is a demonstrated essential need.

On issue (4) of flood risk, the site being in Flood Zone 2, the Council had argued that given no essential need for an agricultural workers dwellings had been demonstrated on the site the sequential test should be applied on a district wide level as if its purpose was to meet general housing need. However, the Inspector disagreed, finding that the dwelling sought was intrinsically linked to the proposed livery business and the existing equine building and facilities at the site, and held that the proposal satisfied the sequential test. Nevertheless, the Inspector agreed with the Council with regard to the exception test, finding that the wider sustainability balance – and thus the exception test – would only be passed if there was a proven essential need on the site.

The Inspector then turned to consider whether there was an essential need for the dwelling. The Inspector agreed with the Council that whilst the NPPF does not include an explicit financial test it is reasonable to expect evidence concerning the financial soundness of a business and its ability to endure, at least for the lifespan of the permission sought as it would be difficult to conclude that there was an 'essential need' in relation to a business that had little or no prospect of sustaining.

The appellant had contended that the proposal would enable the currently vacant equine facilities adjacent to the site to be utilised for the proposed equine enterprise, and that an on-site mobile dwelling was an essential pre-requisite for the intended livery business. The Council had submitted that there was no suggestion at the time of the 2014 application for the equine facilities that an on-site dwelling was essential, and that the enterprise proposed at that time appeared never to have been pursued.

The Inspector was unable to ascertain from the appellant why the DIY livery proposed in 2014 was no longer considered feasible. The Inspector noted that the proposal was now for a full livery scheme with specialist rehabilitation for injured horses along with training and foaling services. The Council had submitted this proposal could "potentially" justify an essential need for a rural worker to live on site.

However, the Inspector noted the inconsistencies in the appellant's evidence, the omission of an employee's wages in the submitted business plan, and that by the time of the appeal hearing a different scheme was being proposed, the intention now being for the wife of the appellant's grandson to run the new equine venture, along with an alternative set of business costings.

The Inspector found that it remained unclear as to who the eventual occupier of the site would actually be, and that there was limited information about the relevant abilities, experience and skills of the person now proposed to take charge of the business, and that this was clearly a relevant factor in assessment of viability.

Overall the Inspector was not persuaded that sufficiently clear or persuasive evidence had been submitted to have confidence that the enterprise would be viable in the short or medium term or that sufficient evidence existed to demonstrate an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Inspector therefore also concluded that the wider benefits to the community did not exist to outweigh the flood risk so the exception test was failed. The Inspector gave the benefits of an additional dwelling only limited weight given the environmentally unsustainable location and the doubts over the viability of the latest proposal.

In undertaking the Green Belt and Planning Balance the Inspector gave substantial weight to the harm to the Green Belt. Given the finding on essential need the Inspector considered the exceptions of Policy H18 or the NPPF not to apply in relation to the sustainability of the location or the harm to the character and appearance of the area. The Inspector found that these

considerations outweighed the proposal's limited benefits. The Inspector therefore concluded that very special circumstances did not exist and accordingly dismissed the appeal.

**8. Dismissed the appeal by Mr J Benjafield against refusal of planning permission for Erection of new two storey dwelling including new vehicle access. 30 Somerville Drive, Bicester, OX26 4TU. 19/01623/F
Officer recommendation – Refusal (Delegated)**

The Inspector considered the main issue to be the proposal's effect on the character and appearance of the area.

The Inspector found the appeal site to have an openness that contributes positively to the character and appearance of the area and that the proposed dwelling would encroach onto the open space, the loss of the side garden substantially reducing the feeling of openness.

The Inspector noted that the proposed dwelling would be narrower than surrounding houses and its gable front would be discordant, the result being a cramped form of development, an apparent attempt to fit a dwelling into a constrained plot.

The Inspector found the proposal to replace the hedge with a 2 metre tall wooden fence would add to this harm, the latter being "a stark and obtrusive addition".

Although the Inspector noted (as the Council had done) that a new dwelling may be acceptable in principle on the appeal site, and that one additional dwelling would provide a modest social and economic benefit, and attached moderate weight to the private benefit of providing a dwelling for the appellant's disabled son, the Inspector concluded that these benefits would not outweigh the harm that would be caused to the character and appearance of the area and accordingly dismissed the appeal.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

- 5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Kelly Wheeler, Business Partner, 01295 225170,
Kelly.wheeler@cherwell-dc.gov.uk

Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

| | |
|----------------------------|--|
| Appendix No | Title |
| None | |
| Background Papers | |
| None | |
| Report Author | Sarah Stevens, Interim Senior Manager, Development Management |
| Contact Information | sarah.stevens@cherwell-dc.gov.uk |

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