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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 13 January 2022

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor George Reynolds (Chairman)

Councillor Maurice Billington
Councillor John Broad
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Simon Holland
Councillor Tony Mephram
Councillor Lynn Pratt
Councillor Dorothy Walker

Councillor David Hughes (Vice-Chairman)

Councillor Andrew Beere
Councillor Hugo Brown
Councillor Patrick Clarke
Councillor Sandy Dallimore
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Les Sibley
Councillor Sean Woodcock

Substitutes

Councillor Mike Bishop
Councillor Tony Illott
Councillor Richard Mould
Councillor Barry Richards
Councillor Douglas Webb
Councillor Bryn Williams

Councillor Shaida Hussain
Councillor Ian Middleton
Councillor Adam Nell
Councillor Dan Sames
Councillor Fraser Webster
Councillor Barry Wood

AGENDA

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

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

3. Requests to Address the Meeting

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

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting.

Currently Council meetings are taking place in person (not virtually) with social distancing measures at the meeting. Members of the public who wish to address the meeting can do so 'virtually' and are strongly encouraged to do so to minimise the risk of COVID-19 infection. Any person requesting to address the meeting will be advised of the arrangements for speaking, which are in addition to the usual public speaking rules for Planning Committee.

4. Minutes (Pages 5 - 12)

To confirm as a correct record the Minutes of the meeting of the Committee held on 2 December 2021.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

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

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

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

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

Planning Applications

- | | | |
|------------|---|---------------------|
| 8. | Land East of Larsen Road, Heyford Park (Pages 16 - 58) | 15/01357/F |
| 9. | Land at former RAF Bicester, Bicester, Oxfordshire OX26 5HA (Pages 59 - 110) | 21/01224/OUT |
| 10. | Former Rodney House, Private Drive off Graven Hill Road, Ambrosden (Pages 111 - 135) | 21/01454/F |
| 11. | Pakefield House, St Johns Street, Bicester, OX26 6SL (Pages 136 - 160) | 21/01818/F |
| 12. | 7 Churchill Road, Kidlington, OX5 1BN (Pages 161 - 174) | 21/03444/F |

13. **Green Oak Barn, School Lane, North Newington, OX15 6AQ** (Pages 175 - 185)
21/03468/F
14. **32 Orchard Way, Bicester, OX26 2EJ** (Pages 186 - 199) **21/03565/F**
15. **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS** (Pages 200 - 207)
21/02857/F
16. **Calthorpe Street West Short Stay Car Park, Calthorpe Street, Banbury, OX16 5EX** (Pages 208 - 216) **21/04037/F**
17. **Claremont Car Park, Land at Victoria Road, Bicester OX26 6PH** (Pages 217 - 224) **21/04039/F**
18. **Kidlington Centre Car Park, High Street, Kidlington, OX5 2DL** (Pages 225 - 232) **21/04040/F**
19. **The Light Cinema, Spiceball Park Road, Banbury, OX16 2PQ** (Pages 233 - 241) **21/04089/F**

Review and Monitoring Reports

20. **Appeals Progress Report** (Pages 242 - 250)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Watching Meetings

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Places to watch meetings in person are very limited due to social distancing requirements. If you wish to attend the meeting in person, you must contact the Democratic and Elections Team democracy@cherwell-dc.gov.uk who will advise if your request can be accommodated and of the detailed COVID-19 safety requirements for all attendees.

Please note that in line with Government guidance, all meeting attendees are strongly encouraged to take a lateral flow test in advance of the meeting.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

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

Queries Regarding this Agenda

Please contact Lesley Farrell / Aaron Hetherington, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

Yvonne Rees
Chief Executive

Published on Wednesday 5 January 2022

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 2 December 2021 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor David Hughes (Vice-Chairman)
Councillor Maurice Billington
Councillor Andrew Beere
Councillor John Broad
Councillor Colin Clarke
Councillor Patrick Clarke
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker
Councillor Sean Woodcock

Substitute Members:

Councillor Richard Mould (In place of Councillor Hugo Brown)
Councillor Adam Nell (In place of Councillor Tony Mephram)

Also Present:

Councillor Ian Middleton (addressing the Committee as Ward member on item 8)

Apologies for absence:

Councillor Hugo Brown
Councillor Ian Corkin
Councillor Sandy Dallimore
Councillor Tony Mephram

Officers:

David Peckford, Assistant Director: Planning and Development
Alex Chrusciak, Senior Manager - Development Management
Nat Stock, Minors Team Leader
John Gale, Planning Officer
James Kirkham, Principal Planning Officer
Gemma Magnuson, Senior Planning Officer
Lewis Knox, Planning Officer
Karen Jordan, Deputy Principal Solicitor

Aaron Hetherington, Democratic and Elections Team Leader
Lesley Farrell, Democratic and Elections Officer

97 **Declarations of Interest**

8. Development Brief for Local Plan Partial Review Site PR9 - Land West of the A44.

Councillor Dorothy Walker, Non Statutory Interest, as she had opposed to the application and would address the committee as local Ward Councillor and not participate in the debate or vote on the application as a Planning Committee member

14. 35 Bridge Street, Banbury, OX16 5PN.

Councillor Andrew Beere, 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 the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

98 **Requests to Address the Meeting**

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

99 **Minutes**

The Minutes of the meeting held on 4 November 2021 were agreed as a correct record and signed by the Chairman.

100 **Chairman's Announcements**

There were no Chairman's announcements.

101 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

103

Development Brief for Local Plan Partial Review Site PR9 - Land West of the A44

The Committee considered a report from the Assistant Director, Planning and Development for a Development Brief for the Local Plan Partial Review Site PR9 – Land West of the A44 to seek the Planning Committee’s approval of the Development Brief for Local Plan Part 1 Review allocated site PR9 – Land West of the A44.

David Thornhill, Yarnton Flood Defence, addressed the committee in objection to the development brief.

In reaching its decision the Committee considered the officer’s report and presentation, the written updates and the address of the public speaker.

Resolved

- (1) That the Development Brief for site PR9 (Land West of the A44) of the Cherwell Local Plan 2011-2031 Partial Review (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That the Assistant Director - Planning and Development, in consultation with the Chairman of Planning Committee, be authorised to publish the Development Brief subject to any necessary presentational or other minor corrections.

104

Development Brief for Local Plan Partial Review site PR7b – Land at Stratfield Farm

The Committee considered a report from the Assistant Director - Planning and Development for the Development Brief for Local Plan Partial Review site PR7b – Land at Stratfield Farm to seek the Planning Committee’s approval of the Development Brief for Local Plan Part 1 Review allocated site PR7b – Land at Stratfield Farm.

Councillor Ian Middleton, Local Ward member, addressed the committee in objection to the Development Brief.

In reaching its decision the Committee considered the officer’s report and presentation, the written updates and address of the Local Ward member.

Resolved

- (1) That the Development Brief for site PR7b (Land at Stratfield Farm) of the Cherwell Local Plan 2011-2031 Partial Review (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That the Assistant Director - Planning and Development in consultation with the Chairman of Planning Committee be authorised to publish the Development Brief subject to any necessary presentational or other minor corrections.

105 **Hatch End, Old Poultry Farm, Steeple Aston Road, Middle Aston, Bicester, OX25 5QL**

The Committee considered application 21/01123/F for the demolition of existing buildings. Construction of replacement business units (buildings 2, 3, 4, 5 and 6 as use classes E(g) (i), E(g) ii and E (g) iii and Building 1 under Class B8) and associated external works. at Hatch End Old Poultry Farm Steeple Aston Road Middle Aston Bicester OX25 5QL for Middle Aston Limited. This application was a re-submission of application 20/01127/F

Edward Dowler, Chair of Middle Aston Parish Meeting addressed the committee in objection to the application.

It was proposed by Councillor Kerford-Byrnes and seconded by Councillor Holland that item 21/01123/F be refused based on highways grounds.

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

It was proposed by Councillor Colin Clarke and seconded by Councillor Woodcock that item 21/01123/F be approved as per the officer's recommendation.

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

It was proposed by Councillor Kerford-Byrnes and seconded by Councillor Billington that application 21/01123/F be deferred to allow engagement with the applicant into highway issues and the scale of the proposals. The indicative time period before the application was expected to be returned to the committee was 3 months.

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

Resolved

- (1) That application 21/01123/F be deferred to allow engagement with the applicant into highway issues and the scale of the proposals. The indicative time period before the application is expected to be returned to the committee is 3 months.

106 **94 The Moors, Kidlington, OX5 2AG**

The Chairman advised that the application had been withdrawn by the applicant.

107 **The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA**

The Committee considered application 21/02472/F for the erection of a two-bedroom bungalow to the rear of the existing public house (Sui Generis), utilising existing access and associated parking and landscaping, and the small breakthrough in the boundary wall to facilitate a pedestrian entrance. (resubmission of 21/01022/F) at The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA for Punch Partnerships (PML) Limited.

Susan Daenke, on behalf of Weston on the Green Parish Council addressed the committee in objection to the application. The address also covered the subsequent application 21/02473/LB.

Jake Russell, agent for the applicant addressed the Committee in support of the application. The address also covered the subsequent application 21/02473/LB.

It was proposed by Councillor Holland and seconded by Councillor Hughes that application 21/02472/F be refused on the grounds of the proposal was an inappropriate and incongruous form of development that would fail to be sympathetic or compatible with the character of the dwelling. The design and siting of the proposed new dwelling would fail to relate appropriately to the Grade II listed Ben Jonson Public House. The access arrangements for the new dwelling proposed would require access and egress for the parking to serve the dwelling to be taken from the existing Public House car park and that the proposal to develop part of the pub garden would detrimentally impact upon the offering of the Public House.

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

Resolved

- (1) That application 21/02472/F be refused, contrary to officer recommendation for the following reasons:
 1. The proposed new dwelling by virtue of its utilitarian design would result in an inappropriate and incongruous form of development that would fail to be sympathetic or compatible with the character and fail to reinforce the local distinctiveness of the surrounding area which sits within the designated Weston-on-the-Green Conservation Area. The proposal would thus be contrary to Policies C4 and H4 of the Weston on the Green Neighbourhood Plan, saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.
 2. The design and siting of the proposed new dwelling would fail to relate appropriately to the Grade II listed Ben Jonson Public House. It would remove space that provides an important element of its historic and still well-defined curtilage impacting on the setting of the Listed Building, together with the loss of the trees and a proportion of the boundary wall

that would cause harm to the character and appearance of the Weston-on-the Green Conservation Area. The less than substantial harm identified would not be outweighed by any public benefits of the scheme. The proposal is therefore contrary to the provisions and aims of Policies C4 and H4 of the Weston on the Green Neighbourhood Plan, saved Policies C23, C28, C30 and C33 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

3. The access arrangements for the new dwelling proposed would require access and egress for the parking to serve the dwelling to be taken from the existing Public House car park. This would likely lead to issues with the shared space being used both by the residents of the dwelling and their visitors, and the customers of the Public House. The proposal is therefore contrary to Policies T1 and T3 of the Weston on the Green Neighbourhood Plan, and Policy ESD15 of the Cherwell Local Plan 2031 Part 1.
4. The proposal to develop part of the pub garden would detrimentally impact upon the offering of the Public House. This detrimental impact of the facilities it can offer would undermine its viability which would threaten the loss of a valued village service. The proposal is therefore contrary to Policy C1 of the Weston on the Green Neighbourhood Plan, saved Policy S29 of the Cherwell Local Plan 1996, Policies ESD 15 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance and advice on supporting and building a strong, competitive economy and promoting healthy and safe communities contained within the National Planning Policy Framework.

108

The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA (LB)

The Committee considered application 21/02473/LB, listed building consent, for the breakthrough in boundary wall to facilitate a pedestrian entrance (resubmission of 21/01023/LB) at The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA for Punch Partnerships (PML) Limited.

Susan Daenke, on behalf of Weston on the Green Parish Council addressed the committee in objection to the application. The address also covered the previous application 21/02472/F.

Jake Russell, agent for the applicant addressed the Committee in support to the application. The address also covered the previous application 21/02472/F.

It was proposed by Councillor Holland and seconded by Councillor Mould that application 21/02473/LB be refused as the proposed demolition of a section of

the curtilage listed wall would adversely impact the established continuous boundary line resulting in less than substantial harm.

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

Resolved

- (1) That application 21/02473/LB be refused, contrary to officer recommendation for the following reason:
 1. The proposed demolition of a section of the curtilage listed wall would adversely impact the established continuous boundary line resulting in less than substantial harm. The public benefits of the proposal do not outweigh the identified harm. The scheme is therefore contrary to the provisions and aims of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996, Policy C4 of the Weston on the Green Neighbourhood Plan, and Government guidance contained within the National Planning Policy Framework.

109 **35 Bridge Street, Banbury, OX16 5PN**

The Committee considered application 21/03059/CLUP for a Certificate of Lawfulness of Proposed Development for an internal fit out to the ground and first floor of an existing unit, within Castle Quay Shopping Centre at 35 Bridge Street, Banbury, OX16 5PN for Cherwell District Council.

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

Resolved

- (1) That a Certificate of Lawfulness of the Specified Works be issued subject to the following schedules:

First Schedule

Change of Use from E(a) to E(cii) and internal refit of the unit (35 Bridge Street) within Castle Quay Shopping Centre in accordance with: Drawing No. 7002.100, 7002.102 and Application Form

Second Schedule

35 Bridge Street Banbury OX16 5PN

Third Schedule

Under the provisions of Article 3(1A) of the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposed change of use from retail to professional services does not require planning permission and the associated internal refit does not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended).

110

Appeals Progress Report

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

Resolved

- (1) That the position on planning appeals contained within the report be noted.

The meeting ended at 7.08 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee - 13 January 2022

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land East of Larsen Road, Heyford Park	15/01357/F	Fringford and Heyfords	*Grant Permission	Andrew Lewis
9	Land at former RAF Bicester, Bicester, Oxfordshire OX26 5HA	21/01224/OUT	Fringford and Heyfords/ Launton and Otmoor	*Grant Permission	Rebekah Morgan
10	Former Rodney House, Private Drive off Graven Hill Road, Ambrosden	21/01454/F	Bicester South and Ambrosden	*Grant Permission	David Lowin
11	Pakefield House, St Johns Street, Bicester, OX26 6SL	21/01818/F	Bicester East	Refusal	Wayne Campbell
12	7 Churchill Road, Kidlington, OX5 1BN	21/03444/F	Kidlington East	Refusal	Sarah Greenall
13	Green Oak Barn, School Lane, North Newington, OX15 6AQ	21/03468/F	Cropredy, Sibfords and Wroxton	Refusal	Lewis Knox
14	32 Orchard Way, Bicester, OX26 2EJ	21/03565/F	Bicester West	*Grant Permission	Emma Whitley

15	Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS	21/02857/F	Banbury Ruscote	*Grant Permission	Lewis Knox
16	Calthorpe Street West Short Stay Car Park, Calthorpe Street, Banbury, OX16 5EX	21/04037/F	Banbury Cross and Neithrop	*Grant Permission	Sarah Greenall
17	Claremont Car Park, Land at Victoria Road, Bicester OX26 6PH	21/04039/F	Bicester East	*Grant Permission	Sarah Greenall
18	Kidlington Centre Car Park, High Street, Kidlington, OX5 2DL	21/04040/F	Kidlington West	*Grant Permission	Sarah Greenall
19	The Light Cinema, Spiceball Park Road, Banbury, OX16 2PQ	21/04089/F	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor

*Subject to conditions

Agenda Item 8
15/01357/F

**Land East Of
Larsen Road
Heyford Park**



15/01357/F

Land East Of
Larsen Road
Heyford Park

Ponds

Track

115.8m

Sewage Works

ETL

ETL

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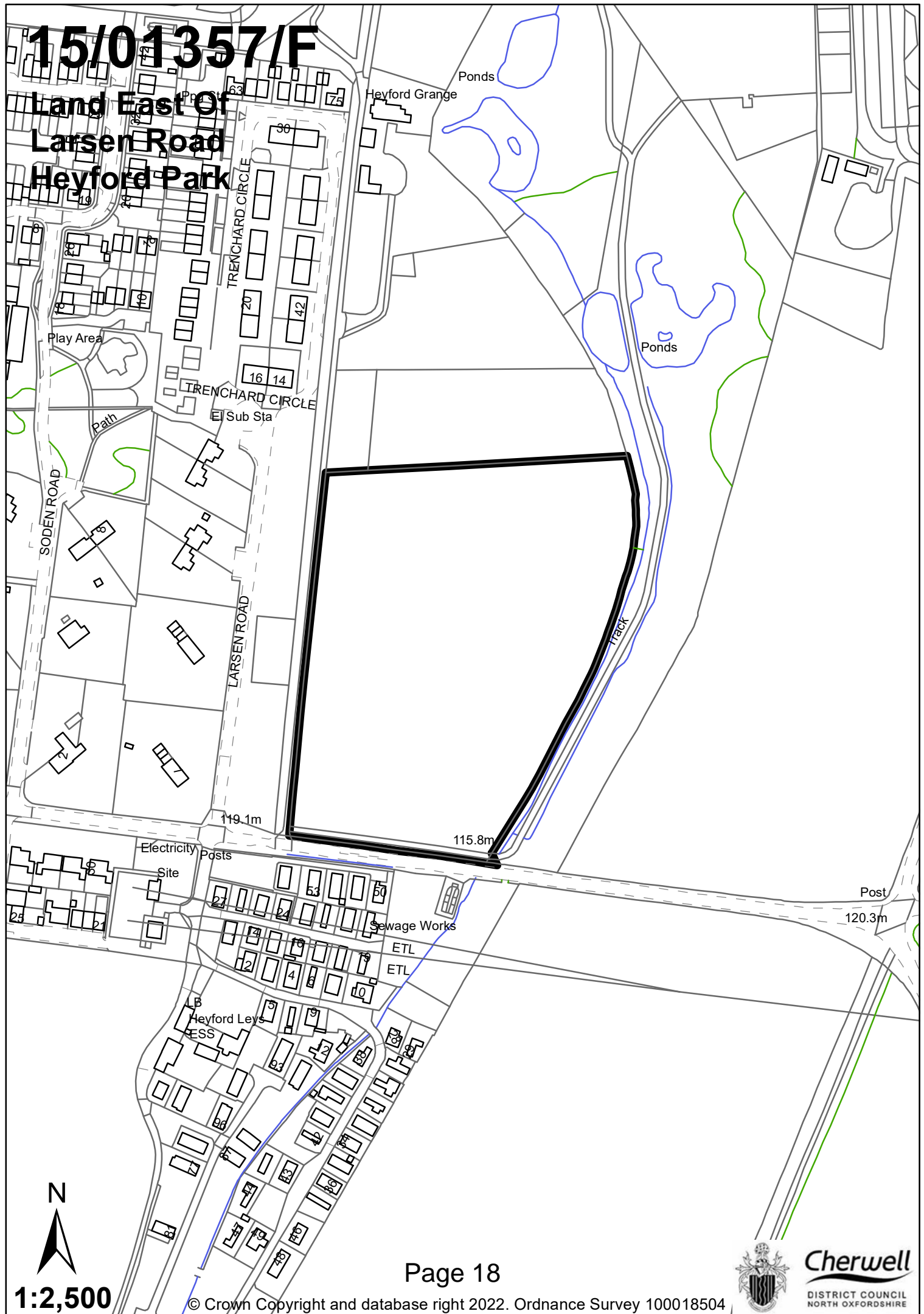
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

15/01357/F

Land East Of
Larsen Road
Heyford Park



Case Officer: Andrew Lewis

Applicant: Pye Homes Ltd

Proposal: Erection of 89 dwellings, creation of new access arrangement from Camp Road, creation of open space, hard and soft landscaping and associated ancillary works and infrastructure

Ward: Fringford And Heyfords

Councillors: Councillor P Clarke, Councillor Corkin and Councillor Wood

Reason for Referral: Major development

Expiry Date: 21 January 2022

Committee Date: 13 January 2022

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

1. APPLICATION SITE AND LOCALITY

- 1.1. The land subject of this application is approximately 3.2 hectares in size and an open green field site located to the east of the former RAF/USAF Upper Heyford base on the north side of Camp Road. Its actual western boundary is a track that leads to a group of residential buildings to the north of the site that are collectively known as Letchmere Farm. On the other side of the track is a strong green boundary of trees and hedging. This forms the eastern edge of the former Heyford base. This area consists of a mix of former officer's housing built of red brick in an arts and crafts style with large gardens accessed off Larsen Road that leads on to Trenchard Circle and a group of more American style bungalows.
- 1.2. The land slopes down to its eastern boundary to Sor Brook and hedging. Beyond that are a small group of ponds and beyond that another open field. There is a hedge to the front of the site with a track behind that also leads to the Letchmere Farm buildings. On the south side of Camp Road is the Duvall Mobile Home Park.
- 1.3. In terms of the uses on the adjacent former RAF/USAF site, military use ceased in 1994. Since 1998 the site has accommodated a number of employment uses in existing buildings on the flying field and in the technical area, first under temporary planning permissions and latterly under a permanent permission granted on appeal and by subsequent applications.
- 1.4. Over the last 20 years numerous applications have been made seeking permission to either develop the whole base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)." This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.

- 1.5. A revised masterplan was submitted as part of the outline application for “Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure” and was granted permission on 22 December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of some buildings on the site. A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result, Heyford Park is starting to take shape to the west of the application site.
- 1.6. In 2015, the Cherwell Local Plan 2011-2031 was adopted. This includes Policy Villages 5 which provides for “...a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure...enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment. A comprehensive integrated approach will be expected”. The current application site falls within the allocated site in an area marked as having potential for additional development
- 1.7. In November 2020, the Planning Commiittee considered application 18/00825/HYBRID which in summary sought approval for 1,175 dwellings, an area of potential high-tech employment based on film industry production, a commercial area, a park and visitor destination centre, an education site , the formation of a new access at the eastern end of the site (Chilgrove Drive) to the flying field for commercial traffic together with a new circulatory route through the extended settlement a new sports park, a new medical centre an energy facility, extension of the Village Centre including community buildings.
- 1.8. The Committee resolved that authority be delegated to the Assistant Director Planning and Development, to grant permission for application 18/00825/HYBRID subject to conditions and the completion of a section 106 planning obligation. These delegated matters are still being progressed by officers.

2. CONSTRAINTS

- 2.1. The majority of the former airbase, that includes the adjacent land to the west of the application site and to the north of Letchmere Farm, was designated as a Conservation Area in 2006 because of its architectural and social historic interest due to its role during the Cold War, In addition, the wider RAF Upper Heyford site also contains a number of Scheduled Monuments identified as ‘Cold War Structures’ and five listed buildings as noted in the ‘RAF Upper Heyford Conservation Area Appraisal’ produced by the council (CDC) in 2006. There are also buildings which are not listed, but of local and national significance. No buildings in the vicinity of the application site are either scheduled ancient monuments or statutorily listed buildings although the Officer’s housing to the west is listed as being of local importance.
- 2.2. The site lies just outside the recently designated Ardley & Upper Heyford Conservation Target Area and the County designated wildlife site on the flying field which is important for its calcareous grassland, ground nesting birds and great crested newts. The latter have also been recorded at Letchmere Farm

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application has been in abeyance for some time. It was previously considered on 28 September 2017 as a proposal for 79 dwellings when the Committee resolved to approve the application subject to resolving the objections of the highway authority, for conditions and for a s106 agreement.
- 3.2. Since then, considerable time has been spent on addressing the concerns of the Highway Authority mainly in negotiations on the masterplan application (ref 18/00825/HYBRID) submitted by the Dorchester Group, which seeks to implement Policy Villages 5 of the Local Plan. These matters are close to being resolved and the main issues of principle are now set out in a s106 agreement currently being negotiated. The current application must, however, be considered on its own merits.
- 3.3. The application now presented has been revised and re-registered, the number of units proposed increased to 89, modifications made to the layout and house designs and revised plans submitted. Subsequently, further changes have been made to further improve the efficiency of the layout notably in relocating the proposed bungalows from the rear to a more accessible location nearer the front of the site.
- 3.4. Twenty-seven of the homes (30%) would be affordable. The house type schedule for the 89 dwellings is:

House Type	Initials	No. Units	No. bed/No. persons (NDSS)	Total %
1-bed flat	F	6	1b/2p	11
Kennington	Ke	4	1b/2p	
Kensington	K	19	2b/3p	32
Kensington 2	K2	8	2b/4p	
Bungalow	Bu	2	2b/4p	
Beechwood	Bu	33	3b/5p	48
Richmond	R	9	3b/5p	
Dashword	D	6	4b/8p	9
Winnersh	W	2	4b/8p	
TOTAL		89		100

Table 1: Overall housing mix

- 3.5. The main proposed access would be direct to Camp Road with a long, straight, tree lined avenue although there would be two secondary accesses for the houses fronting Camp Road. A series of short roads serving the majority of the houses would come off the spine road providing a fairly rigid layout. A shared cycle/footway is proposed alongside Camp Road. There is potential to connect either to the existing settlement to the west and to future development plots to the north. At the heart of the new development would be an area of open space on which would be a play area fronted by formal groupings of houses. The eastern boundary would also have a less formal layout with a strong landscaped buffer proposed to the rural edge.
- 3.6. The scheme was subject of substantial informal pre-application discussions which took place with regard to this proposal even before the site was allocated for development in the Local Plan. The application was submitted at the time of Local Plan adoption in July 2015. In the intervening period the application has been held in

abeyance pending discussions on a new masterplan for Heyford further to Policy Villages 5 and leading to application 18/00825/HYBRID. And since the application's resubmission the scheme has been modified in a number of ways as described above.

- 3.7. The designs of the proposed buildings would be reflective of the style of military housing on the base with a much pared-down aesthetic. The main facing material would be a red facing brick as used elsewhere although contrasted by elements of render, for example with the bungalows, which is reflective of the refurbished style in Trenchard Circle. All building roofs would be slated. Bay windows and simple porches would be used as a design feature and to give the streets a greater feeling of surveillance.
- 3.8. The revised application is supported by a considerable amount of updated documentation including:
- Planning Statement Addendum
 - Heritage Statement Update (within Planning Statement)
 - Affordable Housing Statement Update (within Planning Statement)
 - Design & Access Statement Addendum
 - Landscape & Visual Impact Assessment Addendum
 - Updated Arboricultural Impact Statement
 - Update Ecology Appraisal
 - Flood Risk Assessment (FRA) and Drainage Statement
 - Transport Appraisal

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history on the application site but the following history is considered relevant to the current proposal:

Application Ref. 08/00716/OUT

Outline application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plan and information received 26.06.08). Decision - Permitted at appeal in 2010

Application Ref. 10/01642/OUT

Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure. Decision – Permitted December 2011. This was a revised proposal that included the creation of a new area of open space centred on the parade ground, now the “village green”, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings the demolition of which was previously consented. The retention of these buildings at their existing low density meant the development area expanded west on to the sports field in order to achieve the number of dwellings previously approved. The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of all buildings on this site. The associated reserved matters have been submitted, approved and implemented for the permission. As a result of this, the new settlement is starting to take shape. Several phases of development have been undertaken including the former sports hall which was retained and refurbished and is now the gym and cultural wing of the Heyford Park Free School, over 700 dwellings

are complete and a new commercial centre for the settlement is currently nearing completion. Decision – Permitted

Application Ref. 16/02446/F

Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works. Decision – Permitted

Application ref: 18/00825/HYBRID

The application is a Hybrid application seeking approval in principle for: 1,175 dwellings, 348 (30%) are proposed to be affordable and 60 will be close care; 11.1 hectares is set aside for Creative City, an area of potential high-tech employment based on film industry production, and which will also use areas of the flying field for filming; a commercial area of 2.3 hectares to the south of Creative City is also allocated for employment use; at the heart of the flying field will be the creation of a park (parcels 28 and 30); a 30m observation tower with zipwire with ancillary visitor facilities of up to 100 m2, a visitor destination centre; an education site designed for primary and potentially early years provision; provision for up to 2,520 m2 of additional Secondary school provision on the two current Free School sites (in Parcel 32 west and east); the formation of a new access at the eastern end of the site (Chilgrove Drive) to the flying field for commercial traffic together with a new circulatory route through the extended settlement to also facilitate a new bus service; a new sports park (4.2ha) is created in the south east corner of the site; the creation of a new medical centre up to 670 m2 (described as Class D1) on Parcel 20; an energy facility of up to 1000 sq m; the existing consented Village Centre is being extended by the provision of a further mixed-use area comprising a variety of A1-A5, D1 and D2 uses on Parcel 38. This includes provision of up to 925 sq.m of community buildings (Class D2) located on Parcel 38 and also Parcel 34 adjacent to the proposed Sports Park. Decision - Currently pending-approved subject to a s106 agreement and conditions.

Application ref: 21/03523/OUT: Outline planning application for the erection of up to 31 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works (all matters reserved except means of access) - This application remains under consideration

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The site was originally seen as greenfield, outside the settlement envelope and therefore unsuitable for development. However, its subsequent allocation as part of Policy Village 5 resulted in a more positive approach to its proposed development.
- 5.2. More recently, the developer entered into negotiations with officers on reactivating the application when the fundamental issue remained of mitigating the impact of traffic on the local highway network. In terms of on-site considerations, officers remained supportive of the scale and form of development of which the issues had largely been resolved in earlier discussions. No objection was raised in principle with the increase in the number of units proposed subject to detailed matters on design, parking, privacy, etc being satisfactory.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed on and 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 November 2021**
- 6.2. The comments raised by third parties on the application as revised are summarised as follows:

HEYFORD PARK RESIDENTS AND COMMUNITY DEVELOPMENT ASSOCIATION: **Object:**

- Wrong to use greenfield land for development when a substantial area of spoiled (brownfield) land is available for development in close proximity to the development site
- The development would create a “hard,” obtrusive, developed eastern edge to the settlement.
- Minimal landscaping is proposed on the eastern edge of the development site and this will exacerbate the problem. The present eastern edge of the settlement (Larsen Road) is well screened by a mature hedgerow and trees.
- the chosen access point from Camp Road is unsafe as it is in a dip and not readily visible to traffic approaching from the west.
- Currently no pavement
- Prefer access from Larsen Road
- Letchmere Farm should be accessed through new development, existing access closed
- Cycle/pedestrian connections should be made to the rest of the settlement
- Provision needs to be made for access to the north

OCCUPIER OF 6 SODEN ROAD - **Object:**

- All the previous comments made by objectors still stand and even more so now with the potential increases in numbers.
- If the project receives approval, then this makes a precedent for any of the green fields to be sold and developed around Heyford Park
- there will be enough new houses provided by Dorchester and Bovis.
- This development would not be of a similar type of property to the site's immediate surroundings such as the properties along Larsen Road, the dwellings at Letchmere Farm or the properties built by Dorchester Living to the eastern end of Camp Road.
- The proposed access road and access to driveways along the frontage is in a dangerous dip, this is possibly the worst place on the whole site for an estate of new houses.
- This development takes no account of the increase in traffic from the proposed leisure centre being built at the rear of Heyford Leys opposite

LONE STAR LAND:

- No objection in principle to this planning application or the modest increase in the number of dwellings proposed by amendment.
- Concerned that the layout as proposed cannot be constructed in accordance with the submitted plans for legal reasons. Developer has to provide 6m driveway from Camp Road

DORCHESTER LIVING:

In applying Policy Villages 5 to applications 15/01375/F and 21/03523/OUT, it is highlighted that relevant and reasonable financial obligations should be secured

towards the provision of this infrastructure to secure its onward delivery by either public bodies or other third-party developers:

- M40 Junction 10
- Bus Services
- Bus Infrastructure
- Junction Safety improvements to A4260 /B4027
- HGV restrictions
- Hopcrofts Holt
- Middleton Stoney Bus Gate or other solution
- Cycle link connection between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Road/B430 Junction
- Signalisation of B430/Unnamed Road Junction
- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and new bus route
- Village Traffic Calming
- Junction Safety Improvements A420/North Aston Road
- Camp Road Improvements
- New School crossing
- Travel Planning
- New Primary School
- Primary School Land
- Secondary Education
- SEN Education
- Allotments
- Sports Pitches
- Indoor sports
- Community Hall
- Park creation
- Heritage Centre
- Heritage Buildings
- Grassland habitat creation

6.3. The comments received can be viewed in full on the Council's website, including all previous comments, 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. HEYFORD PARK PARISH COUNCIL: **Concerned** for the following reasons:

- The proposed roads access layout would promote vehicle ingress and exit adjacent to current traffic calming measures
- A review should be considered of the impact of the traffic increases that would result with the implementation of the sports facility. The proposed entry/exit road is less than 100 metres away.
- The development makes no provision to support cycle traffic to and from the village, without significant infrastructure changes would substantially increase the level of risk to cyclists travelling to and from Bicester.
- The developers should seek an alternative route for construction traffic other than from Camp Road as proposed within the latest road layout plans.

- The current traffic calming measures at this point on Camp Road are at the end of a series of raised road traffic calming measures that run through the centre of the village. As a result, there has been a reported problem with vehicles speeding after clearing the previous section of raised road calming measures and travelling through the restricted width point at high speed.
- The level of traffic has increased significantly in recent years. At peak times traffic queues entering the village would extend across the entire front of the proposed development. Therefore, alternative access should be considered e.g. having an entrance and exit off Larsen Road, and controlled lights, if necessary, at the junction between Camp Road and Larsen Road.
- The traffic report does not give any consideration to how the traffic will change when the full impact of previous approved development is completed.
- Heyford Park Parish Council seeks access to S106 funding to enable land to be passed to the PC for a play area/public park, and possibly a small plot of land on which we could build a PC office and meeting room. It should be noted that currently all public parks and play areas are privately owned and maintained by Dorchester Living through management charges.

CONSULTEES

7.3. CDC- ENVIRONMENTAL PROTECTION OFFICER:

- No comments on lighting, air quality, odour
- Recommends conditions to secure a Construction Environmental Management Plan and electrical vehicle charging

7.4. CDC-STRATEGIC HOUSING OFFICER: **No objection in principle**

- 30% affordable is proposed in compliance with CLP PV5 and the dwelling mix is acceptable
- The majority of rented affordable housing across the wider former RAF Upper Heyford site has been provided as Affordable Rent. Whilst our preference would be to provide social rent tenure, to ensure that Affordable Rent tenure is as affordable as possible to meet identified housing need, we would expect that the Affordable Rent is no more than 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. This would be secured through the S.106 Agreement.
- Detailed agreement on affordable housing dwelling and tenure split
- Bungalows should be repositioned to improve accessibility and level access.
- Internal layout needs tweaking to ground floor flats

7.5. CDC-COMMUNITY INFRASTRUCTURE OFFICER: Contributions sought for:

- Community Hall facilities – £118,260.00
- Outdoor Sport – £179,515.67
- Indoor Sport - £73,414.96
- Public Art- £19,936.
- Community Development: A community development worker- proportionate cost of £6,243.38.

7.6. CDC-ECOLOGY OFFICER

- The updated ecological appraisal for this site is satisfactory in scope and depth in terms of assessing the species and habitats present.
- There are no major protected species issues on site. They are pursuing a district licence for Great Crested Newts for which the certificate has been obtained. The conditions within the certificate must be attached to any permission.
- It is recommended conditions are also imposed to secure:
 - A CEMP for biodiversity

- A lighting strategy
- an updated badger survey.
- Biodiversity enhancement scheme
- A LEMP

7.7. CDC LANDSCAPE OFFICER: The landscape officer is broadly supportive of the scheme. Conditions are recommended to secure details for approval of the LAP/LEAP and some of the landscaping together with s106 contributions towards maintenance of open space, the brook etc.

7.8. OXFORDSHIRE COUNTY COUNCIL:

LEAD LOCAL FLOOD AUTHORITY (revised comment) - **No objection** subject to conditions

TRANSPORT AND HIGHWAYS - **No objection** subject to the following.

- S106 Contributions.
- An obligation to enter into a S278 agreement
- Planning Conditions and informatives

This development, together with the adjacent Phase 2 (21/03523/OUT), will need to contribute proportionately to the off-site mitigation measures for Heyford Park as agreed in the main Policy Villages 5 planning application 18/00825/HYBRID. Specifically, this will include contributions towards the following measures.

- M40, Junction 10
- Bus service contribution
- Junction safety improvements A4260 / B4027
- HGV restrictions on the B4030
- Capacity improvements at Hopcrofts Holt
- Middleton Stoney Bus Gate or other scheme to relieve congestion
- Cycle link between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Rd/B430 junction
- Signalisation of B430/unnamed road junction
- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and masterplan bus route
- Village traffic calming
- Junction safety improvements A4260/North Aston Road
- Camp Road improvements
- Crossing by school

A travel plan is required. Details are not provided how the site will link to walking and cycle networks. Space is required along the frontage for cycleway/footway
Parking layout needs to be improved

EDUCATION - **No objection** subject to s106 contributions of:

- Primary and nursery education £639,375 327
- Primary school land contribution £60,158
- Secondary education capacity serving the development
- SEN £37,757
- Total £1,019,150

The total development proposed and underway within the Heyford Park masterplan area, including the developments outside this application, have been assessed to estimate the total pupil generation which is expected for each age range. Part of this

provision is already delivered through the existing Heyford Park School and, for early years education, the Old Station Nursery. The balance of provision required has been calculated and the cost equalised across the different developments on a pro rata basis. In making this calculation, an allowance has been included for the expected pupil generation from the parcel not yet submitted for planning permission (Parcel 15) to avoid those applications currently under consideration being over-burdened.

INFRASTRUCTURE FUNDING - **No objection** subject to S106 contribution of £9,559 towards library service

WASTE MANAGEMENT - **No objection** subject to S106 contribution of £8,362 towards Household Waste Recycling Centres

7.9. THAMES WATER: **No objection** as surface and foul water will not be discharged to public network. Recommends condition on water supply

7.10. ENVIRONMENT AGENCY: **No objection** subject to condition on contamination.

7.11. NATURE SPACE PARTNERSHIP: A Great Crested Licence has been issued and any permission must be subject to mandatory conditions of the licence.

7.12. CLINICAL COMMISSIONING GROUP (CCG): **Object** in the absence of mitigation for the health requirements of the additional population associated with this development.

- OCCG notes that primary medical care serving the Heyford Park settlement (GP practices located in Deddington and Bicester) is at capacity, and further housing growth will require additional or expanded infrastructure to be in place. The previous development at Heyford Park has placed additional pressure on primary care capacity.
- We would be seeking a developer contribution of £76,896 to support improvement of local primary care infrastructure if this development were to go ahead. This sum is based on OCCG's adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure. (From-OCCG's adopted Primary Care Estates Strategy 2020-2025.)
- The size of this development does not justify a new separate health centre or equivalent, so we would anticipate funds being used for enhancing existing primary care medical infrastructure to meet the needs of a growing population.
- OCCG therefore object to this application pending agreement of appropriate contributions to primary care infrastructure.

7.13. OXFORD TRUST FOR CONTEMPORARY HISTORY:

- Surprising to see proposed compliance with Part L of the Building Regulations and not net zero carbon construction
- The proposed market housing would be bigger than affordable
- Contributions required to support heritage centre and its operation

7.14. THAMES VALLEY POLICE CPDA: **Objects** to excessive permeability. Recommends conditions to require further information on lighting, LAP/LEAP and treatment plant and suggests changes to some entrances and boundary treatment.

7.15 HISTORIC ENGLAND: Did not wish to comment on the amended proposal. On the original proposal it advised "*Development on this site would have a minimal impact on the significance or setting of the Flying Field, which forms the core of the heritage interest at Upper Heyford and is of outstanding importance. The current Cherwell Local Plan includes an ambitious target in terms of numbers of units for housing on the site as a whole. If this target cannot be met on the sites allocated our view is that*

development of this site would be far less harmful to the significance of the Conservation Area than development on any part of the Flying Field itself."

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 adopted in July 2015 and provides the strategic planning policy framework for the District to 2031. It 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
- VIL5 - Former RAF Upper Heyford
- PSD1 - Presumption in Favour of Sustainable Development
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections
- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC7 - Meeting Education Needs
- BSC8 - Securing Health and Well Being
- BSC9 - Public Services and Utilities
- BSC10 - Open Space, Outdoor Sport & 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
- ESD3 - Sustainable Construction
- 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C23: Presumption in favour of retaining features making a positive contribution to the character or appearance of a conservation area
- C30 - Design Control
- C31: Compatibility of proposals in residential areas
- C32: Provision of facilities for disabled people
- TR1-Transportation Funding
- ENV1: Pollution
- ENV12: Contaminated Land

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

- Policy PD4: Protection of Views and Vistas
- Policy PD6: Control of light pollution
- Policy PC2: Health Facility
- Policy PC3: New Cemetery
- Policy PH3: Adaptable Housing
- Policy PH4: Extra-care and new planning policy Housing

8.4. Other Material Planning Considerations

- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- CDC - Developer Contributions Supplementary Planning Document-February 2018
- Cherwell Residential Design Guide SPD 2018
- Oxfordshire Local Transport Plan: Connecting Oxfordshire (2015- 2031)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

Relevant Background

9.1. The submission of planning application 18/00825/HYBRID, further to Local Plan Policy Villages 5, and the Planning Committee's resolution resolved to conditionally approve that application (subject to legal agreement) have led to the detailed consideration of a number of outstanding issues particularly highways, traffic and transport matters. As a result, the applicant has brought forward the current proposal for 89 homes with modest alterations to the original layout and house designs coupled with a slight increase in number of units proposed. But the concept and principle of development remain very much as they were before.

9.2. Officers consider the following matters to be relevant to the determination of this application:

- Planning Policy and Principle of Development.
- Housing
- Design Layout, Appearance Phase 2
- Impact on Heritage Assets
- Ecology Impact
- Landscape Impact.
- Flood Risk and Drainage.
- Traffic, Transport, Accessibility, Highway Safety and Parking.
- Planning Obligations

Planning Policy and Principle of the Development

- 9.3. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996, the adopted Cherwell Local Plan 2011-2031 (CLP 2031 Part 1) and the Mid Cherwell Neighbourhood Plan. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.
- 9.4. Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.
- 9.5. Policy Villages 5 of the CLP 2031 Part 1 identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that allocation as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 9.6. The plans and supporting documentation demonstrate its general conformity with the development plan. The significant elements are:
- Provision of further housing in order to meet the housing target and trajectory
 - Provision of over 30% affordable housing
 - A satisfactory mix of dwellings including smaller units
 - The environmental improvement of the locality
 - A commitment to quality design and finishes reflective of the style seen at RAF Heyford
 - Scale and massing of new buildings to reflect their context
 - Integration and connectivity to the surrounding development.
 - Retention of the main hedging and trees
- 9.7. The main issues will be discussed in more detail below but in principle the application is seen to broadly conform to Policy Villages 5.

Design Layout, Appearance, Phase 2

Policy Context

- 9.8. Policy BSC 2 of the CLP 222031 Pt 1 requires the effective and efficient use of brownfield land and requires a density of 30 dwellings per ha. Saved policies applicable from the CLP 1996 include the retention of features contributing to character or appearance of a conservation area - Policy C23; development affecting the site or setting of a schedule ancient monument Policy C25; Layout, design and

external appearance of new development Policy C28; and Design Control - Policy C30:

9.9. Policy Villages 5 sets out a number of Key site-specific design and place shaping principles including:

- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field and on limited greenfield land to the south of Camp Road (and one greenfield area to the north of Camp Road, east of Larsen Road)
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes
- Visitor access, controlled where necessary, to (and providing for interpretation of) the historic and ecological assets of the site
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings
- Development on greenfield land within 'Policy Villages 5' should provide for a well-designed, 'soft' approach to the urban edge, with appropriate boundary treatments
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions

Assessment

9.10. Prior to the original application's submission, extensive work and discussions were held with the developer to establish a layout and architectural vocabulary for the site to reinforce and reflect its heritage value albeit that it is outside the conservation area. In terms of design, the Council's Design Consultant secured substantial revisions in the architectural styles proposed here both prior to and during the processing of the application.

9.11. There are four access points to Camp Road, 3 serving the groups of housing facing Camp Road and acting as mini service roads in a similar fashion to the first phase of Development by Dorchester on the south side of Camp Road. These would be set back behind a hedge and foot/cycle path.

9.12. The main access point would become a main spine road, 5.5m wide, lined with trees and verges reflecting the layout of Soden and Larsen Roads. A swale would run along the eastern boundary leading through to a main area of open space, again, like Soden Road. Small spur roads with a reduced width would give it a rigid almost grid like

layout (sympathetic to the wider heritage context) although this would be softened to the eastern boundary adjacent to Sor Brook where the layout is more informal reflecting its rural edge setting. The houses here would also be slightly larger and have larger plots. That would also be the case around the open space although the houses here would have a more formal layout. This layout is considered to appropriately reflect that of the adjacent former base yet create a neighbourhood with its own sense of place and character. There would be a clear block structure with private and public spaces clearly defined set within a green landscaped setting.

- 9.13. The layout has been amended to provide opportunities to access adjacent sites in particular to create routes through to Larsen Road for pedestrians and cyclists. Also to provide access through to the north and to the land now proposed for housing under reference 21/03523/OUT. That application (21/03523/OUT) is an outline proposal so details are limited. However, detailed proposals would be informed by principles established by the current application including site connectivity, accessible open space at the heart of the site, a green corridor along Sor Brook, and 30% social housing. Subject to its consideration and approval, a requirement to make similar and proportionate section 106 contributions could be expected.
- 9.14. In terms of design, the proposed housing would be two storey in height and very much of a scale and design reflective of the housing of the former military base. The architect was encouraged to study the arts and crafts style of buildings on Larsen and Soden Road. This has resulted in housing, after some modest revisions that would have a simple building form, steep pitched roofs, low eaves, prominent chimneys constructed predominantly of brick and with limited features such as canopies and projecting windows. There would be a mix of detached, semi-detached and terraced housing. In contrast, 2 bungalows are proposed to reflect the Airmen's bungalows in Trenchard Circle. There would be one block of 6 flats, again 2 storied, with chimneys and steep roof, and constructed in brick. All dwellings would be orientated to have active frontages and to turn the street where they are on corners making sure streets have surveillance.
- 9.15. In terms of density, what is proposed reflects the CLP 2031. Taking the site area as a whole the density is about 30 dwellings per hectare. To reduce the density would be tantamount to being an under-development. It could have been higher than the revised submission proposes but the site includes a disproportionate amount of highway within the red line application site and it retains strong green corridors to the east and along the main access road, and a large area of open space at the heart of the site. Furthermore, special attention has to be paid to "the desirability of new development making a positive contribution to local character and distinctiveness" in historic environments (NPPF - para 197) In this case the proposed development is reflecting the character in this location, at a reasonable density and avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council and with policy BSC2.
- 9.16. In terms of sustainability the Design and Access Statement advises the
- "the proposed road network is an efficient option with drainage built into the proposal.
 - The road network allows for bins stores which are sized to accommodate the current recycling criteria for Cherwell.
 - Heyford Park has been design to include many amenities including a mix of uses reducing the need for travel. Heyford Park also contains the infrastructure required to support this residential site, a bus route just outside the site.
 - The Houses are design to current standards and have the future flexibility to be upgraded to the incoming Part L requirements. The high proportion of terraced units, gridded street pattern and east-west road orientation all help build in passive energy saving measures.

- On site sewage treatment and sustainable drainage scheme reduce the environmental impact of the proposal elsewhere.
- The ecology corridor along the eastern boundary, allows for the integration of wildlife into the proposal and aligns with the wider strategy for Heyford Park.
- Ducting will be provided within the scheme for car charging points – each resident will have the option to add an electric car charging point within their demise or to their designated parking area”.

Conclusion

- 9.17. Officers conclude that what is proposed conforms to CLP 2031 policies Villages 5, BSC2 and ESD 15, and CLP96 policies C28 and C30 6 together with relevant national policy set out within the NPPF.

Housing

Policy Context

- 9.18. Policy BSC1 of the CLP 2015 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. In doing so, housing is expected on this allocated site.
- 9.19. Cherwell’s position on five-year housing land supply has recently been reviewed by officers for the emerging 2021 Annual Monitoring Report (AMR) which is to be presented to the Executive on 10 January 2022. Despite a strong record of delivery since 2015, the draft AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. Delivery of the application site is expected to contribute to the district’s five-year housing land supply position. According to the draft AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five-year supply as required by the NPPF. The Committee will be updated on the Executive’s consideration of the AMR at its meeting.
- 9.20. New residential development is expected to provide a mix of homes under Policy BSC 4: Housing Mix to meet housing need and creating socially mixed and inclusive communities.
- 9.21. Policy BSC 3: Affordable Housing sets out the requirement for social housing in the district with an expected split between social rented and intermediate of 70/30%. The actual quantum of affordable units is set out in Policy Villages 5 of CLP 2031 Part 1 which requires approximately 1,600 homes (in addition to the 761 (net) already permitted) of which at least 30% are to be Affordable housing.
- 9.22. MCNP Policy PH3 Adaptable Housing favours development designed to enable residents to live there in different phases of their life. Support will be given to new houses being constructed to Building Regulations Part M (4) as amended). In addition, where possible, dwellings that are on one level should be included, to meet the need for such accommodation in particular for older people and those with disabilities.

Assessment

- 9.23. The principle of housing development on the site is established. The application proposes that 30% (27) of the total number of dwellings proposed will be affordable housing, provided in a series of clusters in compliance with Policy Villages 5. The revised planning application in November 2021 suggests that all 27 affordable homes will be rented however the DAS Addendum suggests that the tenure will be negotiated with the Local Authority. The previous Strategic Housing Officer comments on this application have indicated a tenure split of 70% Affordable Rent and 30% Shared

Ownership tenure in line with Local Plan Policy BSC3. Whilst National Planning Policy Guidance has introduced a requirement from June 2021 for all qualifying sites to deliver 25% First Homes, this does not need to apply to planning applications that have significantly progressed prior to the national policy being introduced (as in the case of this application), therefore a policy compliant tenure split on this site would include 70% social or affordable rented homes and 30% intermediate tenure (e.g., shared ownership) homes. NPPF requires 10% of dwellings (i.e. 9 out of 89 homes) to be affordable home ownership.

- 9.24. The Council's Strategic Housing Officer has advised that notwithstanding a preference for social rented tenure, to ensure that Affordable Rented tenure is as affordable as possible to meet identified housing need, it should be charged at no more than 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. This can be secured through the S.106 Agreement.
- 9.25. She has also confirmed that the proposed housing mix is acceptable with the following policy compliant tenure mix for affordable housing:

Affordable Rent – Total 18 dwellings

- 6 x 1-bedroom 2-person flats (NB* ground floor flats should have a level access shower installed from the outset to avoid the need for adaptations in future to meet the needs of people with limited mobility).
- 2 x 1-bedroom 2-person houses
- 4 x 2-bedroom 4-person houses
- 2 x 2-bedroom 4-person bungalows (NB* to be developed to Building Regulations Part M4 Category 3: Wheelchair User dwellings and built with a wet room installation (not bath) from the outset.
- 3 x 3-bedroom 5-person houses
- 1 x 4-bedroom 7 or 8-person house

Shared Ownership - Total 9 dwellings

- x 2-bedroom 3-person houses
- x 3-bedroom 5-person houses

Conclusion

- 9.26. The proposal would deliver 89 dwellings of the 1,600 allocated in Policy Villages 5. Of these dwellings, the 30% affordable housing would be secured (including their mix) by a s106 agreement.
- 9.27. It is therefore considered the proposed development complies with the relevant elements in Policy Villages 5 relating to housing provision and also with the other relevant policies in CLP 2013 Part 1 relating to housing and sustainable communities.

Impact on Heritage Assets

Legislative and policy context

- 9.28. The site is adjacent to the RAF Upper Heyford Conservation Area, designated for the importance of its cold war landscape. It contains five scheduled ancient monuments, including of International Significance, together with three Listed Buildings and other non-designated buildings of national and local significance.
- 9.29. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.30. Conservation Areas, Listed Buildings and Scheduled Ancient Monuments are designated heritage assets. Para 197 of the Framework states:

“In determining applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”*

9.31. Paragraph 199 advises 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.

9.32. Policy ESD15 of the CLP 2031 Part 1 is consistent with this guidance. 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.

9.33. Policy Villages 5 includes some specific guidance including:

- Proposals must demonstrate that the conservation of heritage resources, ... and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5
- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field...
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment
- The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area's character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings

- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions

Assessment of Significance

- 9.34. The application site comprises an undeveloped field outside the former military base. It has no heritage assets upon it and its impact will be very limited on the conservation area or other assets of historic importance. Nevertheless, all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer.
- 9.35. Turning to the guidance to Planning authorities contained in the Framework and the PPG on the historic environment, the applicants have produced a heritage statement concluding that *“The proposal does not alter anything within the area and views into the area are limited. The areas self-containment and individual identity is therefore unharmed.”* They point out that heritage assets outside the application site are separated by distance, verges, trees, etc. This physical separation is also extended by a landscape character and functional separation as set out in the 2006 Character Assessment. They conclude that the setting changes but their individual or collective heritage, historic or functional value remains. Historic England has not raised any specific concerns in commenting on the original proposal.
- 9.36. The main elements of significance are the new road layout and its reinforcement by strong avenues of trees. These are maintained and reinforced by this scheme therefore, preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.

Conclusion

- 9.37. Overall, it is considered that the proposed development would make a positive contribution to preserving and enhancing the character and appearance of the Conservation Area and does not cause harm to any individual heritage assets. Furthermore, it is also considered the main heritage tests set out in Policy Villages 5 are complied with for the reasons explained and as assessed in the submitted Landscape/ Visual impact and Heritage Impact Assessments.

Traffic, Transport, Accessibility, Highway Safety and Parking.

Policy Context

- 9.38. To ensure sustainable development, Strategic Objective 13 of the CLP 2031 Part 1 seeks to reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility to services for people with impaired mobility.
- 9.39. Under Policy SLE 4: Improved Transport and Connections of the CLP 2031 Part 1, the Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement

will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Transport improvements at Upper Heyford are specifically identified and supported.

9.40. Policy Villages 5 of the CLP 2031 Part 1 requires measures to minimise the impact of traffic generated by the development on the surrounding road network through funding and/or physical works, including to any necessary capacity improvements around Junction 10 of the M40, and to the rural road network to the west of the site and around Middleton Stoney including traffic calming and management measures; development will provide for good accessibility to public transport services and a plan for public transport provision will accompany any planning application; the settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required; Integration of the new community into the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible; and Retention and enhancement of existing Public Rights of Way, and the provision of links from the development to the wider Public Rights of Way network, including the reinstatement of the historic Portway route across the western end of the extended former main runway as a public right of way on its original alignment. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.41. MCNP contains objectives that seek:

- T1 To work with Oxfordshire County Council, Thames Valley Police and their bodies to develop strategies to protect against rising traffic volumes and the impact of increased development on the capacity of the rural road network serving the neighbourhood. This includes concerns about speeding, safety, and the impact of heavy goods vehicles.
- T2 To secure the future of bus services linking the neighbourhood's villages with each other and with Bicester; to influence train operators to improve currently inadequate services, especially as the local population rises and the need for travel to Oxford and elsewhere increases.

9.42. The NPPF advises in para 110, *"that where sites may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

9.43. Para 111 states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Assessment

- 9.44. Previously this was the main issue that was contentious, particularly with regard to off-site measures. However, the reasons that caused the Highway Authority to object have now been overcome.
- 9.45. Dealing first with the site itself, the Highway Authority preferred a single engineered access into the site. The agreed solution however provides for an additional two access points on to Camp Road to be shared by the houses that front it. The additional accesses increase the permeability and the Planning Officer believes will add to the calming effect on traffic. There have been third party objections to the access and its conflict with the existing traffic measures on Camp Road, but the latter will be removed and replaced with more appropriate calming features. A route through Larsen Road was also requested but this has not proved a realistic option because of differences in land ownership and in any case, the access is also in the best position for visibility.
- 9.46. The main footpath would be widened to allow for it be shared with cyclists as happens along the south side of Camp Road. There are also designated routes shown through to the base for cyclists and pedestrians. This will need the agreement of the main developer at Heyford, Dorchester, and the owner of the Letchmere Farm track that separates the two site. And an access route through to the north is proposed to allow a potential second phase of development. Future connectivity through the site cannot yet be secured. However, on balance it is considered that the shared route along Camp Road ensures that an acceptable solution can be provided.
- 9.47. The internal layout is now generally acceptable as is the level and distribution of car parking following revisions. Parking is reflective of the standard previously agreed in the Design Code for the developing settlement. The scheme will provide a total of 139 allocated car parking spaces and 28 visitor spaces. A mix of cycle parking facilities will be delivered on site that accord local standards and designed to the likely needs of future residents.
- 9.48. The applicants have submitted an updated transport assessment and it is now considered to be at the level of detail required to give the comprehensive integrated approach required by the Local Plan. At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site could accommodate an additional 1600 dwellings and increase employment by an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network.
- 9.49. Modelling work on traffic and transport has been undertaken by consultants retained by the lead developer at Heyford, the Dorchester Group, as part of a larger masterplan exercise. That application was achieved a committee resolution to grant in November 2020 and subsequently the two Councils have been working with Dorchester on an agreed package of measures to mitigate the impact of traffic from Heyford Park and to improve the level of sustainable transport measures. The costs have largely been calculated and the applicant on this scheme, Pye Homes, has agreed in principle to make the necessary contributions proportionate towards those costs. These are set out below under Planning Obligations.
- 9.50. It is therefore considered the proposals accord with the requirements of Policies Villages 5 and SLE 4 of the CLP 2031 Part 1 as well as the relevant national policy set out within the NPPF.

Landscape Impact

Policy Context

- 9.51. Cherwell's countryside, landscape and green spaces are important natural resources. They form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities, and provide recreation opportunities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.
- 9.52. The Council has a strategic objective in the CLP Part 1: To focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages.
- 9.53. Policy ESD 13: Local Landscape Protection and Enhancement states "Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows 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
 - Cause undue harm to important natural landscape features and topography
 - Be inconsistent with local character
 - Impact on areas judged to have a high level of tranquillity
 - Harm the setting of settlements, buildings, structures or other landmark features, or
 - Harm the historic value of the landscape."
- 9.54. Policy ESD 15: The Character of the Built and Historic Environment requires new development to contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting. It should also integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well-designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro-climate, and air pollution and provide attractive places that improve people's health and sense of vitality.
- 9.55. Policy ESD 17. Seeks to maintain and enhance the District's green infrastructure network. New landscaping areas, particularly in the case of strategic sites like RAF Upper Heyford, will be required to assimilate development into the landscape and assist in the transition between the urban edge and rural areas.

9.56. Policy Villages 5 of CLP 2031 Part 1 requires

- proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5.
- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes.
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site

9.57. MCNP Policy PD4 seeks to protect views and vistas including several around RAF Upper Heyford and Rousham although none are believed to be affected by this proposal.

Assessment

9.58. The landscape setting is an important part of the character of Heyford. The existing roads are lined with verges and mature trees which are generally being retained within and supplemented by additional planting. This character would be extended onto the streets within the application site by tree planting in strategic positions and by blocks of development being slotted into landscaped areas. An open space would be created with play area to enhance the visual environment and in addition for use as amenity area. A wildlife corridor would be created along Sor Brook on the eastern boundary. A new hedge would be created along the frontage to Camp Road to replace the existing and to reflect the planting scheme further west along the road. The submitted landscape assessment considers the impact to be minor, localised and will diminish over time as the planting becomes established.

Conclusion

9.59. The Landscape and Visual Assessment addendum provides a comprehensive assessment of the implications of the Revised Application and responds to the policy requirements set out in Local Plan Policies ESD 13, BSC 10 and the key principles outlined in Policy Villages 5 together with saved Local Plan Policies C11, MCNP Policies PD4, and the guidance in NPPF Core Principles. Together with the principles set out in the submitted planting scheme it is concluded that what is proposed would represent an environmental enhancement in compliance with Policy Villages 5 and other policies listed above.

Flood Risk and Drainage

Policy Context

9.60. Policy ESD 6: Sustainable Flood Risk Management requires the application of the sequential approach to managing flood risk in accordance with the NPPF and NPPG; policy ESD 7: Sustainable Urban Drainage requires the implementation of surface water drainage system (SUDS) to manage surface water run-off and Policy ESD 8: Water Resources seeks to protect water quality, ensure adequate water resources and promote sustainability in water usage. CLP 2031 Policy Villages 5 require provision of sustainable drainage including SuDS in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the Council's Strategic Flood Risk Assessment and development should be set back from watercourses.

Assessment and Conclusion

- 9.61. The site lies within Flood Zone 1 (low risk). A Flood risk assessment and Drainage Statement has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site could be discharged to a new drainage system that can be suds compliant and submitted drawings show new swales alongside the main spine road. OCC, the local flood risk authority, had initial concerns but soil infiltration investigations demonstrated there should not be a problem and their objection has been withdrawn although conditions are still requested to be imposed. A separate foul drainage system is proposed. Neither the Environment Agency (EA) nor TWU have any in principle objections. The Environmental Officer and EA suggest a condition is imposed on contamination.

Ecology Impact

Legislative context

- 9.62. 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.
- 9.63. 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.
- 9.64. 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.
- 9.65. 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.

- 9.66. 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

- 9.67. Paragraph 174 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.
- 9.68. Paragraph 180 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.
- 9.69. Paragraph 185 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.
- 9.70. 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.
- 9.71. 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.
- 9.72. 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.
- 9.73. 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

9.74. 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:

- a. 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:

- b. 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
- c. 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')

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

9.76. 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. In this case the developer has already entered into the Great Crested Newt District Licencing Scheme and that the necessary certificate has been obtained and submitted.

9.77. 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.

9.78. The application is supported by a detailed protected species survey which concluded that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.

9.79. The habitats within the site may support a small number of protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations. In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity.

On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals

Conclusion

- 9.80. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue 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.

Planning Obligations

- 9.81. Policies INF1, SLE4 and Villages 5 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of affordable housing, transport, education, health, social and community facilities.
- 9.82. 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): necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 9.83. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. 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.
- 9.84. 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 in order to mitigate the impact of the proposed development.
- 9.85. Pye Homes accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council which are set out below:
- 9.86. In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations and to the heads of terms set out below

Affordable Housing:

- 27 units to be delivered
- Affordable mix to be agreed with CDC
- 50% of the affordable rented units must meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built

the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement.

- The selection of the RP who will take on the affordable units should be agreed with the Council.
- The Council are currently reviewing its Affordable Housing Policies following the Governments initiative on First Homes and the Ministerial Statement On 24th May 2021

Household Waste Recycling Centres

- Expansion and efficiency of Household Waste Recycling Centres (HWRC)- a contribution of £8,362

Apprenticeships & Skills

- The submission of an Employment Skills and Training Plan which would state the target number of apprenticeships within it and will require that it also sets out the arrangements through which the apprenticeships will be provided.
- Provision of 4 apprenticeships

Conservation of heritage interests - financial contribution in the region of £300,000

Biodiversity enhancement towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum;-Financial contribution in the region of £225,000

Support Improvement of local primary care infrastructure (OCCG) based on OCCGs adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure.-£76,896.

Contributions towards community infrastructure and open space:

- Indoor Sports Provision-£73,414.96
- Outdoor Sport Provision-£79,515.67
- Community Hall Facilities-£118,260
- Public Art/Public Realm-£189,936
- Community Development Worker-£6,243.38.
- Allotments-£64,856 capital sum to build out allotments and £4,888.00 maintenance sum
- Cemetery Provision - tbc
- POS-maintenance for 15 years at £20.49 m2
- Tree/hedgerow maintenance for 15 years-£198.82 per tree/£20.49m2 per hedge (to be measured)
- Combined LAP/LEAP with 3 pieces of equipment provided. Commuted maintenance/inspection sum for 15 years-contribution of £138,352.65
- Commuted sum for maintenance of watercourse and swales (for 15 years)- Total length of watercourse to be measured and multiplied by £116.98/m2/Swales £97.71 per m2
- Attenuation Pond-To be measured - £50.98 m2

Library-Funding of Bicester library-financial contribution-£9,559

Education:

- Primary and nursery education serving the development- £639,375
- Primary school land contribution-£60,158
- Secondary education capacity serving the development-£281,860
- SEN capacity serving the development-£37,757

Traffic and Transport

- Contributions towards public transport provision in the form of a bus service contribution and bus infrastructure to agreed amounts;
- Undertaking Travel Planning initiatives;
- Contributions towards off site highway works to improve highway junctions, including safety improvements contribution to A4260/B4027; Middleton Stony junction improvements; Ardley/Bucknell junction improvements; B430/minor road junction improvements; Chilgrove Drive S278 scheme; M40 Junction 10 improvements;
- Contributions towards rural traffic calming schemes, including Lower Heyford, Ardley, Somerton, North Aston, Chesterton, Kirtlington and Fritwell;

CDC S106 Monitoring fee - TBC

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 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including, in particular, Policy Villages 5 and the relevant policies of the Mid Cherwell Neighbourhood Plan. As such, the starting point is to approve the application.
- 10.2. It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with an up-to-date development plan without delay. In this case, and as explained through this appraisal, the relevant Policies of the Development Plan are considered to be up to date.
- 10.3. The application proposes residential development considered to accord with the policy for which the site is allocated for by Policy Villages 5. The provision of housing would contribute to the District's Housing Land Supply and this, as well as the provision of affordable housing weighs in favour of the proposal.
- 10.4. The impact of the proposal has been assessed taking into account all other material planning considerations. It is acknowledged that there will be effects caused by traffic on the surrounding highway network. However, measures can be put in place to mitigate the impact of traffic (which can be secured via the required legal agreement) meaning that a severe highway impact will not result. In addition, the proposal seeks to implement measures to ensure sustainable transport is promoted including contributions towards local public transport and infrastructure to serve it as well as acceptable walking and cycling links. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.
- 10.5. Aside from these issues, Officers do not consider there are any other material considerations of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that should be taken against the Development Plan which allocates the former RAF Upper Heyford and additional land as a strategic development site.

- 10.6. It is considered this scheme would help contribute to the new settlement with areas of distinct character appropriate to their setting and surroundings and that reflect the policies of the Development Plan. The new community will benefit from social infrastructure being provided and a s106 agreement will ensure its provision at the appropriate time.
- 10.7. It is considered this scheme would form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The buildings are of a scale and have a variety of designs reflecting a contemporary style reflecting the arts and crafts and military style seen elsewhere that is reflective of the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the properties. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers are conscious that further negotiation needs to take place on the agreement before the permission can be issued.

11. RECOMMENDATION

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

- i. CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE HEADS OF TERMS LISTED AT PARAGRAPH 9.86 OF THE PUBLICHESES AGENDA REPORT (AND ANY AMENDMENTS AS DEEMED NECESSARY)**

CONDITIONS

Statutory Time Limit (full)

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

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

Approved Documents

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents:
 - Application forms,
 - Planning Statement and Addendum including Heritage Statement Update and Affordable Housing Statement Update
 - Landscape and Visual Impact Assessment and Addendum,
 - Geophysical Survey,
 - Transport assessment and Appraisal
 - Design and Access Statement and Addendum,
 - Update Ecology Appraisal
 - Flood Risk Assessment (FRA) and Drainage Statement

and drawings numbered:

- Location Plan 2105 – 001
- Proposed Site Plan 2105- 002 D
- House Types Plan 2105- 004 D
- Building Heights Plan 2105- 005 D
- Parking, Cycle Store & Refuse Management 2105- 006 D
- Frontages & Surveillance Plan 2105- 007 D
- Affordable House Plan 2105 – 009 B
- BBHouse Type Floor Plans 2105 – 015
- BBHouse Type Elevations 2105 – 016
- BBHouse Type Roof Plan & Section 2105- 017
- BR House Type Floor Plans 2105- 018
- BR House Type Elevations 2105- 019
- BR House Roof Plan & Section 2105- 020
- BBR House Type Floor Plans 2105- 021
- BBR House Type Elevations 2105- 022
- BBR House Type Roof Plan & Section 2105- 023
- BKK HouseType Floor Plans 2105- 024
- BKK HouseType Elevations 2105- 025
- BKK HouseType Roof Plan & Section 2105- 026
- BK2K2B House Type Floor Plans 2105- 030
- BK2K2B House Type Elevations 2105- 031
- BK2K2B House Type Roof Plan & Section 2105- 032
- BKKR House Type Floor Plan 2105- 033
- BKKR House Type Elevations 2105- 034
- BKKR House Type Roof Plan & Section 2105- 035
- 6XF (flats)House Type Ground Floor Plan 2105- 043 A
- 6XF (flats)House Type First Floor Plan 2105- 044
- 6XF (flats)House Type Elevations 2105- 045
- 6XF (flats)Roof Plans& Section 2105- 046
- Dashwood House Type Floor Plan 2105- 047
- Dashwood House Type Elevations 2105- 048
- Dashwood House Type Roof Plan & Section 2105- 049
- Winnersh House Type Floor Plans 2105- 050
- Winnersh House Type Elevations 2105- 051
- Winnersh House Type Roof Plan & Section 2105- 052
- Richmond House Type Floor Plans 2105- 053
- Richmond House Type Elevations 2105- 054
- Richmond House Type Floor Plan & Section 2105- 055
- BR2 House Type Floor Plans 2105- 056
- BR2 House Type Elevations 2105- 057
- BR2 House Type Roof Plan & Section 2105- 058
- 8KB House Type Floor Plans 2105- 059
- 8KB House Type Elevations 2105- 060
- 8KB House Type Roof Plan & Section 2105- 061
- BKKKKB House Type Floor Plans 2105- 065
- BKKKKB House Type Elevations 2105- 066
- BKKKKB House Types Roof Plan & Section 2105- 067
- KeKeBB House Type Floor Plans 2105- 068
- KeKeBB House Type Elevations 2105- 069

- KeKeBB House Type Roof Plan & Section 2105- 070
- KeKeKK House Type Floor Plans 2105- 071
- KeKeKK House Type Elevations 2105- 072
- KeKeKK House Type Roof Plan & Section 2105- 073
- BuBu House Type Ground Floor Plan 2105- 074 A
- BuBu House Type Elevations 2105- 075
- BuBu House Type Roof Plan & Section 2105- 076
- Dashwood 2 House Type Floor Plans 2105- 077 A
- Dashwood 2 House Type Elevations 2105- 078 A
- Dashwood 2 House Type Roof Plan & Section 2105- 079 A
- Hard Landscape Plan 9712L.HLP.004 Rev A
- Proposed Site Access [within Transport Appraisal] 16413-01 C
- Drainage Strategy Plan 4388-LETCH-ICS-XX-RP-C-07.001 Rev B

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

Submission of further matters-prior to commencement (CPDA required)

- 3 The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:
- The siting, layout and design of the proposed treatment plant
 - A proposed scheme of access for pedestrians and cyclists to Larsen Road

Reason: - For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

Schedule of Materials-prior to commencement

- 4 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviers and slates 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 schedule.

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.

Landscaping Scheme-prior to commencement

5. This permission shall specifically exclude the planting details shown on Planting Plan ref 9712L.PP.001-Rev A and prior to the commencement of the development hereby approved, a 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 pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Maintenance of planting

6. 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.

Landscape Management Plan-prior to occupation

7. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Open Space and Play Areas-prior to commencement

8. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of the open space and play space within the site including the LAP and LEAP together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space and play space shall be landscaped, laid out and completed in

accordance with the approved details and retained at all times as open space and play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Boundary Enclosures-prior to commencement

9. This permission shall specifically exclude the details of the boundary treatment and full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason : To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscape and Ecological Management Plan (LEMP)-prior to occupation

10. 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.

Construction of roads and paths-prior to commencement

11. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cyclepaths including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

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.

Construction of access and driveways-prior to commencement

12. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, 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.

Standard of Construction - prior to occupation

13. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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.

Parking and manoeuvring specification-prior to commencement

14. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

Access Details-Prior to commencement

15. Prior to the commencement of the development hereby approved, full details of the main access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the main access the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 1m above carriageway level.

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

Travel Information Pack-prior to occupation

16. Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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.

Sustainable Drainage Details Required (SUDS)-prior to commencement

17. Prior to first occupation of any dwelling, the approved drainage system shall be implemented in accordance with the approved Detailed Design as set out in the Flood Risk Assessment and Drainage Statement Letchmere Green, Heyford Park,

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.

Sustainable Drainage Management-prior to first occupation

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

Reason : To ensure that 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.

Construction Environmental Management Plan (CEMP) –prior to commencement

19. 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;

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 Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Construction Environmental Management Plan (CEMP) for Biodiversity – Prior to commencement

20. 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 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.

Badgers Mitigation – Prior to commencement

21. 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

Details of Lighting – prior to commencement (CPDA/ecologist)

22. 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 and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety and to comply with Policy ESD15 of the Cherwell Local

Biodiversity Enhancement – prior to development commencing

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

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

NSP licence required conditions

24. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Larsen Road Phase 1 and 2 combined: Impact Plan for great crested newt district licensing' Version 3 dated 19th October 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR94.

25. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR94), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

26. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR94 and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

Land Contamination Desk Study / Site Walkover-prior to commencement

27. 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 '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.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 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.

Land Contamination Intrusive Investigation-prior to commencement

28. If a potential risk from contamination is identified as a result of the work carried out under condition 27, 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 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.

Land Contamination Remediation Scheme-prior to commencement

29. If contamination is found by undertaking the work carried out under condition 28, 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 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.

Land Contamination Remediation Scheme

30. If remedial works have been identified in condition 29, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 29. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

Land Contamination Remediation Scheme (EA recommendation)

31. 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.

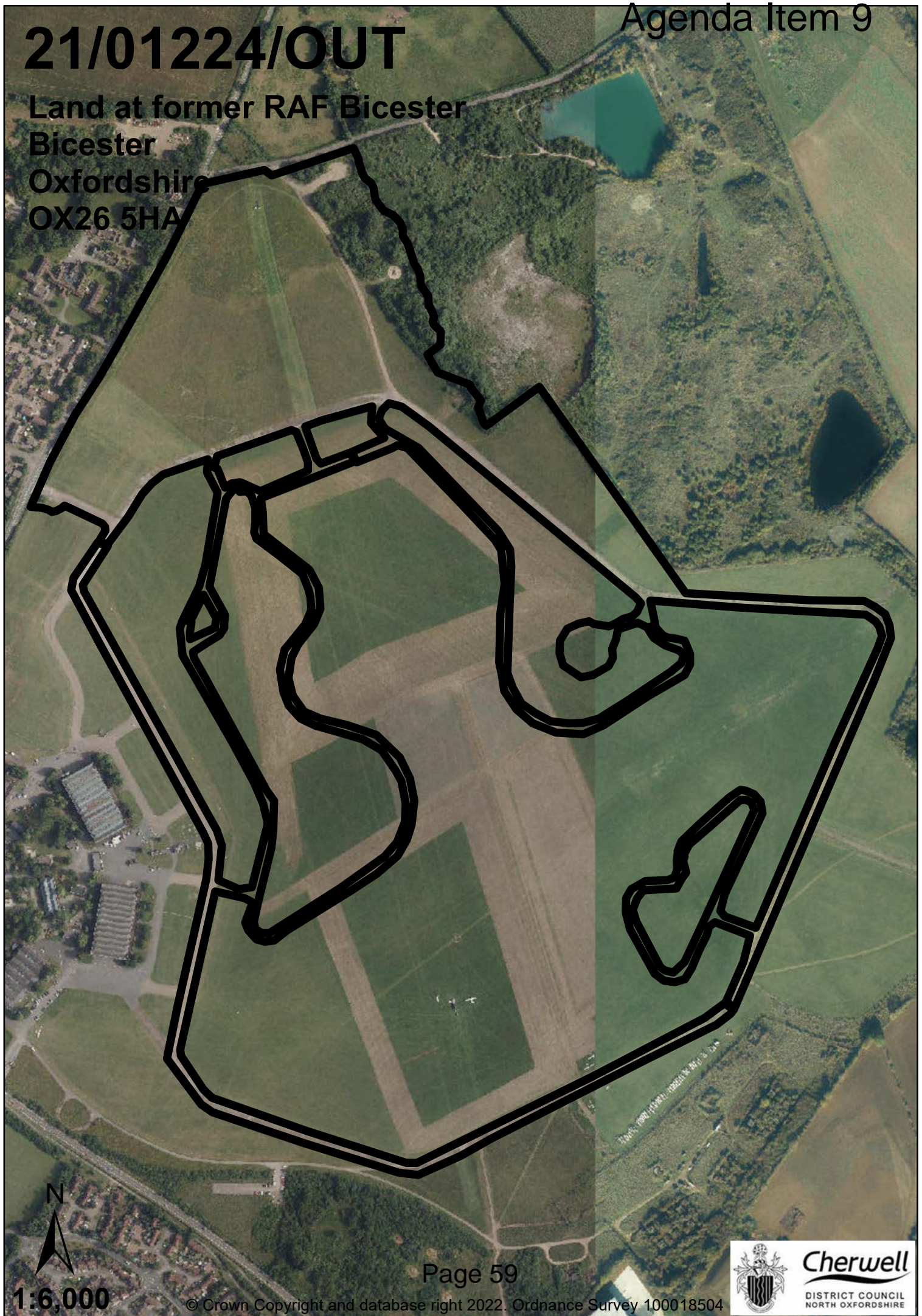
TWU water infrastructure-prior to occupation

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

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

21/01224/OUT

Land at former RAF Bicester
Bicester
Oxfordshire
OX26 5HA

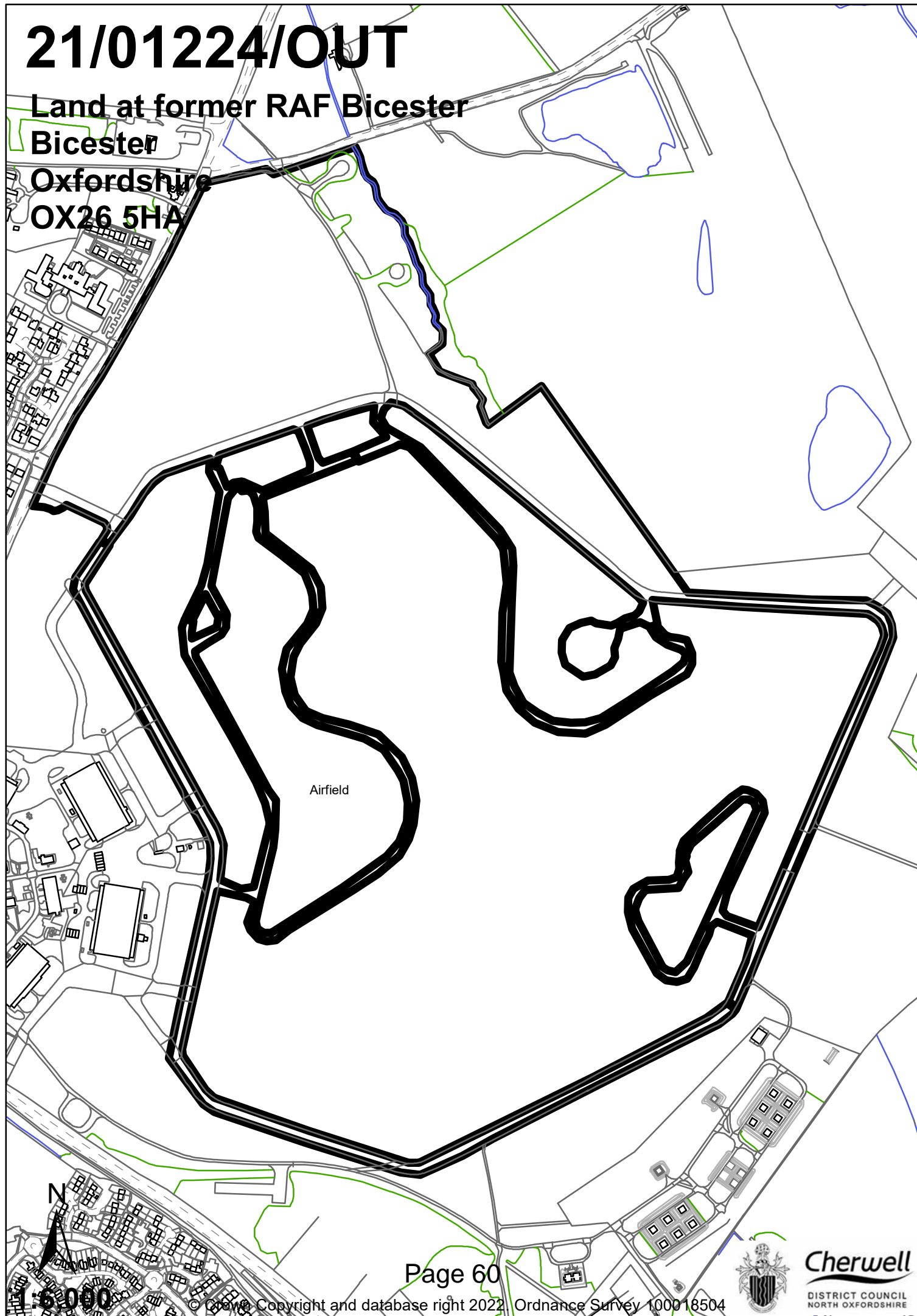


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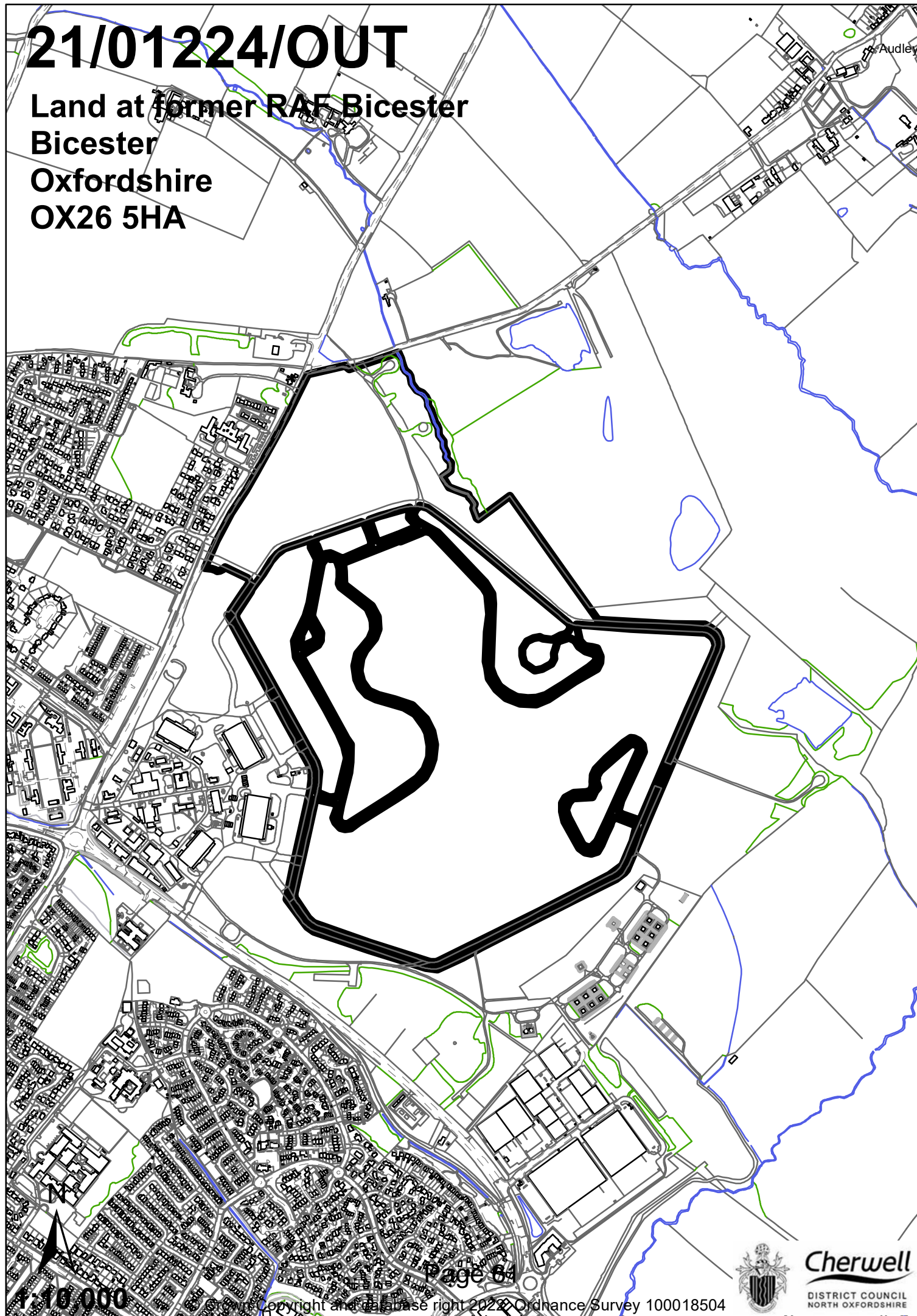
21/01224/OUT

Land at former RAF Bicester
Bicester
Oxfordshire
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21/01224/OUT

**Land at former RAF Bicester
Bicester
Oxfordshire
OX26 5HA**



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Rebekah Morgan

Applicant: Bicester Motion

Proposal: Outline planning application for Automotive Experience Quarter comprising Commercial, Business and Services uses (Class E), Light Industrial (Class B2), Local Community and Learning Uses (Class F) and vehicle circuits (Sui Generis) with all matters reserved aside from that of access).

Ward: Launton and Otmoor
Fringford and Heyfords

Councillors: Cllr Timothy Hallchurch, Cllr Simon Holland, Cllr David Hughes
Cllr Patrick Clarke, Cllr Ian Corkin, Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 31 December 2021

Committee Date: 13 January 2022

SUMMARY 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), THE COMPLETION OF ARCHAEOLOGICAL TRIAL TRENCHING AND RECORDING, RESOLUTION OF PUBLIC TRANSPORT MATTERS, AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106

1. APPLICATION SITE AND LOCALITY

- 1.1. For the purposes of this application, the site area and redline boundary relates to a parcel of land situated on the north-western side of the existing flying field and includes the existing perimeter track and some land within the airfield for proposed driving tracks. The site area totals 25.2 hectares. This site is bounded by the airfield to the south and east, the former Stratton Audley quarry site to the north and residential properties on Buckingham Road (and beyond) to the west. The site area was amended during the course of the application to remove the former quarry site and reduce the overall site area, including some land north of the airfield.
- 1.2. The site is part of the wider former RAF Bicester Airfield, which is located to the north of Bicester on the outskirts of the town. The site is now occupied by Bicester Motion, a company specialising in historic motoring and aviation. The site occupied by Bicester Motion comprises the main 'technical site' area (where most of the buildings are located) and the flying field which extends to the north and east of the main technical site area, totalling around 141.5 hectares.
- 1.3. The whole of the site (including the flying field) is designated a conservation area and most of the buildings within the main technical area are listed (Grade II). The few remaining unlisted buildings are considered to 'make a positive contribution' to the area in the Conservation Area Appraisal and would therefore be considered as non-designated heritage assets. Existing vehicular and pedestrian access to the technical site is gained just north of the roundabout on Buckingham Road. A second access off Skimmingdish Lane serves as access to the airfield. There are residential properties located to the west and southwest of the site. There are also several Scheduled Monuments located on the edges of the flying field and within the main technical area.

2. CONSTRAINTS

2.1. The following constraints apply to the site:

- The site is located within the Conservation Area of RAF Bicester;
- The wider Bicester Motion site contains 22 Grade II Listed Buildings, with the remaining buildings making a positive contribution to the character and appearance of the conservation area and are therefore considered to be non-designated heritage assets;
- The site lies within the wider setting of Scheduled Monuments to the south;
- There is a Site of Special Scientific Interest (SSSI) within 2km of the site (the quarry to the north);
- The site is within a designated Local Wildlife Site, which extends all around the perimeter of the airfield;
- There is an electricity distribution site to the south, beyond Skimmingdish Lane;
- The site lies within an area of archaeological interest;
- The Bicester Motion site is bordered to the south by the A4421 Skimmingdish Lane and to the west by the A4421 Buckingham Road;
- There are residential properties to the south, south-west and west of the Bicester Motion site (on the opposite sides of the bordering roads);
- The site is allocated in the Cherwell Local Plan for mixed use development including employment uses (Policy Bicester 8).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks consent for the construction of an automotive brand centre comprising commercial, business and service uses (Class E), light industrial (Class B2), local community and learning uses (Class F) and vehicle circuits (sui generis) using the airfield perimeter tracks. The application is submitted in outline with all matters reserved except for access. Originally, the application also proposed further development within the former Stratton Audley Quarry and alongside the northern edge of the airfield perimeter track, but those elements were later withdrawn.

3.2. The submitted planning statement describes the proposal and states: *“the Experience Quarter will be a collection of the world’s most exciting mobility brands situated in beautifully designed galleries with demonstration circuits. It is proposed to create a sustainable centre for automotive and aviation activity that will respect and enhance the historic environment at the site for future generations.”*

3.3. The Planning Statement goes on to describe the proposal in more detail by stating: *“The Experience Quarter will have a wide range of activities, including:*

- *New driver training and handling tracks, which will allow for visitors to learn new skills in a safe and family focused environment, plus guests of all ages can get behind the wheel or simply enjoy the show from the planned viewing points and walkways. Their tracks are motorsport inspired and designed for driver training, time-trials and testing – as well as demonstration and experience activities.*
- *Demonstration and event areas are planned, enabling brands to showcase new and exciting technologies to the public. As we move towards a greener future, Bicester Motion’s aim is that the Experience Quarter will be internationally recognised as the leading site for sustainable transport product launches and demonstrations, with the benefit of the on-road and off-road tracks, demonstration zones and airfield.*
- *The creation of new walkways and cycleways, connecting the four Quarters which will enable visitors to explore on foot, cycle, or scooters promoting health and well-being through the enjoyment of open green space filled with family friendly activities.”*

- 3.4. It is noted that the application is submitted in outline with all matters reserved except for access. However, the application documents include an indicative layout plan showing the proposed location of a building(s) in the northwest corner of the flying field, the re-purposing of the perimeter track, the creation of new tracks within the flying field and the location of an e-karting circuit.
- 3.5. It should be noted that the proposal has been amended during the consideration of the application to remove an area of land within the former quarry site (originally proposed for 4x4 tracks) and to delete some proposed trackside pavilions.

4. RELEVANT PLANNING HISTORY

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

18/01253/F

Erection of hotel and conference facility with associated access, parking and landscaping. [This lies to the west of the airfield, alongside Buckingham Road and immediately north of the 'technical site', which is known as the Heritage Quarter]
Application Permitted

18/01333/F

Extension to existing Technical Site to provide new employment units comprising flexible B1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping.
Application Permitted

19/02708/OUT

Outline: Provide new employment units comprising B1 (Business), B2 (General Industrial), B8 (Storage) and D1 (Education) uses with ancillary offices, storage, display and sales, with all matters reserved except for access. [Known as the FAST Quarter]
Application Permitted

- 4.2. It should be noted that subsequent Section 73 applications (19/02275/F, 20/00475/F, 20/00832/F and 20/00842/F) relating to application 18/01333/F have also been granted consent to allow change of use and external alterations to individual buildings within the Technical Site area.
- 4.3. The above site history represents the three major developments that have been permitted on the wider Bicester Motion site; the hotel, extension to the technical site area and employment development to the southeast of the flying field. The original technical site has a detailed planning history with several planning applications and listed building consent applications associated with individual buildings, including a site wide consent for commercial uses.
- 4.4. The general approach taken on the technical site has been to allow changes of use that fit with the commercial nature of the site and minor physical changes to the buildings to ensure their long-term use and viability with an aim of conserving the heritage assets on the site.

5. PRE-APPLICATION DISCUSSIONS

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

19/02092/PREAPP

Proposed development of an Automotive experience centre comprising B1 (business), B2 (light industrial) and D2 (Leisure) uses with ancillary spectator facilities comprising D1 (Non-residential), Sui Generis (workshop/ showrooms), A3 (restaurants and cafes) and offices, storage, display and sales comprising the 'Brand Experience Centre' at Bicester Motion, Bicester.

20/02519/PREAPP

A proposed Experience Quarter of high-quality design and construction - follow up to 19/02092/PREAPP.

- 5.2. The first pre-application enquiry (19/02092/PREAPP) submitted outline details for an automotive experience centre similar to the proposal that is now the subject of this application. It indicated a mix of employment, tourism and leisure uses.
- 5.3. The conclusions of the pre-application enquiry supported the principle of this type of development on the site and advised that Officers considered the proposal would broadly accord with policies in the Cherwell Local Plan 2031. Provided that the applicant responded positively to concerns raised by consultees, it was felt that a future application could likely be supported.
- 5.4. The applicant's attention was drawn specifically to concerns regarding noise and the requirement for a detailed submission that addressed this issue. Sufficiently detailed parameter plans would also be required to support any outline application with some elements, such as safety barriers and pavilions requiring a greater level of detail to be submitted. The applicant was advised that technical reports should reflect any advice given by technical consultees.
- 5.5. The follow-up pre-application enquiry (20/02519/PREAPP) focused specifically on the issue of aviation. An independent review of the proposal was undertaken by an aviation specialist.
- 5.6. The independent advisor was broadly supportive of the proposed approach, in terms of the slight re-alignment of the runway paths and the safeguarding of a strip of land to provide a runoff buffer should any take-off need to be aborted. That approach would be acceptable given the type/size of aircraft that continue to use the airfield.
- 5.7. If the applicant receives outline consent, then the design of any building(s) (height/position/material finishes) would need to pay careful consideration to aviation safety, to ensure they do not impede the safe use of the airfield. Given the land available within the application site, that should be possible. Therefore, the proposal ought not to impact negatively on the operation of the airfield or prevent the continued use of the site for aviation purposes.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of site notices 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. Re-consultation has taken place following the submission of additional information. The final date for comments was **22 December 2021**.

6.2. The comments raised by 36 third parties are summarised as follows:

Residential amenity – noise and disturbance

- Significant noise and disturbance already exist – further development will have a negative impact
- Detrimental to the health and well-being of nearby residents, particularly those in the nearby Care Home
- Noise levels are unacceptable with cars on the track
- Current noise from use of the airfield and the type of aircraft that use it since gliding stopped
- Noise impacts from constant cars driving around the track
- Additional tracks will increase noise and use of the circuits
- New tracks closer to residential properties
- The data used for the reports on noise is based on existing tracks/use and doesn't give confidence in proposed situation
- The 4x4 experience would be too noisy
- Impact on the nursing home and residential properties that surround the site
- This is not the right place for a race track
- The site already breaches noise levels when they have events, what will make them comply with a noise management plan this time?
- If it does go ahead, sound barriers should be constructed like on motorways

Heritage

- Negative impact on Stratton Audley Conservation Area
- Loss of omni-directional airfield
- Heritage impacts on existing site
- This is a site of historic importance and shouldn't be covered in concrete
- This is an attempt to build over key pieces of RAF history
- The construction of the circuits will alter that character of the site

Highway matters

- Highway impact on Caversfield during existing event days
- Traffic impacts and congestion
- Increased pressure on the already struggling network due to cumulative development on the site
- Transport Assessment isn't robust enough
- Impact during building works; noise pollution and traffic
- Access to the site from the Bicester Road is inadequate and will cause congestion and potential highway safety risk
- Insufficient parking proposed, especially with the other developments on the site, which could lead to parking off-site nearby

Ecology and biodiversity

- Impact on wildlife on the adjacent quarry
- Negative impact on wildlife
- The site has records of rare, scarce and declining species
- The site is of County importance for its habitat and biodiversity
- The site supports a range of legally protected species

Environmental

- Fossil fuel burning cars creating pollution, inconsistent with modern post-COP26 agreements and targets
- Noise, light and environmental pollution
- Impact on air quality

Support

- Pleased British motorsports is being developed in this area
- Increase in jobs, especially in the STEM sector, is a bonus for the town
- It would be great to have Bicester as an exemplar for how vehicle technology has changed and what the future looks like
- It will bring in visitors who will spend money in the town
- The proposal will act as a tool to stimulate overall economic recovery following the global pandemic
- Will enhance events at a facility already loved by many

Other

- Applicant has done no consultation with residents
- Brings development closer to Stratton Audley
- No details for potential airfield lighting
- This is an airfield not a race track
- The application should cover the whole site, taking into account previous developments and cumulative impacts
- It doesn't fit with Bicester's Garden Town and Eco Town aspirations
- There used to be a footpath prior to the airfield being built. It ran across the area that is now a quarry and was lost when the airfield was built
- The application is highly detailed in supporting information but lacks detail of how or what impact it will have
- The proposals do not benefit the community
- Devaluation of nearby residential properties

6.3. MISSION MOTORSPORT: *'Where the Bicester area has such strong heritage, the 'people' component of the heritage will be greatly enriched by this development'.*

6.4. OxLEP: *'Bicester Motion's concept will provide major investment into the County and attract additional inward investment from major international business, along with stimulating the visitor economy – all of which will contribute to Oxfordshire's swift economic recovery.'*

We at OxLEP believe that this application represents a significant opportunity for Bicester to forge and secure its identity as a world-leader in Motion – supporting our vision to drive Oxfordshire to become one of the top three global innovative ecosystems by 2040. The project will be a key component of establishing the future growth trajectory of Bicester and is set to be of great benefit and importance to the local community – and wider community across Oxfordshire'.

6.5. DEPARTMENT FOR INTERNATIONAL TRADE: *'We see strong inward investment prospects within the sectoral area of Bicester Motion. It can provide a platform for multiple technologies to develop and therefore we believe will be an attractive destination for international investment. Specifically, the project geography within the OxCam Arc and the projects alignment to the UK's ambition to become a science superpower may resonate strongly with investors'.*

6.6. EXPERIENCE OXFORDSHIRE: *'Experience Oxfordshire supports this application and would encourage the Council to consider its approval. The development enhances the local offering, provides significant investment into the district, offers job creation and opportunity, and will help with economic growth and aid recovery post Covid-19. This application should be welcomed and supported'.*

6.7. VISIT ENGLAND: *'A major investment in a development such as this would be a vote of confidence for the tourism sector'.*

- 6.8. All 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. LAUNTON PARISH COUNCIL: **Objects**, on the following grounds:
- Irreparable damage to a nationally, if not internationally, important historic asset in particular the flying field which is explicitly part of the Conservation Area
 - Noise nuisance to nearby residents
 - Aggravated traffic problems on an already inadequate road network
 - Intrusion of new buildings into protected, heritage views
 - Change of Use

The Parish Council have submitted detailed comments for each of these points and these have been considered in full.

- 7.3. STRATTON AUDLEY PARISH COUNCIL: The initial response stated that the Parish Council are generally **supportive** of the plans put forward. In spite of this support, they raised a number of **concerns** and asked that they are carefully considered. In a follow-up response, the PC objected to the application. The concerns broadly fall within the following categories:
- Road safety, particularly for cars, pedestrians and cyclists
 - Increased traffic congestion
 - Noise generated by test and track side events
 - Increased air traffic surrounding the village
 - Impact on wildlife/biodiversity in the former Quarry area

The Parish Council have submitted detailed comments for each of these points and these have been considered in full.

An additional response was received following re-consultation. It reiterates the points previously made and raises the following further issues:

- Lack of 24-hour access through the site to enable pedestrian and cyclist safe passage in the absence of a public footpath
- Noise reaching Stratton Audley from the proposed new track facilities (conditions are requested)
- Traffic calming measures to deal with concerns that the proposal will increase 'rat running' through Stratton Audley (conditions requested)

- 7.4. CAVERSFIELD PARISH COUNCIL: **Objects**, on the following grounds:
- Loss of the protected airfield within a conservation area
 - Lack of defined, detailed, Master Plan
 - Change of Use
 - Noise nuisance to nearby neighbours
 - Traffic impact
 - Disturbance to the quarry and associated wildlife
 - Potential light and air pollution

The Parish Council have submitted detailed comments for each of these points and these have been considered in full.

CONSULTEES

7.5. HISTORIC ENGLAND: **Object.**

'The proposals would cause a significant level of harm to this exceedingly rare and important bomber training airbase and important features of the site are proposed for harmful change. The careful conservation of its many features and structures are required through policy Bicester 8 and the harm posed by the development demands both clear minimisation of harm and strong justification for any harm being caused. Stated aims in the application are for a sustainable future and a unified site together with preservation and enhancement of assets, yet these benefits are ill-defined and there is no clear mechanism for their delivery. We acknowledge and support the excellent, sensitive conservation that has been done at the technical site and hope that a scheme can be reached that achieves a similar level of high-quality conservation for the flying field and other structures at the base'.

Historic England provided a detailed response considering the significance of the former airfield and its features, impact of the outline scheme, relevant planning policies and advice on the current scheme and next steps.

Officer comment: The detailed comments provided by Historic England are discussed at length in the appraisal section of this report. The comments are considered along with comments from the Council's Conservation Officer and the applicant's Conservation consultant. Clear information is provided to explain how the development has been considered in relation to the tests set out in the National Planning Policy Framework (Chapter 16: Conserving and enhancing the historic environment).

7.6. OCC HIGHWAYS: **No objections**, subject to Section 106 contributions, an obligation to enter into a Section 278 agreement and planning conditions as set out in the response.

Officer comment: It is noted that the Local Highway Authority originally raised an objection to the proposal, but their initial concerns have been resolved following submission of additional/amended information by the applicant. The appraisal section of this report sets out this position in more detail.

The response provides detailed comments on the required Section 106 contributions (including justification) the requirements of the Section 278 agreement and the requested conditions. A separate response regarding the requested public transport contribution has also been submitted.

7.7. OCC MINERALS AND WASTE: The site is not in a Strategic Resource Area and there is no safeguarded waste development in close vicinity. We therefore have no objection to the proposed development based on the revised red line plan in the location plan.

7.8. OCC ARCHAEOLOGY: Qualified **Objection**, the results of an archaeological evaluation will need to be submitted with this planning application in line with paragraph 189 of the NPPF.

Detailed comments include a justification for this requirement and expectations for the contents of any archaeological evaluation.

7.9. LEAD LOCAL FLOOD AUTHORITY: **No Objection**, LLFA appreciates the extensive information provided and the original objection has now been removed and conditional planning permission recommended.

7.10. CDC CONSERVATION OFFICER: The Council's Conservation Officer has provided detailed comments that are considered as part of the heritage impact in the appraisal section of this report.

The officer concludes that the proposal would result in 'less than substantial harm' to the RAF Bicester Conservation Area, in agreement with the comments received from Historic England. In accordance with paragraph 202 of the NPPF, the less than substantial harm needs to be weighed against the public benefits of the scheme. The cumulative harm of multiple developments both past and future within the RAF Bicester site should not be disregarded.

7.11. CDC LANDSCAPE OFFICER: I confirm my agreement with the judgement and recommendations of the LVIA, which is a comprehensive and well considered report.

7.12. CDC ENVIRONMENTAL PROTECTION OFFICER:

Noise – Having read the noise report provided and having had discussions with the applicant prior to the submission of the proposed scheme, I would like to make the following comments:

The noise report does indicate that for the older noisier vehicles there would be a low to moderate impact on the nearby residential properties, with the correct mitigation this can be reduced to a low impact as defined by the NPPF. In fact, it should be possible to improve the situation from the current unregulated use that has given rise to previous noise complaints to this department.

Therefore, I agree that a condition should be placed on any permission granted that a noise management plan should be agreed with LPA prior to the first use of the development, and this should be such that it can be continually reviewed and updated with Environmental Health Officers as the need arises. The plan should include (but not be limited to) such matters as numbers of days allowed for noisier vehicles use, hours of use, absolute noise limits set, actions taken when these are exceeded and communication with the local community.

In addition, a condition should be in place stating that no use of the track will be allowed without the SPL Track Drive By System being in place. Should Bicester Motion wish to change supplier then any new monitoring system should be agreed with the LPA prior to its installation.

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.

Contaminated Land – Having read the report provided I am satisfied with its contents and agree with its findings. I agree that a phase 2 assessment of the Former Quarry area should be carried out and supplied to the LPA for agreement prior to the development of this area.

Air Quality – Conditions have been requested requiring the submission of an air quality impact assessment and details showing a system of electrical vehicle charging to be installed within the development.

Light – A condition has been requested requiring the details of all external lighting to be submitted and approved.

7.13. CDC ECOLOGY OFFICER:

First response:

With regard to the above outline application, the ecological surveys submitted are all fine in scope and depth. The proposals as regards mitigation are still at an outline stage but are generally appropriate and mitigation seems possible here with the ongoing management proposed. Some of those proposals listed for the FAST site (sensitive lighting, integrated bat and bird enhancements, living roofs etc..) are equally relevant here but I'm not sure if they are intended.

I am a little unclear on how the proposed 4x4 track within the quarry LWS will impact biodiversity as I am not sure as to the extent of its use, whether there will be general off-road driving or a strictly marked course? Are the proposals likely to impact the sites designation?

The ecological report states that a net gain is achievable here as measured by a metric. I could not find the metric within the documents and this should be sent on as soon as possible. Whilst the ecologists here state their concerns with regard to any reliance on metrics, they form an important tool in ensuring net gain targets are met and demonstrated on site. It is necessary therefore to see the actual calculations in order to assess, even at outline stage, the level of gain possible. CDC seeks a net gain of 10% and where this is not met it is an indication that more may need to be done on site or potentially off site.

Second response:

The ecologists for Bicester Motion have sent on a Biodiversity Impact Assessment as requested. This does estimate that an acceptable overall net gain for biodiversity is achievable on site using the figures they have calculated. CDC has approved and suggested use of the WCC metric in the past despite it not being of direct local relevance to Cherwell DC, because this is the metric that was first introduced here when WCC covered my post. We have for a few years however accepted the DEFRA metric. I understand the viewpoint put forward by CPRE therefore that ideally the metric would now be rerun with the latest DEFRA calculator to ensure we are using the most up to date tool available in our assessment. There is no reason why this cannot be done for this application and the masterplan site as a whole.

I am of the opinion that we should request the applicant's ecologists to respond to the points raised in the recent comments that have resulted from CPRE commissioning additional ecological resource to assess the application. The document makes sound points throughout and clearly outlines where this application may struggle to protect the interest of the LWS and to achieve the net gain that is required. Whilst the application is at outline stage, it directly impacts a Local Wildlife Site so it is important that we ensure there is confidence that the overall ecological value of the site will be enhanced, and a net gain will be achieved that can be maintained throughout the operation of the site.

The current proposals entail loss of parts of the LWS habitats and therefore alternative options to this loss should be considered (for example outlining why at least some of the building footprint cannot be largely outside the LWS boundary). Where there is no

alternative however, mitigation needs to be proven to be achievable. Mitigation here and net biodiversity gain depends largely on the applicant's ability to create and maintain areas of Open Mosaic Habitat on site – at the side of the 4 x 4 track for example. It is not clear to me if all of these areas will be suitable for achieving OMH (in good condition) when operational given their proximity to vehicle movement and the likely kick up of sediment, footfall and exhaust pollution around the track? What is the 'battle' track to be made of? Will drivers stay on this track or will there be some off-road driving?

I have some concern about the reliance on 'ecology car parks' for some of the habitat creation. I cannot tell from the plans the extent of areas to be used in this way (or why, if they are ecologically valuable, it is only a proportion of car parks that are proposed to be designed this way). This is a relatively novel interpretation of this type of car parking surface as far as I can tell that I have not seen before and I have been unable to find any examples of this leading to achievement of habitats of value to invertebrates or Priority Habitats of LWS status. It would be useful if the applicants could send on evidence of the efficacy of using operational car parks to achieve good condition Open Mosaic Habitat and give a clearer idea of how large these car parking areas would need to be.

The ecological appraisal and enhancement plans suggest that green roofs will be 'sought' as additional enhancements however there is no indication of whether this will actually happen. I would like to see a commitment to include them (not just stating 'where viable') on a percentage of roofs.

Third response:

Further comments to address the CPRE's response to ES response: The changing of the red line of the application has made it feel a little muddled in terms of assessing impacts and meant that a new metric has been submitted later. I am not sure why we didn't receive the original metric up front, but it was sent promptly when requested. This is a relatively complicated site to assess due to trying to marry up the overall masterplan and the outline applications coming in in sequence which do not yet contain the detail to guarantee the deliverability of mitigation and net gain. I can understand why it is not easily understandable to third parties but also note that this has now been followed up with updates and an explanatory response from the developer's ecologists.

As regards the use of the Warwickshire metric, I do not believe there is anything underhand here in the choice of the use of this metric – it is just a result of how we first began to use metrics at CDC under guidance from WCC. The habitat assessments for this application were made some time ago before DEFRA metric 3.0 was an option. Having spoken to the developer's ecologist they have confirmed their intention to use DEFRA 3.0 in future applications, potentially alongside the Warwickshire metric for comparison with previous calculations. I do not have an issue with this and understand that it would be difficult to re-run the calculations here with a new metric now as habitat assessments were made with the Warwickshire one in mind. The masterplan could be re-run at a later date however with DEFRA 3.0 to provide clarity and I would advise this.

The proposals involve the loss of calcareous grassland and part of the LWS. I am not sure a proper assessment as to why this is unavoidable has been presented with this ecological appraisal. Usually, loss of habitat of high distinctiveness, if unavoidable, should be replaced like for like in terms of area and condition (this is highlighted by the error messages within the metric referred to by Bioscan). This is not proposed here. Instead, they plan to improve the condition of the current grassland and also allow areas of Open Mosaic Habitat to develop as mitigation and enhancement and to achieve biodiversity unit gains. This could lead to an overall greater ecological value

across the wider (masterplan) site over time, but it is hard to tell if this is achievable until we have reviewed a robust biodiversity management plan for this site. It seems unlikely to me however that this particular part of the LWS would retain its current LWS designation under these proposals.

I have discussed the use of ecology carparks with Ecology Solutions and can understand that these are of course preferable, ecologically, to hard standing. Whether they will become important habitats for invertebrates in their own right, even with graduated use as proposed, is still something I am unsure of, however I understand that they represent only a part of the OMH proposed.

CPRE requests an onsite meeting to discuss habitat condition, classification and distinctiveness. I am not sure if they are suggesting that we do this at this time of year? I am happy to facilitate a meeting at some point if all parties feel this would be helpful. Though it is unlikely to affect the proposals so may not add much to assessment specifically at this stage.

Fourth response:

The submitted Ecology Response Note draws together the information from several areas of the application and gives greater clarity as to the decisions, intentions and opportunities for the site. In particular, the habitat plan identifying areas of habitat by condition is useful in aiding assessment of likely habitat losses and gains. Given this I feel that, whilst the proposals do entail the loss of some of the better quality habitat of the LWS and would therefore inevitably affect the designation boundaries, there is reassurance that this can be adequately mitigated by the intention to raise, through better management, a greater area of habitat to LWS standard in other parts of the application site. This along with the securing of the future management of the site through a Habitat Management Plan does have the potential to lead to gains both for the LWS and for biodiversity generally. This will of course all hinge on a robust management plan with regular review and monitoring built in and which ensures that the aims for biodiversity on site are not in competition with the sites envisaged use going forward. The principles set out in this note however do give assurance that this should be achievable. I have no further objections at this outline stage therefore.

- 7.14. CDC ECONOMIC GROWTH OFFICER: **No objection**, I provide qualified support to the proposed development. In principle and in outline, this proposal adds further elements and value to this exemplar development; thereby supporting the broad economic development aims of the Council. In terms of detail, however, particularly careful consideration will be required to enable the proposal to avoid/mitigate potential conflicts whilst maximising the benefits that could accrue to the local community, to the environment, to the operator, occupiers and employees, and to the wider economy.

- 7.15. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE) – including comments submitted by Bioscan on behalf of CPRE: **Object**

The CPRE and their representatives have made a series of submissions in response to the proposed application and to additional information that has been submitted during the course of the application processing.

The latest comments (9 November and 20 December) set out clearly their current position and their objections to the application as follows:

'CPRE has the following points to make in response to correspondence concerning the ecological assessments of the habitat at Bicester Airfield LWS:

1. It order for the LPA to have certainty as regards policy compliance with regard to this application and the wider masterplan, we maintain that an application specific and site wide calculation using Metric 3.0 would be beneficial.

2. We note that Ecology Solutions say that this would be hindered because they made "habitat assessments with the Warwickshire calculator in mind". There is clear guidance on how one can read across Phase 1 habitat classifications into the UKHab system and therefore we do not agree that this would be an onerous task. To the extent that there would be any difficulty at all, this could be assisted by seeking mutual expert agreement on classifications by means of the suggested site visit with the LPA ecologist, Ecology Solutions and Bioscan (representing CPRE).

3. We agree that by the means of replacing extant high distinctiveness calcareous grassland habitat with an aspiration to deliver a different habitat, the mitigation hierarchy of 'avoid-mitigate-compensate' is demonstrably not being followed and the proposals fail national policy presumptions and tests on this ground alone. We also agree that there is no assurance in the application information to counter the view that the impacts would result in the loss of the LWS designation where the proposals overlap. This would also fail national and local policy tests.

4. We believe a site visit even at this time of year would still be sufficient to assist in identifying a common and robust position on habitat classifications to ensure the metric outputs were more robust, and sufficiently fit for purpose to test policy compliance.

5. We note that an area in the north east of the site is marked as 'e-karting' on the indicative layout plan where previously there were to be 'viewing pavilions'. CPRE questions whether details of this update are given and also included in the biodiversity assessment, such as the area this would cover and what kind of surface is intended'.

Bioscan offered the following further comments on behalf of the CPRE on the matters discussed in the latest Ecology Solutions note:

"Balance of need for this specific development versus ecological impact."

Ecology Solutions now appear to openly acknowledge that the proposals will result in net losses of 'Priority' habitat (as indicated to be 'unacceptable' by both the Warwickshire metric and Metric 3.0) and likely total or substantial loss of the Local Wildlife Site and that this generates a conflict with both the Cherwell Local Plan and indeed national policy.

The recognition from Ecology Solutions that this is the position appears to have precipitated recourse to an 'overriding need' based argument, and a tempering of the exaggerated claims that a proposal which will occasion net loss of high-quality habitats and sufficient damage to a designated Local Wildlife Site to remove that status (as recognised by the Council's ecologist) is somehow consistent with a claim of 'net gain'.

Officers can at least now be better sighted on this issue, as compared with a situation where highly dubious percentage figures for net gain were seemingly being promulgated and then not challenged. The concessions made by Ecology Solutions underline that this situation is quite clearly one where the impact of this development will be net negative for both biodiversity and for the integrity of the Local Wildlife Site. It will be for officers and the committee to determine whether the specific proposals put forward under 21/01224/OUT are the only means of compliance with Policy Bicester 8, or indeed the only means of delivering the economic and public benefit objectives of that policy, or whether alternatives that better respect both the natural and historic attributes of Bicester Airfield, and are better aligned with other Local Plan and NPPF policies might be brought forward.

Realism of proposed ecological mitigation/enhancement

The standard approach to biodiversity net gain is that development proposals that will result in the loss of irreplaceable habitat resources cannot legitimately claim a 'net gain' position whilst remaining compliant with policy, unless the need is overriding in which case bespoke compensation must be agreed. That has not happened in this case. Instead, the Applicant relies on vague proposals to try and uplift the quality of retained areas, whilst also using them for other development-related purposes, as a means of compensation for the loss of existing high-quality grasslands, in a cycle of diminishing returns.

It is a situation analogous to sacrificing an ancient woodland to a housing development and then suggesting that managing an adjacent plantation woodland will compensate that loss, whilst also applying to use that plantation as a paintball venue. The latest note from Ecology Solutions provides more detail on the proposals for the creation of open mosaic habitat (OMH). This further detail includes translocation of soils, importation of materials and "localised topographical sculpting" on the airfield to create low bunds and depressions.

These proposals are vague, are submitted without evidence as to their suitability or efficacy for creating OMH (for example soils translocated from unspecified locations elsewhere within the site are likely to have latent fertility that will simply generate a ruderal flush, rather than the development of OMH communities) and they generate a number of new questions relevant to planning determination, such as:

- Have the additional construction vehicle movements within and to/from the site attendant with movement of materials and import of materials (volumes unspecified) been included in the traffic and air quality assessments to date?
- Has the impact of "localised topographical sculpting" on the heritage, landscape and aviation requirements of the airfield been considered and appropriately assessed? Have Historic England been consulted on this point for example?
- Has the compatibility of OMH creation (and indeed retained calcareous grassland) around the proposed track been considered alongside service and visitor requirements, for example marshalls, fire truck access, spectator areas, run off areas etc. Bunds and depressions in run-off areas are likely to be a hazard to motorsport activities as well as compromising continued use of the flying field for aviation.

In summary, Ecology Solutions' latest submission hints at a belated recognition and rowing back from the rather outlandish claims of net gain originally submitted to the Council. We now have recourse to claims of 'overriding need' to address the clear local and national planning policy conflicts as regards biodiversity. To the extent that long-term net gain, compensation or enhancement is still claimed, it is now shown to be based on vague and likely unworkable proposals that require multiple incompatible and overlapping uses of land to be resolved. Indeed, certain of the proposals as now specified would appear to introduce new and hitherto unassessed sources of heritage conflict and aviation safety concern and it is not clear whether Historic England and/or other relevant consultees have been appraised of them.

As a final point, we wonder if the Council is aware of the applicant's leisure development intentions (e.g. 60-80 chalets) for the adjacent Stratton Audley quarry site, and the implications of these for (inter alia) the Local Wildlife Site designations there. We previously raised a concern about how the incremental and piecemeal development of the Bicester Airfield site risked circumventing due scrutiny of cumulative but closely related effects, and suggested that a site-wide masterplan should be subjected to biodiversity assessment in order that the current and future development phases took into account net losses of biodiversity from earlier phases. We make the point that it is very likely that the sum of these development would require formal EIA, which would necessitate a more structured consideration of cumulative impacts. Such necessary checks and balances appear to be being circumvented here, and this is a matter that engages with relevant case law around application of the EIA Regulations. We urge the Council to consider this point carefully

before proceeding to determination of another 'phase' of this redevelopment project without due consideration of clearly related former and future phases."

All of the comments submitted throughout the application process by the CPRE (and their representatives) have been carefully considered with both the applicant and the Council's Ecology Officer responding to points. A full copy of all the submissions can be viewed on the Council's website.

7.16. BERKSHIRE, BUCKINGHAMSHIRE, OXFORDSHIRE WILDLIFE TRUST (BBOWT): **Object**, on the following grounds:

- Impact on Stratton Audley Quarry LWS and Bicester Airfield LWS
- Applicant does not provide evidence of a net gain in biodiversity

Detailed comments have been made in support of these two points and fully considered as part of the assessment of the application.

7.17. BICESTER BIKE USER GROUP (BBUG): **Object**, detailed comments have been submitted but they can be summarised covering the following points:

- Proposed access arrangements are poor and non-compliant with national and local policies. This will not enable walkers and cyclists to access the site.
- No engagement with users in accordance with LTN 1/20
- Concerns regarding design of the access
- The designer does not appear to have the appropriate level of experience and training in designing active for active travel
- Detailed comments raising concerns/issues cover the following junctions: 1) General access/Buckingham Road, 2) A4421 North/Buckingham Road (Main access), 3) A4421 East/Skimmingdish Lane.

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)

- BICESTER 8: RAF Bicester
- PSD1: Presumption in favour of Sustainable Development
- SLE1: Employment Development
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD7: Sustainable Drainage Systems
- ESD10: Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1: Transport Funding
- C1: Protection of Sites of Nature Conservation Value
- C2: Development affecting Protected Sites
- C4: Creation of New Habitats
- C7: Landscape Conservation
- C23: Retention of features contributing to the character or appearance of a Conservation Area
- C25: Development affecting the Site or Setting of a Scheduled Ancient Monument
- C28: Layout, design and external appearance of new development
- ENV12: Development on Contaminated Land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Bicester Conservation Area Appraisal – November 2008
- RAF Bicester Planning Brief 2009
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Parameters – heights, scale, massing and design
- Heritage impact
- Landscape and visual impact
- Highway Safety - Connectivity and Access
- Ecology impact
- Residential Amenity
- Impact on aviation
- Flood Risk and Drainage
- Environmental Impacts
- Energy Efficiency
- Planning Obligations

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3. Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development and states for decision taking, this means *'approving development proposals that accord with an up-to-date development plan*

without delay'. The presumption is favour of sustainable development is reiterated in Policy PSD1 of the Cherwell Local Plan 2031.

- 9.4. The application site is allocated in the Cherwell Local Plan 2031 under Policy Bicester 8 for '*conservation-led proposals to secure a long lasting, economically viable future for the Former RAF Bicester technical site and flying field*'. Policy SLE1 supports employment development on new allocated sites within the plan; RAF Bicester is one of the sites allocations which allow for employment development (B Use classes) within the plan. Policy SLE3 supports tourism growth '*in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District*'.
- 9.5. The Council's five year review of Local Plan policies (approved January 2021) concluded that policy Bicester 8 was "...a site-specific policy that is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time...". Policy Bicester 8 refers to a Planning Brief for the former RAF Bicester. Whilst still material to the implementation of the policy and the consideration of the application, the Brief was prepared in 2009 and there has been subsequent development of the site. The document provides only informal development principles and does not have the status of a Supplementary Planning Document. Its stated purpose was '*to respond quickly to provide guidance on the future of this important site to advise potential purchasers*'. Nevertheless, the 2009 Brief was specifically referenced by the Local Plan Inspector in his consideration of Policy Bicester 8 in 2015. As such, the Planning Brief is still relevant. The document sets out the Council's aspirations for the site and future uses that would be considered appropriate.
- 9.6. The site has been occupied by Bicester Heritage (now part of Bicester Motion) since 2013, who have developed the site as a focus for historic motoring interests and technology with associated employment, leisure and apprenticeship opportunities. Paragraph 81 of the National Planning Policy Framework states 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. It goes on to suggest an approach where areas build on their strengths and is particularly important where Britain can be a global leader in driving innovation.

Assessment

- 9.7. The application site is part of the wider RAF Bicester site which is allocated under Policy Bicester 8. The policy seeks to establish uses which will be complementary to, and help enhance, the character and appearance of the Conservation Area and the nationally important heritage value of the site whilst securing an economically viable future for the site. Policy Bicester 8 is a permissive policy setting out a number of acceptable uses including employment uses.
- 9.8. The land allocated within Policy Bicester 8 includes the technical site and the whole of the flying field. The policy is not specific about the type of commercial uses that would be appropriate, or the form such development should take (conversion, re-use or new build for example). It is supportive in general of tourism, leisure and commercial uses on the site. The policy does not stipulate which parts of the overall site are suitable for development but the policy does state (inter alia) that proposals "*must maintain and enhance the character and appearance of the conservation area...and preserve the openness of the airfield*".

- 9.9. The Planning Brief for the allocated site identifies the application site as comprising part of the 'flying field'. Within the Brief, the flying field comprises all land to east of Buckingham Road excluding the technical site. The Brief is not supportive of development on any part of the flying field, on the grounds it could harm the Conservation Area. Accordingly, the submitted proposal cannot be considered to accord with the Planning Brief.
- 9.10. However, in your officer's opinion, there are material considerations which must be considered in the balance against the apparent conflict. It is clear that whilst Policy Bicester 8 emphasises the need to "preserve the openness of the airfield", it at the same time supports "heritage tourism uses, leisure, recreation, employment and community uses...[and]...hotel and conference facilities". The balanced approach required is highlighted at para. C.92 of the Local Plan:
- "Policy Bicester 8 seeks to secure appropriate uses for a long-lasting 'conservation-led' approach to the technical site and flying field. It aims to establish uses that will be complementary to, and help enhance, the character and appearance of the conservation area and the nationally important heritage value of the site. It seeks to encourage a mix of uses that will best preserve the sensitive historic fabric and layout of the buildings and the openness of the grass airfield. However, the need to allow some flexibility in the interests of securing an economically viable future for the site is recognised."*
- 9.11. A hotel and employment development have already been permitted on other peripheral areas of the airfield. The context of the site and the surrounding area have changed significantly since the production of the brief; the site has been sold by the MOD with its acquisition, investment and re-use by Bicester Motion. Furthermore, the decisions to grant consent for the extension of the technical site, the construction of a new hotel and the granting of consent for employment development, all post-date production of the Brief and in the case of the hotel and FAST Quarter developments included works on parts of the original airfield.
- 9.12. Therefore, it is not considered that conflict with the Planning Brief and one aspect of the Policy (openness of the airfield), would be sufficient to conclude that the proposal was unacceptable. Like the hotel and employment developments before, the Experience Quarter development proposals would be limited to only a small peripheral part of the airfield and would still maintain the openness of the vast majority of the airfield area. Development would sit alongside existing and permitted development fronting the Buckingham Road and the proposals would be consistent with the remainder of the Policy Bicester 8 requirements and other relevant Local Plan policies.
- 9.13. In addition to Policy Bicester 8, proposals to provide additional employment uses on this allocated site are also supported by Policy SLE1, which permits new employment uses that are focused on existing and allocated sites. Furthermore, paragraph B.33 of the CLP 2031 sets out the aims for Bicester which include '*maintaining and increasing the motorsport industry and other performance engineering, encouraging high tech companies and improving its sustainability and self-sufficiency*'.
- 9.14. The proposal also intends to create a tourist destination offering visitor experiences that tie in with the 'automotive' nature of the site. This element of the proposal would complement the future hotel (which has extant planning permission) and would be considered in accordance with Policy SLE3 which seeks to increase visitor numbers to the district and overnight stays in sustainable locations.
- 9.15. The proposal will bring many economic benefits, not just to Bicester and the wider District, but to Oxfordshire, the south-east of England and the UK contributing to

building a strong economy and delivering positive growth. The proposal will provide a range of jobs in the leisure and tourism industry as well as highly skilled jobs in areas of knowledge driven, creative and high-technology industries.

- 9.16. The provision of this type of development at the site is supported by the Policies Bicester 8, SLE1 and SLE3 of the Cherwell Local Plan and the proposals will contribute towards the Council's economic growth objectives.

Conclusion

- 9.17. The NPPF states that achieving sustainable development means the planning system has three overarching objectives; an economic objective, a social objective and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.
- 9.18. The application proposes the provision of additional commercial development that will support the local economy and create additional jobs, providing an economic benefit. It is anticipated that the development will create a well designed and safe place for employees and visitors, allowing some access to this part of the historic site. The creation of employment development contributes to creating vibrant communities. The tourism nature of the proposal will help meet social needs of the local and wider community. As will be set out in later sections of this report, the proposal would respect the historic and natural environmental context of the site, providing mitigation and enhancement where required, and the use of the site for aviation will not be unduly compromised. Therefore, the development is considered to constitute 'sustainable development' and the presumption in favour must apply.
- 9.19. The proposal will provide additional commercial, leisure and tourism development on an allocated site in accordance with Policies Bicester 8, SLE1 and SLE3 of the Cherwell Local Plan 2031. The apparent conflict with the 2009 Planning Brief is not considered significant given the limited weight that can be attributed to the document and the significant change in context at the RAF Bicester site. The principle of employment development on the site is considered to be acceptable.
- 9.20. The proposal would constitute sustainable development on the site. Provided the proposal complies with other policies within the development plan (discussed below), it should be approved without delay in accordance with Government guidance contained within the NPPF and Policy PSD1 of the Cherwell Local Plan 2031.

Parameters – heights, scale, massing, and design

Policy context

- 9.21. Policy ESD 15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high standards and should respect the historic environment including conservation areas and listed buildings. Policy Bicester 8 of the Cherwell Local Plan also makes it clear that development at this site is to be 'conservation led', therefore meaning that it is what is appropriate for the site in terms of heritage related issues that must be at the forefront at all times.
- 9.22. Both of these policies are supported by Government guidance contained within the National Planning Policy Framework (sections on design and heritage) which states that good design is a key aspect of sustainable development to create better places (para. 126). Decisions should ensure that (amongst other factors) developments are visually attractive; sympathetic to the local character and history and optimise the potential of the site (Para.130). Section 16 on the historic environment acknowledges

that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (Para. 189).

- 9.23. Saved policy C28 of the Cherwell Local Plan 1996, requires all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.24. With the above policy context in mind, whilst the principle of new employment and tourism development at the site is supported, it is imperative that it is appropriately sited and designed to ensure that it fits in with the historical context of the site and respects the existing pattern of development.

Assessment

- 9.25. The heritage impacts of the development are subject to detailed assessment in a later section of this report. It is important, however, to first establish whether the broad design principles and parameters are an appropriate starting point for guiding development on the site. The application is submitted in outline with all matters reserved except for access, therefore the proposal does not include full design details for the buildings, and these will be the subject of a separate application. However, at this stage it is still imperative that the Council is confident the site can accommodate the level of development proposed without causing harm.
- 9.26. Parameter plans have been submitted to demonstrate maximum heights, developable area, land uses. The combination of developable areas which are clearly identified, constrained spaces for the location of buildings and the indicative layouts, means that there will be very limited options in terms of building footprint at the reserved matters stage. Combined with the height parameters, the plans suggest a single building or a series of buildings forming a 'V' shape in the northwest corner of the flying field. The height parameter plan suggests a maximum height of 10.5m with the northern and southern sides reducing to 5m.
- 9.27. The only element of dispute with the Council's Conservation Officer was the original proposal to include smaller scale pavilion buildings on the northeast side of the flying field, which would have been remote from other built forms and generally intrusive in what was otherwise an open area of airfield. The applicant has agreed to remove this element from the proposal, and this has been demonstrated in amended drawings.
- 9.28. The parameter plans set limits on the height and maximum developable area for the experience quarter building(s). At the reserved matters stage, it will be important for the design to take a conservation-led approach to ensure any impact on heritage is minimised. The parameter plans, as currently set out, would not prevent this approach from occurring.
- 9.29. The parameter plans, as submitted, are considered to be appropriate. The heights would not appear overly dominant in the location or detract from the main hangar buildings which are and should be retained as the most prominent features on the site.
- 9.30. The parameters should not be taken as a blueprint for the buildings. Design will be an important consideration at the reserved matters stage; architectural style can affect the feel of a building in terms of its bulk and massing. Therefore, the design, layout and scale will need to be considered as a whole.

Heritage Impact

Legislative and policy context

- 9.31. Paragraph 189 of the NPPF states *'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.
- 9.32. The application site is within the RAF Bicester Conservation Area, and therefore falls into the NPPF definition of a designated heritage asset. There are Scheduled Monuments elsewhere on the RAF Bicester Site and a large proportion of the original buildings (including the hangars) within the technical site are Listed Buildings.
- 9.33. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*.
- 9.34. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.35. Paragraph 197 of the NPPF states *'In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness*
- 9.36. Paragraph 202 of the NPPF states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 9.37. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)*. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

Conservation Area

- 9.38. The significance of this site relates to this being one of the best-preserved examples of an inter-war airfield, developed after the First World War at a time when technological advances in aircraft led to a need for different philosophies in military architecture and urban planning, led by Sir Hugh Trenchard (founder of the RAF).

- 9.39. The Conservation Area Appraisal describes the military base at RAF Bicester as *'the quintessential airfield of its age; almost better than any other site it typifies the public perception of the World War II airfield'*. It goes on to say *'The character of RAF Bicester is unified by its function as a military station. There were principles underpinning the planning of airfields in the first half of the 20th century and these are key determinants of the character that remains today'*. English Heritage (now Historic England) also states that *'RAF Bicester retains, better than any other military airbase in Britain, the layout and fabric relating to pre-1930s military aviation.....With West Raynham in Norfolk it comprises the best-preserved bomber airfield dating from the period up to 1945....it also comprises the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme'*.
- 9.40. The base was designated a Conservation Area in 2002, its primary architectural and social historic interest being its interwar design, layout and use. The nature of the site is defined by the historic landscape character of distinct zones; the domestic site (to the west of Buckingham Road), the technical site and the flying field (to the east of Buckingham Road). The layout of the site is built to a 'trident' pattern – with 3 arms branching out from a central axis creating avenues. The location of buildings was deliberately spacious so that if any buildings were ever bombed other buildings may be preserved. The Conservation Area designation acknowledges the special architectural interest, and as a Conservation Area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the military landscape are preserved.
- 9.41. It is in recognition of the significance of the site in the national context that Policy Bicester 8 of the Cherwell Local Plan requires a 'conservation-led' approach to the development to be taken. Policy ESD15 of the Local Plan also requires developments to conserve, sustain and enhance designated and non-designated heritage assets and their settings.
- 9.42. The proposed site is located on the edge of the airfield (beyond the perimeter track) in the northwest corner of the site. This area was originally part of a network of access roads and 'panhandles' used to store aircraft in a dispersed manner. Originally, the dispersal areas would have extended far beyond the current site. The expansion of Bicester for residential development and the re-alignment of Skimmingdish Lane to the south and the use of the adjacent site as a quarry has dissected the panhandles and significantly reduced the overall size of the airfield.
- 9.43. It should be noted that your officers raised concerns regarding some smaller pavilion buildings that were proposed along the norther edge of the flying field. Although the buildings were small scale, it was considered that conjunction with other development to the north, it would result in a sense of enclosure around the airfield. Without a clear explanation justifying why the buildings were necessary to the development and an explanation why the use couldn't be accommodated elsewhere, they were considered an unnecessary addition. The applicant has agreed to remove this element of the proposal and the plans have been amended to reflect this.
- 9.44. In terms of considering the visual impacts of the proposed development on the character and appearance of the Conservation Area, consideration needs to be given to views of the proposal from within the Conservation Area itself and the impact on current views into the Conservation Area.
- 9.45. Due to the openness of the airfield, there will be clear views of the proposal from within the Conservation Area; these views will be across the airfield and from the technical site. The height parameters have been set to ensure the buildings would not appear overly dominant within the context of the historic buildings on the site, this will ensure

the hangar buildings remain the dominant feature facing on to the flying field. Design of the buildings can be carefully considered to ensure the new buildings are easily read as new additions to the site.

9.46. Historic England have raised an objection to the application and state *'The proposals would cause a significant level of harm to this exceedingly rare and important bomber training airbase and important features of the site are proposed for harmful change. The careful conservation of its many features and structures are required through policy Bicester 8 and the harm posed by the development demands both clear minimisation of harm and strong justification for any harm being caused. Stated aims in the application are for a sustainable future and a unified site together with preservation and enhancement of assets, yet these benefits are ill-defined and there is no clear mechanism for their delivery. We acknowledge and support the excellent, sensitive conservation that has been done at the technical site and hope that a scheme can be reached that achieves a similar level of high-quality conservation for the flying field and other structures at the base'*.

9.47. Historic England state harm would occur in the following ways:

- 1) *The development of the area to the north would remove the overrun area, which was an important safety feature at the base that allowed space for take offs to be aborted or landings to over-run. This area is defined as an integral part of the flying field Conservation Area Appraisal 2008 (Figure 12) and the Bicester Planning Brief 2009 (Fig 2).*
- 2) *The open and unencumbered character of the flying field is a key characteristic defined in the conservation area and building outside the perimeter track would seriously erode that. As well as contribution to the sense that RAF Bicester is a time capsule, that visiting is the closest you can get to experiencing what it was like to be at an airbase during the 30s or the Second World War, this open nature helps explain how the site was used. Heavily laden bombers would need a clear approach to take off and land in, unencumbered by buildings. The isolated nature of the site not only reflected the dangerous nature of flying bombers, which meant that they were best kept way from centres of population, but also reflected the need to place these bases away from towns to make them more difficult for the enemy to find.*
- 3) *Finally, the bombers would taxi to and from the panhandles to the runway on the perimeter track with the wheels on the track and the large wings greatly overhanging this. If the perimeter track is altered by bunds or other upstanding barriers or features its original function becomes much more difficult to understand.*

9.48. Your officers accept that any development on the site, will by its nature change the character of the Conservation Area and is therefore harmful to some extent. However, the designation of a Conservation Area does not serve to prevent any changes within the area but is there to ensure any changes maintain and enhance character and appearance. The principle of change is established by the Local Plan which allocates the whole the flying field and technical site for significant development whilst maintaining and enhancing the Conservation Area's character and appearance. Some small parts of which have subsequently been approved (the hotel and FAST Quarter employment development).

9.49. When considering 'harm' to an historic asset, the NPPF provides different approaches for considering 'substantial harm' and 'less than substantial harm'. On this matter, both Historic England and the Council's Conservation Officer agree that the proposals constitute 'less than substantial harm' and therefore should be considered in accordance with the tests set out in paragraph 202 of the NPPF. They have both

concluded that the ‘heritage’ benefits of the scheme do not in themselves outweigh the harm, which they both consider to be significant (and HE towards the higher end of the scale). However, as conservation specialists it is not within their remit to consider other public benefits that the Local Planning Authority may consider to be a benefit.

9.50. Policy ESD15 of the Cherwell Local Plan 2031 requires development proposals that harm the significance of a heritage asset to meet the tests set out in the NPPF.

9.51. Paragraph 202 of the NPPF states *‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’*.

9.52. In their submission the applicant set out the primary public benefits of the scheme to be economic benefits. The applicant has commissioned an economic impact study, with the executive summary demonstrating that:

- The total economic impact of Bicester Motion is estimated to be over £6.7 million with 126 jobs supported in the UK economy (April 2019 – March 2020) 8
- The direct economic impact exceeds one million pounds (£1,121,593) with 20 jobs supported
- Close to a million pounds (£968,630) was spent on purchasing goods and services of which nearly half was sourced locally within 20 miles
- The economic impact of Bicester Motion’s procurement is approximately £790,189 with 15 jobs supported in the UK economy
- The economic impact of the staff expenditure is estimated to be £471,246 with 8 jobs supported in the UK economy
- It is projected Bicester Motion welcomed over 100,000 visitors and they spend close to £3.75 million. The estimated visitor expenditure generates an economic impact of £4.32 million with 83 jobs supported in the UK economy
- The Experience Quarter is projected to generate the following contributions:
 - The economic impact by the proposed construction expenditure is £44 million with close to 600 jobs supported in the UK economy
 - The economic impact by estimated visitor expenditure is nearly £17 million with 322 jobs supported in the UK economy

9.53. In addition to this, the applicant also suggested the following to be public benefits and heritage benefits of the proposal.

Public Benefits:

- The proposal will contribute to the delivery of the Council’s objectives including sustainable economic growth;
- Contribute to achieving a long-term commercially successful future for the wider site;
- Contribute to repurposing the perimeter track and finding a new and long-term sustainable use for the airfield;
- Deliver substantial economic benefits to the town of Bicester and wider District;
- The proposed development will contribute to the success of Oxfordshire, which is a globally renowned region with a strong and diverse economy. This is demonstrated by the following key economic facts:
 - £22bn GVA is generated by Oxfordshire for the UK economy each year - having grown by 47% (£7.3bn) between 2006 and 2016;
 - Oxford University is ranked 1st in the Times Higher Education global rankings – approximately 14 miles from the site;
 - Oxfordshire is 1 of 3 net contributors to the UK exchequer;
 - 1,500 high-technology firms are located in Oxfordshire;

- Oxfordshire includes one of the largest life sciences clusters in Europe and the highest concentration of science research facilities in western Europe;
- 30 million people visit Oxfordshire each year;
- 40,000 new private sector jobs have been created in the wider LEP area since 2011.
- Bicester itself is well-located to capitalise on Oxfordshire's success and other wider initiatives that will bring economic benefits to the town, including the following:
 - Local infrastructure funding;
 - The Cambridge – Milton Keynes – Oxford corridor and associated projects will increase the GVA of the area from £163bn to £250bn;
 - The Economic Development Strategy for Cherwell recognises that Bicester is provided with the opportunity to become a location for high value and knowledge-based business;
 - East-west rail will provide enhanced public transport connectivity for Bicester;
 - Improvements have been made to rail connectivity and these continue;
- Bicester is identified as an eco-town; and Growth in the housing stock at Bicester and a need to provide highly skilled employment opportunities.
- Provide public access to an otherwise closed and inaccessible site enabling understanding of this historic area;
- Develop an underutilised Previously Developed Site; and
- Deliver heritage benefits (which are public benefits) associated with the proposal.

Heritage benefits:

- Offering new ways of experiencing the airfield and ability for the public to see aviation taking place on the airfield
- Repurposing the historic perimeter track by giving it a new purpose that showcases the relationship between track and buildings on the Technical Site, thereby aiding public understanding of the workings of a wartime airfield;
- Sustaining the physical evidence of the panhandle areas and therefore enhancing understanding of the wider dispersal strategy that characterised later development of the airfield;
- Reinstating an historic dispersal route thereby opening up and enhancing views of the airfield
- Retaining and enhancing the continued use of the grass runways for aviation;
- Creating new views across the flying field, which express its open character and large scale;
- Ensuring the heritage assets are not fragmented any further, focusing on the preservation and enhancement of the historical and visual interdependence;
- Improving public access to the site, both physical and intellectual;
- Preserving the significance of the adjacent listed buildings and scheduled monuments by improving access;
- Providing new opportunities for the interpretation and enhancement of the memories associated with the site;
- Creating new experiences that derive from the site's history of innovation and experiment, with the potential to add new chapters to the history of the place, which in turn will be valued by society; and
- Ensuring that present and future generations can learn from and enjoy this component of our historic environment.

9.54. Whilst it is acknowledged the suggested heritage benefits are not easily measurable (i.e., the direct reinvestment of funds in a specific heritage project), they do demonstrate the scheme is having consideration for the management of the wider site.

- 9.55. It is the Local Planning Authorities role to consider all of the 'public benefits' when applying the test of paragraph 202 of the NPPF not just the heritage benefits and also the need to 'secure the optimum viable use'. The Conservation Area encompasses the technical site and the flying field, both of which are in private ownership and require management to maintain them. This includes the maintenance of buildings and structures; landscape management and management of the active airfield. Therefore, there has to be some acknowledgement that development at the site will contribute to its overall viable use. To date the applicant has a very good track record of maintaining the site to a high standard which itself has a positive impact on the heritage setting.
- 9.56. The proposals will offer significant benefits to the district and the region in terms of tourism and economic growth. The proposal will provide business uses creating jobs and supporting the local economy. It also hopes to attract a significant number of visitors, who will be able to stay overnight once the hotel is constructed and contribute to local economy through increased spending in the areas. The site owners also have a track record of supporting high quality apprenticeship schemes on the existing technical site.
- 9.57. The Council's Economic Growth Officer supports the development in terms of the economic benefits that it could bring to the area. The proposal is expected to generate value in two main areas; construction expenditure (and associated job creation) and visitor expenditure (and associated job creation).
- 9.58. When considering the proposal against the test set out in paragraph 202 of the NPPF, it is considered that the aggregation of the public benefits of the scheme would outweigh the significant 'less than substantial harm' caused by the proposal to the general openness of a part of the airfield heritage asset. The economic and tourism benefits meet with the Council's Strategic Priority as a 'District of opportunity and growth' and the key action to 'increase tourism and increase employment at strategic sites'.
- 9.59. With regards to specific design issues, these will be dealt with during the reserved matters application. However, the architectural style of the buildings can be carefully considered to ensure they are understood as a new yet complementary addition to the site rather than confusing the historic context; in this location the site would be capable of adopting a modern architectural style that takes references from the historic architecture rather than trying to replicate it.

Listed Buildings

- 9.60. The listed buildings on the site are clustered within the technical site, with the majority of the original buildings having a listed status including the hangars that form the 'waterfront' facing onto the airfield.
- 9.61. There will be points where the new buildings could be viewed within the context of the technical site (and the listed buildings) but these would be longer distance views with the approved new hotel in the intervening foreground.
- 9.62. It is considered that with careful design, the proposed buildings could be developed without causing significant harm to the setting of the listed buildings. Any harm would be less than substantial and therefore fall under the test set out in paragraph 202 of the NPPF. As set out when considering impact on the Conservation Area, there are public benefits of the scheme that would outweigh this limited harm.

Archaeology

- 9.63. The County Council Archaeologist has raised an objection to the proposal and has request trial trenching take place before a decision is issued.

- 9.64. The applicant had advised that they did engage with the County Council archaeologist prior to the submission of the application following a desk-based study that was undertaken at the site. They believed that this matter could be dealt with by way of a pre-commencement condition, however, this is not possible. When issuing a decision, the Local Planning Authority need to be assured that the principal of development is acceptable and if any archaeological mitigation is required, we need assurances that can be carried out before a decision is issued.
- 9.65. Due to the nature of the site (a former RAF base) there is the potential for the presence of unexploded ordnance close to the airfield and therefore the work will require the closure of the airfield for the duration. Given the additional cost this will endure to the applicant, they have requested they be allowed to undertake the work post-committee resolution but prior to the issuing of a consent. In the context of the obligation upon the Council as the Local Planning Authority to approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, your officers consider it reasonable to agree this approach. We would retain the ability to return the application to committee should the outcome of the archaeological investigation warrant a change to the recommendation (this has been captured in the formal recommendation).

Conclusion

- 9.66. The proposed addition of new building(s) in the northwest corner of the airfield, the repurposing of the perimeter airfield track and the laying of new tracks are considered to cause less than substantial to the designated heritage assets; these being a range of Listed Buildings and the RAF Bicester Conservation Area. Paragraph 202 of the NPPF requires this harm to be *'weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 9.67. It is acknowledged that high quality, good design will be essential in terms of reducing the level of potential harm and mitigating any impacts. At the reserved matters stage the design will need to be held up to high levels of scrutiny, but officers are convinced that a suitable design option is entirely possible. The site would be capable of accommodating a high quality contemporary development that ensures this phase of development reads as a new addition to the site history. Furthermore, the applicant has demonstrated the ability to deliver high quality design on the existing site.
- 9.68. In conclusion, the public benefits of the scheme are considered to outweigh the 'less than substantial harm' and therefore the test set out in paragraph 202 of the NPPF is met.

Landscape and visual impact

- 9.69. Policy ESD13 of the Cherwell Local Plan 2031 states *'Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.'*

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*
- *Cause undue harm to important natural landscape features and topography*
- *Be inconsistent with local character*
- *Impact on areas judged to have a high level of tranquillity*

- *Harm the setting of settlements, buildings, structures or other landmark features, or*
- *Harm the historic value of the landscape*

- 9.70. The openness of the airfield at Bicester Heritage is one of the distinctive features of the site and significantly contributes to the overall character of the site. Consideration needs to be given to the landscape and visual impact of the proposal both from within the site and the wider area. There are no statutory landscape designations at the site, but careful consideration needs to be given to the character of the Conservation Area and the historic landscape.
- 9.71. The application has been submitted with a Landscape Character and Visual Impact Assessment. The report has resulted from a process of desktop study, site appraisal and analysis (based on current guidelines). The report addresses the landscape and visual impact of the development on the site itself, on the wider setting of the former RAF Bicester, and the wider landscape.
- 9.72. In terms of the openness of the airfield, the site is deliberately chosen as it is set back beyond the perimeter track and the flying field. Given the backdrop of established landscaping, the report concludes *'The openness of the airfield will not be harmed by this development that is located within its own discrete peripheral area, well outside the perimeter track. Neither will the EQ buildings compete in mass or scale with the distinctive large and imposing hanger buildings of the Technical Site or other heritage features that add to the special character and interest of this important historic site'*. It should be noted that impact on the character of the Conservation Area and impact on heritage has been assessed in detail in the section above.
- 9.73. It is considered that the former RAF Bicester Site does have some capacity to absorb some change, this is reflected in its allocation under Policy Bicester 8 of the Cherwell Local Plan. The location of the application site would mean that any development could be clearly read as an addition to the site without overwhelming or detracting from the historic character of the site. The proposed uses and the scale of the buildings proposed, are not considered to be inappropriate.
- 9.74. Policy ESD13 of the Cherwell Local Plan seeks to protect the unique character of landscapes within the district, but it is not intended to prevent change. The proposal would sit within the context of other buildings on the site and appropriate landscaping can be effectively used to mitigate the longer term visual impacts.
- 9.75. The Council's Landscape Officer has reviewed the Landscape and Visual Impact Assessment, providing comments throughout the pre-application process and reviewing the final submission. No objections have been raised in relation to the methodology or the conclusions; comments provided at the pre-application stage have been incorporated within the final submission.
- 9.76. As is being highlighted throughout this report, the importance of design is recognised in the applicant's Landscape and Visual Impact Assessment which states *'there will need to be a strong emphasis on the evolving design on the continued collaboration of landscape, heritage and biodiversity (and other) expertise to ensure that the amenity, heritage and ecological values are maximised and harm to sensitive receptors minimised'*.
- 9.77. Your officers consider that the development can be designed to sit sensitively within its setting and design can be used to mitigate landscape impacts. At the reserved matters stage the applicant will need to supply full design and landscaping details which can be fully considered. The applicant will need to clearly set out the design

approach and demonstrate how the constraints (such as heritage and landscape impact) have been considered during the design process.

Highway safety – connectivity and access

Accessibility

9.78. Initial objections were raised by the Local Highway Authority regarding the accessibility of the site and lack of improvement to Public Rights of Way. The Local Highways Authority commented that:

- The application fails to demonstrate that safe and suitable access will be provided for all users as required under the NPPF.
 - Vehicle tracking is required to demonstrate the safety and suitability of the proposed access arrangements.
 - Further information is required of the nature of the proposed use of the secondary Experience Centre access from Bicester Road to demonstrate the arrangements are suitable.
 - The proposed facilities for pedestrian and cycle access to the Brand Experience Centre are substandard and are lacking entirely for access to the lake
- OCC Public Rights of Way raise an objection on the basis that the proposals do not make provision for improved public rights of way or public access within the site.

9.79. It is important that the site is accessible not only but private motor vehicle, but accessible for pedestrians (with good links to local public transport) and the wider pedestrian/cycle links in Bicester to link it up with residential areas and other leisure-based areas such as Bicester Village and the Town Centre.

9.80. The Bicester Bike User Group (BBUG) submitted detailed representations regarding highway matters and raising concerns/issues with the proposed scheme. The Local Highway Authority was made aware of this representation and asked to consider it as part of any further response they issued.

9.81. Following ongoing discussions and the submission of further information, including a walking and cycling note, the Local Highway Authority have now withdrawn their objection. The Local Highway Authority commented that:

“The EQ development must provide safe and suitable access for all users who will be making use of the development.

Given the likely level of usage, the proposal to provide a direct and continuous internal walking and cycling route to the EQ site from the Hotel access on Buckingham Road, is, while providing no public benefit, acceptable for providing access for the site's visitors. This is provided that a planning condition is applied to any consent detailing the width, availability and lighting standards of the pedestrian and cycle route to ensure that the route is accessible to visitors at all necessary times and is of a suitable standard.

This standard of route would accord to minimum required standards as set out in the LTN 1/20 which specifies that, where usage is below certain thresholds, shared use facilities can be adequate.

Similarly, the proposal to access the lake area of the development through internal routes, which must be available for all users wishing to access that area at all times, is appropriate. Again, provided that there is a suitably worded planning condition applied to any planning permission to secure this provision. See additional public access comments below.

In light of these details, which were not provided with the initial application, I can remove the objection based on pedestrian and cycle access to the site”.

Access

- 9.82. Following the submission of additional information, the Local Highway Authority is satisfied with the access provision provided conditions are included with any approval. They state:

‘A swept path analysis has been submitted which demonstrates that a 12m rigid vehicle would be able to safely enter and exit via the two access junctions. However, it is unclear whether any larger vehicles (e.g. refuse vehicles) could be accommodated these junctions, the vehicle tracking is fairly tight at the primary access junction. The note states that a 12m rigid vehicle is expected to be the largest vehicle required to access the site, so it is assumed that refuse collections from Bicester Motion will be using smaller than average refuse vehicles. A planning condition is requested to ensure that the detailed layout of the primary access junction is agreed prior to commencement of development. The note sets out that the secondary access will be required to accommodate large vehicles and will be the primary access junction for servicing requirements. Reinstatement and upgrades to this junction will be required. A planning condition is recommended to ensure that the detail of the layout and upgrades required are agreed prior to commencement of works on the site’.

- 9.83. The requested conditions have been included within the recommendation.

Public Rights of Way

- 9.84. The County Council have provided the following advice with regards to Public Rights of Way:

‘The note states that it is the intention of Bicester Motion to provide interconnectivity and public access across the site (although it is accepted that there are areas where this will need to be controlled). However, there are still no details of how or where routes will be provided, including how safe access to the lake will be provided for, how these routes are to be secured through planning, nor how the routes will interconnect within the site and to existing Public Rights of Way.

There have been a number of outline applications submitted recently across the Bicester Motion site and none of these have provided any indication of how public access within and between the various sites is to be provided, managed or maintained. The EQ development site covers the largest area of any outline application submitted thus far on the Bicester Motion site and also includes areas where public access would be expected to be provided for (particularly including the lake area).

I recommend that a planning condition is applied to any planning permission which requires the submission of details of public access routes through the EQ site, including connections with existing Public Rights of Way and safe public access to the lake area of the development’.

- 9.85. The wider Bicester Motion site offers lots of potential for improved public access and interconnectivity across the site. However, it must also be noted that the flying field is an active airfield (where health and safety issues will be a priority) and other parts of the site contain high value businesses where security is important. Therefore, when improving public access to and across the site, this will need to be balanced with the owners need for security and the requirement to ensure any access/routes are safe for all users. The recommended condition has been included to enable this matter to be pursued in more detail and considered with the submission of reserved matters.

Ecology Impact

Legislative context

- 9.86. 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.
- 9.87. 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.
- 9.88. 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.
- 9.89. 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.
- 9.90. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.91. Paragraph 174 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.

- 9.92. Paragraph 180 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.
- 9.93. Paragraph 185 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.
- 9.94. 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.
- 9.95. 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.
- 9.96. Policy Bicester 8 states “*The biodiversity of the site should be protected and enhanced and habitats and species surveys (including a Great Crested Newt survey) should be undertaken*”.
- 9.97. 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.
- 9.98. 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

- 9.99. 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')

9.100. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is within a Local Wildlife Site and there are a number of mature trees/hedgerows within and adjacent the site, and therefore the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.101. 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.

9.102. 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.

9.103. The submitted ecological report concludes that *'the ecological survey work undertaken at the Site has informed emerging masterplan proposals for the wider site, as well as the Experience Quarter Site. Appropriate principles and measures have been identified to avoid impacts where possible, and otherwise to guide appropriate mitigation and enhancement opportunities which may be implemented at a detailed stage of planning. As such, it is considered that the emerging Experience Quarter proposals may offer long term enhancements for biodiversity over the existing situation'*.

9.104. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue 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.

Assessment – Impact on Biodiversity

9.105. Policy ESD 10 of the Cherwell Local Plan seeks to protect and enhance the natural environment by a number of measures. One requirement is *'in considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources'*.

9.106. There has been disagreement between the applicant and consultees regarding the use of the Warwickshire Biodiversity Calculator which is a tool used for assessing biodiversity net gain. Recent guidance released by DEFRA does now recommend the use of the Defra 3.0 metric, however, the Bicester Motion site has a long history and pre-applications discussions regarding ecology pre-date the latest advice.

9.107. The Warwickshire Metric has been consistently used to assess previous applications on the site (Hotel, New technical site and Innovation Quarter site) as well as to provide a wider site overview. The continued use of the Warwickshire metric for

this application is supported by the Council's Ecology officer as it provides continuity with the other applications and will not undermine the assessment of ecological impact at this stage.

- 9.108. The Council's Ecology officer is satisfied that the required 10% net biodiversity gain can be achieved on the site. The applicant owns a large proportion of the land surrounding the application site and this offers opportunity for a range of biodiversity enhancements.

Assessment – Impact on Local Wildlife Site

- 9.109. The submitted Ecology Note (Dec 2021) brings together information previously submitted within the application and adds some additional context to the proposals. With regards to impact on the Local Wildlife Site (LWS) the proposal would result in the loss of some Calcareous Grassland which forms part of the LWS. This is due to the location of the proposed development in the area beyond the perimeter track of the airfield.
- 9.110. As part of the application, the Local Planning Authority has to consider all of the material planning considerations when determining the application. From a purely ecological perspective, the perimeter area of the airfield would not be the optimum location for development, however, siting the development in less ecological sensitive area such as the centre of the airfield would cause concerns with regard to impact on heritage and aviation. The built elements of the Experience Quarter proposals would be limited to only a small part at the western end of the airfield, opposite the Caversfield residential area and alongside the approved hotel site.
- 9.111. The proposals put forward in this application seek to compensate for the loss of the calcareous grassland and impact on the LWS through suitable ecological mitigation. These proposals have been scrutinised by the Council's Ecology Officer who is satisfied that appropriate mitigation can be achieved on the site. Therefore, it is accepted the proposed development can be situated in the location proposed.

Conclusion

- 9.112. In short, the Council's Ecologist accepts the position that the proposal would not result in a loss of biodiversity overall. The Council aims to seek a net gain of 10% of the original biodiversity value and it is accepted that the information submitted by the applicant demonstrates the ability to achieve this.

Residential Amenity

- 9.113. Paragraph 130 of the National Planning Policy Framework 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 ESD 15 of the Cherwell Local Plan 2031, which states that '*new development proposals should: consider the amenity of both existing and future development, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space*'.
- 9.114. The application site is situated in the northeast corner of the flying field but includes the re-purposing of the perimeter track and the installation of additional tracks across the flying field. The proposed nature of the development means that these will be utilised for the driving of vehicles for demonstration purposes or specially designed driver experiences.
- 9.115. There are residential properties to the east of Buckingham Road and south of Skimmingdish Lane, with the village of Stratton Audley to the northwest of the site. Potential impact upon these residential properties needs to be carefully considered.

9.116. It is noted that a significant number of objections with the majority received from addresses within the residential areas close to the site. With regards to points relating to amenity, the objections focus on the following key points:

- Existing noise from vehicles using the site
- Existing noise from aviation use of the flying field
- Noise from the proposed use of the tracks
- Disturbance during construction works

9.117. With regards to noise from aviation uses at the site, the site is an historic airfield which is still in active use. It is acknowledged that since the gliding club chose to vacate the site, the type of aircraft has changed. However, use and management of the airfield for aviation purposes is outside of the control of the Local Planning Authority, as such the LPA cannot restrict the level of use or type of aircraft that utilise the airfield.

9.118. The proposal will include the re-purposing of the perimeter track and the introduction of new vehicle tracks. The submitted noise report does indicate that for the older, noisier vehicles there would be a low to moderate impact on the nearby residential properties. The Council's Environmental Protection officer has advised that with correct mitigation this could be reduced to a low impact as defined by the National Planning Policy Framework.

9.119. Furthermore, the Council's Environmental Protection officer has advised that the correct management of this scheme has the potential to improve the current situation which is unregulated. A comprehensive noise management plan will be required to be agreed as a condition. The plan should consider the number of days of activity, hours of use, absolute noise limits (and processes for responding to this) and communications with the local community. The condition will also require a review mechanism to be built in to ensure the noise management plan can be adapted if issues arise once in operation.

9.120. In addition to a noise management plan, the applicants are proposing the use of a noise monitoring system (SPL Track Driver by System). A condition is recommended prohibiting the use of the tracks without this system being in place and operational. Should an alternative supplier be used, it will require agreement in writing from the LPA prior to installation and use of the tracks to ensure a system of an equivalent standard is installed.

9.121. The Council's Environmental Protection Officer is satisfied that the proposed measured will be sufficient to manage the noise levels at the site and this should not have a detrimental impact on residential amenity.

9.122. Some objections have raised concerns regarding the noise data used in the impact assessment, however, officers must be guided by the advice received from relevant consultees on this matter. Given the advice of the Council's EPO, your officers considered it would be difficult to sustain a reason for refusal at appeal based on potential noise impacts.

9.123. The submission of a Construction Environment Management Plan (CEMP) will be required. This document should detail working hours etc. to minimise disruption during construction.

Impact on aviation

9.124. The wider Bicester Motion site includes the flying field which is an active airfield which is operated by the Bicester Aerodrome Company. The site was previously operated by a local gliding club who have now vacated the site. Although the decision

of the gliding club to vacate the site is disappointing, the management and operation of the airfield is outside of the control of the Local Planning Authority.

- 9.125. Policy Bicester 8 of the Cherwell Local Plan 2031 supports the continuation of gliding use (this was the predominant aviation activity on the site at the time the local plan was produced). As such, officers support proposals that would allow for the continuation of general aviation use at the site because this will retain the active airfield which reflects the history of the site.
- 9.126. At the pre-application stage, the Local Planning Authority commissioned an independent aviation specialist to consider the impact of the proposed experience quarter. The location, proposed height and developable areas identified have not changed from that proposed at the pre-application stage, therefore the report is still considered to be relevant and reliable.
- 9.127. The advice received suggests that with appropriate footprints that avoid areas along the flight paths, the buildings should be able to sit comfortably alongside without compromising the safe or efficient operation of the airfield in accordance with the proposed amended runway layout. The proposals show a gap to the side of the proposed experience quarter building(s) which would provide a safe runoff area should aircraft be required to abort a take-off. In combination with the slight realignment of the runways, this should provide adequately for the safety and efficiency of aviation operations at the site.
- 9.128. At the reserved matters stage, the applicant will need to demonstrate that the design of the building(s) has taken account of aviation safety criteria and will not impede on the safe use of the flying field. Your officers are satisfied that the indicative layout demonstrates the ability for the building(s) to be located in such a manner that a conflict with aviation activity can be avoided, therefore allowing for a continuation of aviation at the site.

Flood risk and drainage

- 9.129. The application site is located within Flood Zone 1 which means it is at low risk of flooding from fluvial, tidal or groundwater flood events. However, Policy Bicester 8 requires development proposals to consider the Council's Strategic Flood Risk Assessment and as the proposal is a major development, the application has been supported by a Flood Risk Assessment. A flood risk and drainage assessment report has been submitted with the application.
- 9.130. In terms of surface water runoff, the report concludes this *'should be managed using Sustainable Urban Drainage Systems (SuDS) as these will not only manage surface water run-off, but also offer benefits in pollution prevention creating and sustaining better places for people and nature. SuDS systems identified to manage the surface water run-off from the Bicester Motion development have been detailed on the outline drainage strategy drawing provided in Appendix D. The local geology (cornbrash formation) suggests there is a high potential for infiltration which greatly benefits use of the SuDS systems. Infiltration testing undertaken as part of the site investigation for Command Works identified that soakage systems are a suitable means of surface water disposal, subject to groundwater levels. Infiltration testing, groundwater monitoring and contamination testing are required to validate the feasibility of using infiltration techniques'*.
- 9.131. Oxfordshire County Council as the Local Lead Flood Authority have assessed the information and initially raised an objection on the basis that insufficient data has been submitted to support the conclusions reached in the report. The objection related to

purely technical matters that were subsequently overcome and the objection was withdrawn, rather than an in principal objection to development on the site.

- 9.132. The applicant is currently working to resolve the matter with the LLFA and anticipate this will be concluded prior to the committee meeting. Members will be provided with an update at committee.

Environmental impacts

- 9.133. The proposals have been submitted with a Phase 1 Land Contamination and ground Condition Report which concludes that the application site is of low risk from contaminants, and it is unlikely that ground conditions or potential pollutant sources would have any significant impact on industrial or commercial development and the associated receptors identified.
- 9.134. The Council's Environmental Protection Officer has confirmed that he is satisfied with the findings of the Phase 1 report and its recommendations that the majority of the site is safe for this type of development.
- 9.135. Recommendations relating to the need for a Phase 2 study relating to the quarry site are beyond the remit of this application; the quarry site has been removed from the application and is now outside of the application site area.
- 9.136. Conditions have been recommended to ensure that any mitigation and recommendations associated with the application site are carried out and to ensure that any unsuspected contamination found during construction is dealt with appropriately.
- 9.137. With regard to air quality, it should be noted that the Council's Environmental Protection officers have requested conditions requiring an air quality impact assessment and, if necessary, a mitigation strategy. Although these types of conditions have not been applied on other recently permitted developments at the Bicester Motion site, I do consider this to be appropriate given the nature of the proposal and the associated motor vehicle use within the site.

Energy efficiency

- 9.138. Policies ESD1-5 of the Cherwell Local Plan 2031 require development proposals to mitigate the impacts of climate change by providing a reduction in carbon emissions through sustainable construction by using decentralised energy systems and renewable energy.
- 9.139. An energy and design strategy has been submitted with the application. The strategy concludes *that 'to adhere to the overarching energy efficient and sustainable objectives of this development, this report has highlighted a series of design considerations to minimise energy use and carbon emissions on site'*. It focuses on three points:
- Lean: A minimisation of energy loss through the buildings design
 - Clean: Consideration of a district heating system to serve the proposed building(s)
 - Green: A low carbon feasibility study has highlighted appropriate technologies that can be considered for the experience quarter based on estimated energy use.
- 9.140. As the application is submitted in outline with all matters reserved except for access, and given the heritage constraints of the site, it is acceptable for the final specifications to be dealt with at the reserved matters stage when full design details are considered.

- 9.141. It should be noted that, whilst it is clearly important to ensure compliance with Policies ESD1-5, the energy proposals will need to be balanced against the heritage context of the development to ensure that all proposals are appropriate to its surroundings and will not adversely impact on the heritage assets. As noted above, the site is sensitive in heritage terms and design will play a key role in ensuring the buildings are appropriate for the setting, therefore any energy proposals that impact on the external appearance of the buildings will need to be carefully considered.
- 9.142. It is positive to see that the applicant is committed to the consideration of energy efficient design and technology sufficient to meet the required BREEAM 'Very Good' standard, enabling this to be considered as part of the overall evolution of the design of the building, should they be approved.

Planning Obligations

- 9.143. OCC Highways have requested the following Section 106 contributions on the grounds they are necessary to fund improvements to the local transport network, to mitigate the traffic and transport impacts of the development:
- Highway works 1 (Upgrade to the B4100 Banbury Road / A4095 Southwold Lane / A4095 Lords Lane roundabout junction) – TBC
 - Highway works 2 – (Improved connections between the site, Bicester's train stations and the town centre) - £386,098
 - Strategic Transport Contribution – (Dualling of eastern perimeter route, Skimmingdish Lane section) - £283,201
 - Public Transport services – (Bus failure payment) - £900,000
 - Traffic Regulation Order (if not dealt with under S278/S38 agreement) - £6,380
 - Travel Plan Monitoring Fee - £2,379
 - An obligation to enter into a Section 278 agreement
- 9.144. The applicant has submitted a detailed legal note disputing the public transport contribution that has been sought. They argue that the requested contribution for the bus route is not a material consideration. However, if it is a material consideration, it fails to meet the requirements of Regulation 122.
- 9.145. The County Council has also set out a detailed justification for this request and of the calculation used to determine the financial contribution. OCC considers that all of these contributions are required in order to make the development acceptable in planning terms and that they are all justified and compliant with CIL Regulation 122.
- 9.146. The County Council's argument in terms of the need to ensure continued, reliable and accessible public transport provision for the development is considered to be sound. However, the request focusses on the maintenance of a specific bus route, which albeit at the moment is the best option to access the site, rather than a general need for public transport provision at the site.
- 9.147. The contribution sought would only be payable in the event that the current public transport provision (currently the X5 service) ceases to be viable due to expectation that service users will opt to use East West Rail (EWR) as their preferred transportation. If this occurs, EWR will provide a viable route for the public to easily access Bicester from Milton Keynes/Bedford and therefore, the missing link would be the Bicester Town Centre to site part of the route.
- 9.148. Therefore, your officers consider that whilst a public transport bond or contribution may be justified, it should be calculated on the potential provision of a local service rather than being directly linked to the X5 bus service. As this matter will be dealt with as part of the Section 106 agreement, officers are confident that this issue could be

resolved post-committee between the two parties. If a resolution cannot be agreed, the application could be returned to committee.

- 9.149. A contribution for the s106 monitoring of the site to ensure compliance is also required.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Achieving sustainable development comprises of three objectives; an economic objective, a social objective and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.
- 10.2. The application proposes the provision of additional commercial and tourism development that will support the local economy and create additional jobs, providing an economic benefit thereby meeting the economic objective. It is anticipated that the development will create a well-designed and safe place for employees and visitors, allowing some access to this part of the historic site and the scheduled monuments. The creation of employment development contributes to creating vibrant communities thereby meeting the social objective. The buildings can be designed to ensure they meet the required energy efficiency standard. The proposal would respect the historic and natural environmental context of the site, providing mitigation and enhancement where required thereby meeting the environmental objective. Therefore, the development is considered to constitute 'sustainable development'.
- 10.3. Whilst it is acknowledged that the proposal is considered to cause less than substantial harm to the heritage assets at the site, this is considered to be outweighed by the public benefits derived from the proposal in terms of finding an economically viable use for this part of the site, providing many economic benefits to Bicester and allowing access to the site to enable the historic nature to be better appreciated.
- 10.4. The application site is an allocated site under Policy Bicester 8 of the Cherwell Local Plan. The proposal, including the uses applied for, complies with the details of the allocation.
- 10.5. As set out in the assessment above, the proposal is not considered to cause harm to residential amenity, highway safety (subject to infrastructure works and financial contributions), the wider landscape setting of the site, ecology, or contaminated land.
- 10.6. The proposal is therefore considered to comply with the relevant policies of the Development Plan set out in the report, specifically Policy Bicester 8 and the National Planning Policy Framework, and permission should be granted.

11. RECOMMENDATION

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

- (i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY);**
- (ii) THE COMPLETION OF ARCHAEOLOGICAL TRIAL TRENCHING AND RECORDING,**
- (iii) PUBLIC TRANSPORT MATTERS (INCLUDING ENSURING REQUIRED CONNECTIVITY OF SERVICES); AND**
- (iv) 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):**

- Highway works 1 (Upgrade to the B4100 Banbury Road / A4095 Southwold Lane / A4095 Lords Lane roundabout junction) – TBC
- Highway works 2 – (Improved connections between the site, Bicester's train stations and the town centre) - £386,098
- Strategic Transport Contribution – (Dualling of eastern perimeter route, Skimmingdish Lane section) - £283,201
- Public Transport services – (Bus failure payment) – TBC (following further negotiations)
- Traffic Regulation Order (if not dealt with under S278/S38 agreement) - £6,380
- Travel Plan Monitoring Fee - £2,379
- CDC S106 monitoring fee - £1,000

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31/01/2022. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate highway mitigation works required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, contrary to Government Guidance contained within the National Planning Policy Framework.

CONDITIONS

Time Limit and Plans

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

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

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

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

3. 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:

Plans

- 5002854-RDG-Z01-ST-PL-A-0010 Rev D – Site Location Plan
- 5002854-RDG-Z01-ST-PL-A-0015 – Topographical Survey 1
- 5002854-RDG-Z01-ST-PL-A-0016 – Topographical Survey 2
- 5002854-RDG-Z01-ST-PL-A-0030 Rev N – Indicative Layout Plan
- 5002854-RDG-Z01-ST-PL-A-0011 – Experience Quarter Site Area
- 5002854-RDG-Z01-ST-PL-A-0092 Rev L – Parameters Plan – Proposed Developable Area
- 5002854-RDG-Z01-ST-PL-A-0090 Rev J – Parameters Plan – Proposed Land Use
- 5002854-RDG-Z01-ST-PL-A-0098 Rev D – Parameters Plan – Access & Movement Plan
- 5002854-RDG-Z01-ST-PL-A-0094 Rev K – Parameters Plan – Existing/Proposed Heights

Documents

- Updated Planning Statement – Edgars – April 2021
- Heritage Report – Worlledge Associates – December 2020
- Archaeological Desk-Based Assessment – Oxford Archaeology – September 2018
- Contamination & Ground Condition Report – Crestwood Environmental – 3 July 2018
- Aviation Impact Assessment – Air Motive – December 2020
- Transport Statement – Mode Transport Planning – December 2020
- Framework Travel Plan – Mode Transport Planning – December 2020
- Arboricultural Implications Assessment – Higginson Associates – February 2019
- Flood Risk & Drainage Assessment – Ridge – 3 December 2021
- Ecological Assessment Part 1 – Ecology Solutions – December 2020
- Energy & Sustainability Design Strategy – Ridge – 18 December 2020
- Landscape & Visual Impact Assessment – ASA Landscape Architects – 17 December 2020
- Noise Impact Assessment – SPL Track Environmental – 26 March 2021
- Design & Access Statement – Ridge / Edgars
- Design Code – Ridge – 15 December 2020
- Design Strategy Report – Driven International – 26 November 2020
- Walking & Cycling Technical Report – Mode Transport Planning – 3 September 2021
- Public Transport Contributions Technical Note – Mode Transport Planning – 3 September 2021
- Biodiversity Impact Assessment Calculator Update – Ecology Solutions – November 2021
- Biodiversity Metric Calculator – Experience Quarter – Ecology Solutions – November 2021
- Biodiversity Metric Calculator – Experience Quarter & Innovation Quarter – Ecology Solutions – November 2021
- Ecology Note – Ecology Solutions – December 2021

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.

Design

4. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. A Signage Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external signage (either free-standing or on buildings). The signage shall be installed in accordance with the approved scheme thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area and to comply with Policy ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

6. Full details of the refuse/recycling bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. Thereafter and prior to the first occupation of the development, the refuse/recycling bin storage area(s) shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse/recycling bins.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

Landscaping

7. A schedule of landscape maintenance for a minimum period of 10 years starting from first occupation or completion of the development (whichever is sooner) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Thereafter the approved landscaping shall be maintained in accordance with the approved schedule.

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.

Highways

8. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:
- 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.
 - Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
 - 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.

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

9. Prior to the commencement of the development hereby approved, full details of the primary means of access from Buckingham Road between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interest of highway safety and in accordance with Government

guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full details of the secondary 'emergency and servicing' access from Bicester Road between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Any fencing, gates or barriers must be sufficiently set back from the carriageway to ensure that the largest vehicles anticipated to require access can wait for the gates or barriers to open without obstructing the highway. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interest of highway safety and in accordance with Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning areas which shall be provided within the curtilage of the site so that motor vehicles, including HGVs, refuse vehicles and fire tenders may enter, can turn and leave the site in a forward direction, 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 always be retained for the manoeuvring of motor vehicles thereafter.

Reason: In the interest of highway safety and in accordance with Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for an agreed number of spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. The number of spaces to be provide shall be based on an indicative breakdown of the GFA between the proposed land uses and in line with the County Council's car parking standards. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interest of highway safety and in accordance with Government guidance contained 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 details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

14. Notwithstanding the framework travel plan with the application, prior to the first use or occupation of any element of the development hereby permitted a revised framework travel plan shall be submitted to, and be approved in writing by the Local Planning Authority. The provisions of the framework travel plan shall thereafter be implemented and maintained in accordance with approved details unless and until any variations are approved.

Reason: In the interests of sustainability and to ensure a satisfactory form of

development, in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, details of public access routes within and across the development site must be provided to and agreed in writing by the Local Planning Authority. Details must include how public access is to be managed, the routing of paths, connections with existing Public Rights of Way at the north and northwestern edges of the site and safe public access between the Buckingham Road and lakeside area of the development site.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework. To provide safe and suitable access to all users.

16. Prior to the commencement of the development hereby approved, details, including the routing, layout, width, surfacing and lighting of a direct and continuous pedestrian and cycle access route between the Hotel access junction on the Buckingham Road and the development site shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework. To provide safe and suitable access to all users.

Drainage

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

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in 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.

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

- a) As built plans in both .pdf and .shp file format;
- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Contaminated Land

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Ecology

20. No development shall take place until a Landscape and Ecology Management Plan (LEMP) including a timetable for its implementation 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 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.

21. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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

development as it is fundamental to the acceptability of the scheme.

22. 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 July 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.

Noise

23. Prior to the first use of any building hereby permitted, all mechanical plant or machinery to be installed within the relevant building shall be identified and assessed in accordance with BS4142:2014 and the report, along with any mitigation or acoustic enclosure required, submitted to and approved in writing by the Local Planning Authority. Where the approved assessment identifies the need for any mitigation or acoustic enclosure, these measures shall be put in place prior to the first occupation of any building.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.

Noise monitoring/management plan

24. Precise wording to follow

A noise management plan should be agreed with LPA prior to the first use of the development and this should be such that it can be continually reviewed and updated with Environmental Health Officers as the need arises. The plan should include (but not be limited to) such matters as numbers of days allowed for noisier vehicles use, hours of use, absolute noise limits set, actions taken when these are exceeded and communication with the local community.

SPL Track Drive By System

25. Precise wording to follow

No use of the track will be allowed without the SPL Track Drive By System being in place. Should there be a need/wish to change supplier then any new monitoring system should be agreed with the LPA prior to its installation.

Construction Environment Management Plan (CEMP)

26. 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.

Reason: Wording to be added

Air Quality

27. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment should include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: Wording to be added

Electric Vehicle Charging

28. Prior to the commencement of the development of any phase, full details of Electric Vehicle Charging (EVC) points and EVC infrastructure to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging (EVC) points and EVC infrastructure shall be installed and operational prior to the first use or occupation of any building within that phase of the development hereby permitted and retained thereafter.

Reason: To ensure energy and resource efficiency practices are incorporated into the development and sustainable modes of transport encouraged in accordance with Policies SLE4 and 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.

Lighting

29. Details of all external lighting including the design, position, orientation, illumination and its intensity together with 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, operated and retained in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area, to accord with the findings of the ecological survey and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

BREEAM

30. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' standard.

Reason: To ensure sustainable construction, reduce carbon emissions and 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 and to accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.

Use

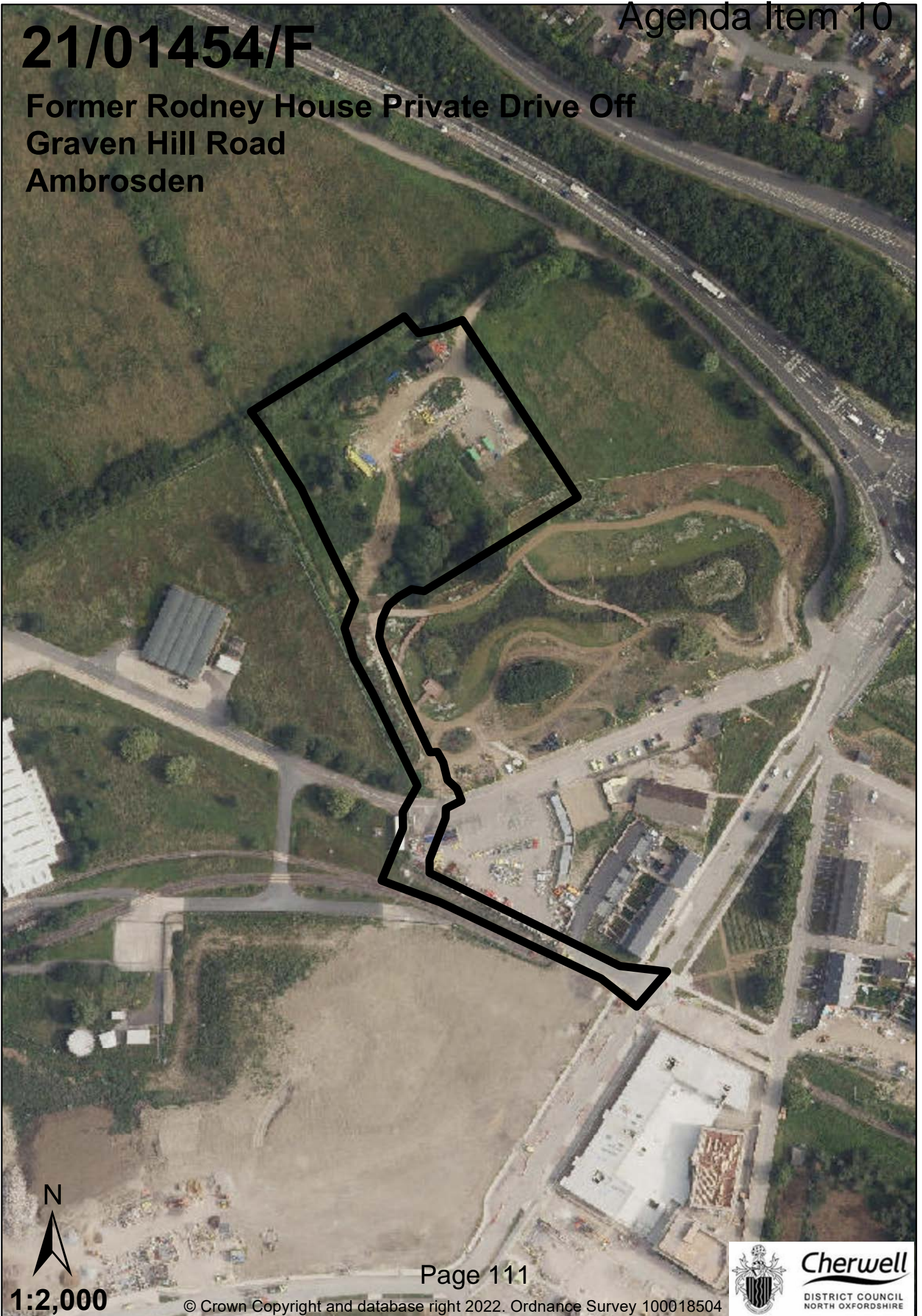
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and subsequent amendments, the buildings hereby approved shall be used only for purposes falling within Class B1 (c), B2, B8 and/or D1 as specified in the Schedule to the Town and 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: In accordance with Policy Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

21/01454/F

**Former Rodney House Private Drive Off
Graven Hill Road
Ambrosden**

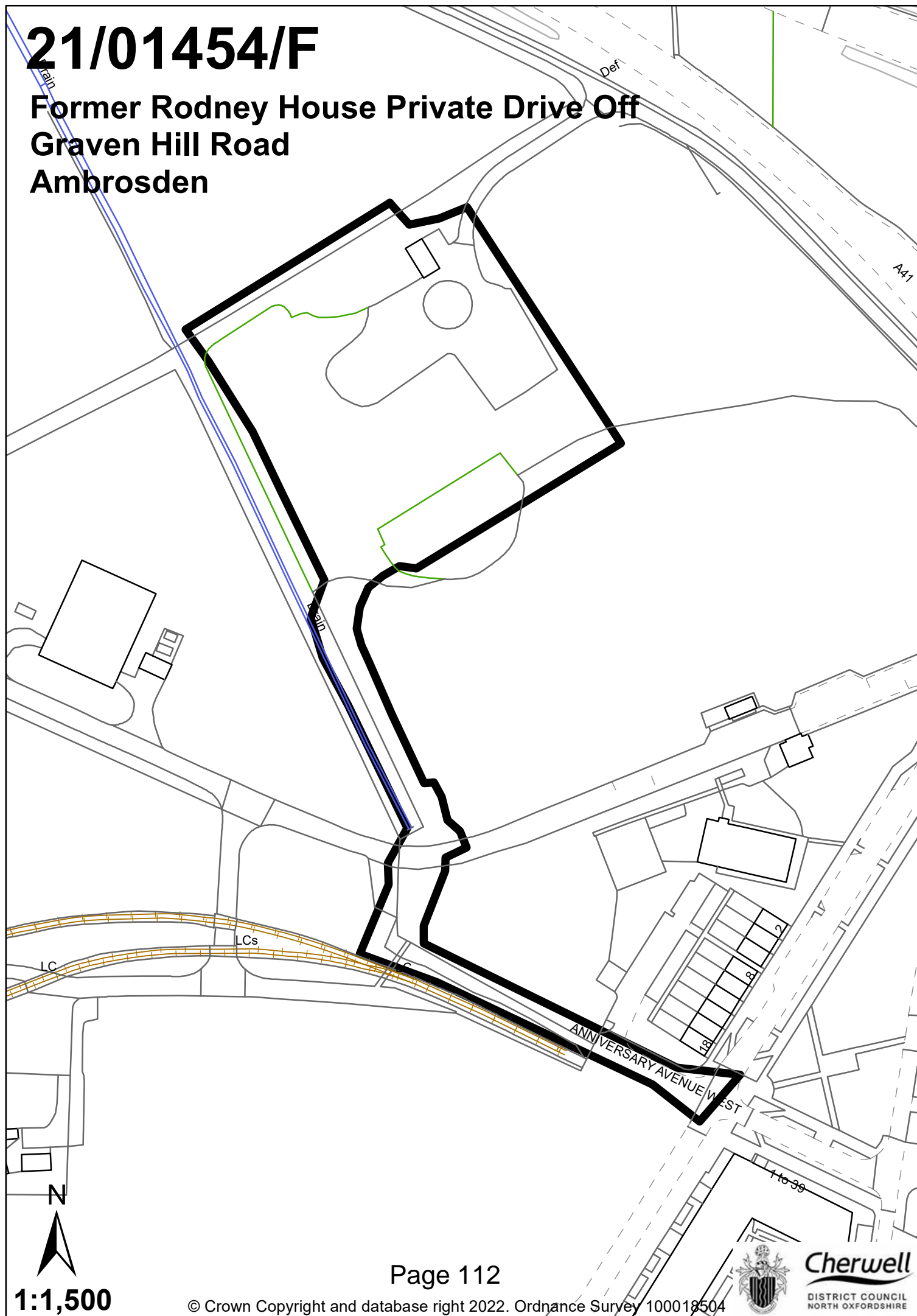


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21/01454/F

Former Rodney House Private Drive Off
Graven Hill Road
Ambrosden

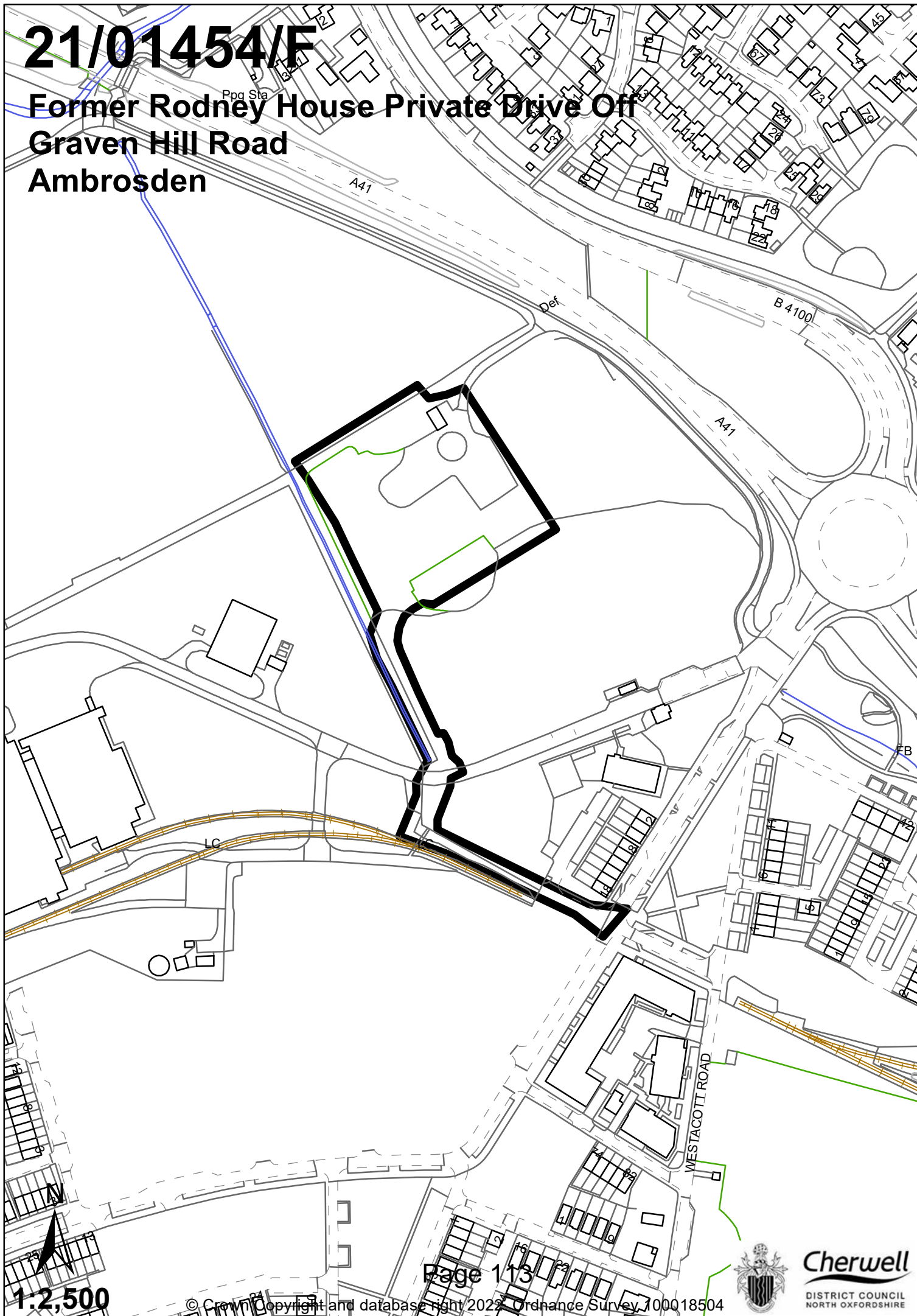


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21/01454/F

Former Rodney House Private Drive Off
Graven Hill Road
Ambrosden



Case Officer: David Lowin

Applicant: Mr Richard Drew

Proposal: Proposed Bicester Health and Wellbeing Hub

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Sames, and Councillor Wing

Reason for Referral: Major development/Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 31 January 2022

Committee Date: 13 January 2022

SUMMARY OF RECOMMENDATION: DELEGATED AUTHORITY TO GRANT PERMISSION SUBJECT TO: RE-CONSULTATION ON AN AMENDED REDLINE BOUNDARY PLAN; CONDITIONS; A S106 DEED OF VARIATION TO THE EXTANT S106 TO ADDRESS THE OFF-SITE (BUT STILL WITHIN GRAVEN HILL); BIODIVERSITY MITIGATION; AND A NEW S106 LEGAL AGREEMENT TO PROVIDE AN INCREASED PUBLIC TRANSPORT CONTRIBUTION FOR THE ADDITIONAL PUBLIC TRANSPORT MOVEMENTS TO GRAVEN HILL GENERATED BY THE DEVELOPMENT HEREBY RECOMMENDED FOR APPROVAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site lies within part of the Bicester 2 Policy area (which is a residential-led mixed-use scheme including 2,100 dwellings) and comprises a site of approximately 1 hectare. Graven Hill Village is located just south of central Bicester and is currently being developed as a mixed-use site of 241ha comprising 1,900 self-build and contract-build homes, with 26ha for employment uses, a school, community centre, local retail hub and associated facilities.
- 1.2. The application site is currently vacant and located at the northern edge of Graven Hill Village, close to the main entrance junction off the A41 Bicester to Aylesbury road. A Masterplan and Design Code were produced by the overall developer of the strategic allocation, which is the Graven Hill Village Development Company, in 2015 and have been amended since, which are material considerations. The site for this application is located within part of an area identified as "Gateway Park" in the Masterplan, with the area identified as a large wetland habitat.
- 1.3. Originally, former MOD buildings on the site were included within both the application site and adjoining land, but these have now been demolished, including most recently the former boiler house. In addition, as part of the application, two other areas are edged in red adjoining the lower slopes of Graven Hill that are currently open space and will remain so within the Master Plan. Those areas are destined to be improved under this applicant's proposals to mitigate and improve the effect of utilising the health hub site by providing biodiversity net gain elsewhere but nearby on the Graven Hill site.

- 1.4. Topographically, the application site is broadly level with only slight changes in level across the site leading down towards the neighbouring wetland habitat area with its man-made open drainage attenuation pond.
- 1.5. A vehicular access point into the site exists from the north via a single lane track parallel to the A41, which is intended to be maintained and used for construction purposes. There is a separate planning consent submitted by Graven Hill Development Company for the proposed new highway access road to serve the new health & wellbeing hub including a proposed new highway junction to the spine road serving the western part of the overall site. This consent is referenced in the relevant planning history section of this report, planning application 21/00585/REM refers.
- 1.6. The site contains several mature trees, and the applicant has submitted an arboriculture report, which the Councils arboriculture officer has commented upon as set out below. An existing large mature hedgerow is located to the north, running in a west to east direction, which is to be retained and protected.
- 1.7. The proposed building will generally be 3-storeys in height, with a flat roof and parapet. The overall scale and massing would be minimised by sub-dividing the elevations with vertical recesses and changes in materials. The top storey would also be set back from the two-storey element to reduce the overall scale and height, also expressed with a change in materials.
- 1.8. In response to the site location and associated Graven Hill Design Code the proposals comprise:
 - Robust, low maintenance and simple detailing to respect and convey similar qualities to that of the former military architecture associated with Graven Hill;
 - An understated and restrained palette of materials to appear discrete in its rural, natural surroundings and also minimise visual impact upon nearby residential areas, comprising natural stonework, stretcher bond facing brickwork, vertical timber louvres and powder coated aluminium windows, curtain walling and canopy;
 - Respect the character of Gateway Park / Sports amenity area;
 - Facing material predominantly heavy textured masonry brick in light blend of white, blueish grey and pale oolitic limestone colours;
 - Solid two-storey elevations, split into quarters, with a lightweight third floor and a contrasting openness to inner courtyard elevations;
 - Vertically express the entrances, stairs, waiting and sub waiting spaces, and mark the horizontal storey heights and roof parapets with smooth contrasting string courses; and
 - Recessed tall window openings with fixed over-panel and inward opening side lights with louvres for natural ventilation.

2. CONSTRAINTS

- 2.1. The application site is within the Bicester Policy 2 site and is allocated as a major mixed-use development site comprising in total some 241ha of land. The site is also subject to the adopted Master Plan and Design Code for Graven Hill.
- 2.2. Policy Bicester 2, as set out when adopted in 2015, anticipated no on-site requirements for healthcare provision.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes a building of 3,350m² for a new-build primary care, integrated health and wellbeing hub comprising a 2 and partially 3-storey building including pharmacy retail space, plus a new highway access road, cycle access, 223 spaces for car parking, ambulance bay, service bay, mobile medical unit bay, electricity sub-station, waste/recycling store, cycle stores & landscaping.
- 3.2. The hub is designed to facilitate relocation of 4 existing GP surgery premises in the town within a single integrated health facility, including a pharmacy. The application site is located at Graven Hill, Bicester, which is a strategic site allocation in the adopted Development Plan, The Cherwell Local Plan 2011-2031, allocates a mixed-use development including 2,100 houses, employment and associated community and transport services and facilities.
- 3.3. *Timescales for Delivery:* The applicant/agent has advised that, if planning permission is granted, they anticipate development commencing in 2022 and the facility opening by early 2023.

4. RELEVANT PLANNING HISTORY

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

21/00585/REM

Sites B, C, D and E MOD Bicester, reserved matters application to 19/00937/OUT - Proposed details of Western access road.
Approved 30/9/21.

19/00937/OUT

Variation of Conditions 2 (plans), 28 (Phasing) and 29 (Masterplan and Design Code) of 18/00325/OUT - to amend the site wide phasing plan and to include proposed earlier phasing for the employment land. (Original outline reference 11/01494/OUT, amended by 15/02159/OUT.
Approved 03/01/2020.

16/01802/OUT

Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1,900 homes; local centre to include a 2-form entry primary school (class D1); a community hall of 660m²; five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1,358m²; up to 1,000m² gross A1 uses; a pub/restaurant/hotel (class A4/A3/C1) up to 1,000m² and parking areas; employment floor space comprising up to B1(a) 2,160m², B1(b) 2,400m², B1(c) and B2 20,520m² and B8 uses up to 66,960m²; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure; erection of a 70,400m² fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas)
Application approved.

N.B. The above application 19/00037/OUT is the most up to date outline planning consent issued for the wider Graven Hill site and includes the site set out in this report, and 21/00585/REM provides the access details for this submitted application including the Western Spine Road and the access spur to the boundary of the submitted Health Care Hub.

PRE-APPLICATION DISCUSSIONS

- 4.2 Pre-application discussions have taken place regarding this proposal, Reference 19/02788/PREAPP refers.
- 4.3 The result of that Pre application was as follows:
- The proposal is on land that currently contributes to the provision of public open space to serve the development, and health care provision is not required on the Graven Hill site. The Local Planning Authority has identified and safeguarded adequate land at the Kingsmere Development site for the provision of health care facilities to meet the needs of Bicester. That site is considered more suitable and sustainable in transport and general planning terms, and unless it is demonstrated that the Kingsmere site cannot be brought forward for healthcare development as planned, it is unnecessary and not desirable to consider alternative locations.
- 4.4 In a subsequent letter dated 27/8/20 to CDC as a consultee of the Pre-application, the Oxfordshire Clinical Commissioning Group (CCG) stated that:
- 'The practices (who are seeking a new facility) have assessed two possible sites for the development (Kingsmere and Graven Hill) and have identified their preferred site as Graven Hill'.*
- 4.5 The change of stance of Officers from the position taken on the PREAPP is fully set out and explained in the Officer assessment of the proposal later in this report.

5. RESPONSE TO PUBLICITY

- 5.1. 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 **12 July 2021**.
- 5.2. The numbers of comments raised by third parties are set out at the summary section of this report and raise the following matters:
- 5.3. Letters of objection focus on:
- The current design of the Rodney House roundabout that provides access from the A41 to the western part of Graven Hill and via the approved spine road access to the application site. The objections from residents do not object to the proposed application land use or the building but allege highway safety danger emanating from the roundabout access to the overall site at Graven Hill;
 - A letter of comment from a Cherwell resident considers that the development offers the opportunity for incorporation into the building of swift bricks within the proposed building;
 - One of the letters of objection focuses on the need for the site to achieve a net biodiversity gain, and objects to the clearing of conifer trees prior to the application being submitted which are alleged to be roosting sites for raptors. The resident considers that the biodiversity gain should be achieved off site, at a site adjacent to Langford park House.
- 5.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. AMBROSDEN PARISH COUNCIL: support the proposal.

MID CHERWELL NEIGHBOURHOOD FORUM: Considers the application is premature and ill-conceived and raises questions about the future of primary care in Bicester and the surrounding villages. They suggest that a more modest-sized development capable of meeting the needs of the existing 4 Practices' current patient populations would be preferable, accepting that some of the existing patients may wish to transfer to the remaining practice in Piggy Lane rather than travel to Graven Hill. The Forum do not see this application meeting the health needs of their residents and would prefer to see a more suitable and localised response to people living in rural areas.

LANGFORD VILLAGE COMMUNITY ASSOCIATION: Fully approve the design, and comment that it would provide an 'amazing modern facility, much needed in Bicester'.

CONSULTEES

- 6.3. OCC HIGHWAYS: Following revised material being submitted and on-going detailed discussions with CDC officers and the applicant on parking provision and support for public transport facilities, OCC Highways raise **no objections** subject to standard conditions in respect of width of the access, vision splays, surfacing and provision of cycle route, drainage and visibility splays, provision for pedestrians, parking numbers, EV points, and the signing of a S106 Agreement, the draft details of which have already been agreed with the applicant. The Heads of Terms of this draft agreement are set out in the Officer recommendation, and relate to the provision of enhanced public transport to the proposed facility.
- 6.4. The original recommendation of opposition of OCC related to their initial response to the application in June but following the extensive discussions undertaken since then, the objection was withdrawn, and the revised response detailed above was received on 7 December 2021.
- 6.5. The comments/ and conditions of OCC are based on the assumption that the immediately adjacent roads are not adopted as public highway prior to this site coming forward which is potentially likely. Should this not be the case, a Section 278 Agreement would be required to construct the proposed access.
- 6.6. OCC LOCAL LEAD FLOOD AUTHORITY: Consider that with the nature of the site and space provided, more SUDS can be utilised on site, which could provide additional water quality before entering the tank system.
- 6.7. OCC ARCHAEOLOGY: **No objection** subject to condition.
- 6.8. OXFORDSHIRE NHS CLINICAL COMMISSIONING GROUP: (OCCG) has been part of the discussions with the GP practices, their chosen developer, and a business case of their intentions has been submitted.
- Considering all the factors associated with this development, the GPs are of the view that the Graven Hill site is their preferred option, and OCCG is willing to support them in this.

- We have noted some factors around patient transport, and the need for patient access to the facility, and are assured by the practice that patient transport will be resolved as they value their patient's attendance.

Therefore, we wish to **support** this planning application and wish for it to be taken forward.

6.9. BICESTER BICYCLE USERS GROUP: Following receipt of a revised cycling route amending the originally submitted application via the retained semi-wild area adjacent to the site, BBUG continue to **Object** to the proposal based on:

- Alleged deficiencies of the Rodney House roundabout to cater adequately for cyclists and pedestrians, and the need to facilitate all modes to access this facility;
- The paths leading to the development are not compliant with LTN 1/20 being shared rather than segregated for cyclists and pedestrians;
- The revised route for cyclists via the nature park and swale area is unsuitable with its current surfacing and levels for disabled users and of insufficient width for cyclists, however, to make the path compliant with LTN1/20 will result in a tarmac surface with lighting detrimental to the character of this semi-wild area; and
- Suggestion that a more suitable route from the North towards the A41 would provide a better route for cyclists.

6.10. CDC LANDSCAPE ARCHITECT: **Supports** the landscape aims and objectives of the submitted Design and Access Statement. Content to deal with details as part of subsequent discharge of planning condition application(s).

6.11. ENVIRONMENTAL HEALTH: **No objections** subject to appropriate planning conditions relating to plant noise, contaminated land, air quality and lighting.

6.12 CDC ARBORICULTURE: Initially raised objections to the applicants submitted arboriculture survey and impact assessment. On 10 December 2021 CDC received revisions and clarifications on this matter and reconsulted the Arboricultural Officer, who responded on 17 December 2021 stating that 'The briefing note and amended plans have addressed my concerns with regards to T13' so had **no objection** and recommended an appropriate landscape condition.

7 RELEVANT PLANNING POLICY AND GUIDANCE

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

7.2. The Cherwell Local Plan 2011-2031 - Part 1 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)

- Policy PSD 1 Presumption in favour of sustainable Development
- Policy SLE 4: Improved Transport & Connections
- Policy BSC 8: Securing Health & Well-Being
- Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: local Standards of Provision -Outdoor recreation

- Policy ESD 3: Sustainable Construction, Mitigating & Adapting to Climate Change
- Policy ESD4: Decentralised Energy Systems
- Policy ESD5: Renewable Energy
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy Bicester 2: Graven Hill

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Graven Hill Master Plan and Design Code
- OCC Walking and cycling strategy for Bicester Area
- OCC design for Streets
- LTN1/20

8. APPRAISAL

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

- Principle of Development Compliance with Policy Bicester 2
- Access and transport
- Ecological Impact & Biodiversity
- Securing health and wellbeing facilities
- The Character of the Built environment
- Heritage
- The Master Plan and Design Code

Principle of Development

Policy Context

- 8.2. The application site falls within a far larger adopted local plan strategic mixed use but primarily residential site. Part of that policy (Bicester 2) notes that there is no need for health care facilities within the site allocation. The Pre-app submitted prior to the submission of the application reiterates that at that time there was no need for healthcare facilities to be situated on the Graven Hill site.
- 8.3. The current land use plan for the development of the wider site is confirmed in Condition 2 of 19/00937/OUT as 1982-A-L-040 AB [Land Use Plan] as Amenity Space. This falls within the policy definition of 'General green space (parks and gardens/natural semi-natural/amenity green space)'.
- 8.4. There is a total of 34.94ha Amenity Space shown on the plan, which together with other land meeting the general green space definition (woodland 27.64ha and amenity woods 10.39ha) provides a total of 72.97ha of general green space. The site

area for the application measures 1.06ha, meaning that there is a remaining 71.91ha of general green space.

- 8.5. CLP Policy Bicester 2: Graven Hill allocated the site for 2,100 dwellings though the current consent is for only 1,900. Multiplying the overall allocation of 2,100 dwellings by an average household size of 2.4 people would give a population of about 5,040.
- 8.6. CLP policy BSC11: Local Standards of Provision – Outdoor recreation sets a requirement of 2.74ha per 1000 rural/urban edge dwellers, equating to a minimum requirement of 13.61ha of general green space. Without the inclusion of the application site, there is presently more than five times the amount of general green space required on site.

Assessment

- 8.7. The application site whilst within an area designated for development is potentially contrary to an aspect of that policy, which stipulated at the time the plan was adopted that any necessary provision of healthcare facilities should be situated elsewhere to serve Bicester. However, that Policy at the time did not preclude a healthcare facility on Graven Hill it states it was at that time not needed, Kingsmere being preferred by reason of its relatively better access to transport facilities.
- 8.8. However, the Oxfordshire Clinical Commissioning Group of the NHS after consulting with the GP practices in the town support the decision of those practices to move to the application site. The existing site that is proposed for healthcare at Kingsmere, also an overall strategic allocation in the adopted plan, was rejected by the practices. The status of that site is that it is reserved for healthcare use as part of the overall master plan for Kingsmere, but to date there has been no application for a healthcare use submitted on it nor have negotiations on the site indicated that a health care use is likely to be forthcoming. Instead, the landowners / developers are seeking an assisted living development on the site, alongside a new centre and a pharmacy.
- 8.9. The application site is also currently designated, by virtue of an extant planning consent including a master plan for the wider site, as an area of green space. However, the over provision of green space for the Bicester 2 strategic development as set out above is such that even at the designated number of dwellings in the Policy there is considerable overprovision and even more if the extant consent for the scheme of only 1,900 dwellings is considered.

Conclusion

- 8.10. Whilst the adopted policy Bicester 2 is not fully complied with by the application, as the wording of the policy explicitly notes that the use is not needed on Bicester 2 but is not precluded, the use of the site for healthcare in view of the clear changed circumstances since the Local Plan was adopted as described above is, in terms of the principle of development, acceptable. The Kingsmere site will continue to remain available and safeguarded for healthcare use until, if and when an application is submitted for an alternative land use at such time the merits of that site's retention for healthcare use can be considered.
- 8.11. The loss of an area of green space given the considerable overprovision for the site as a whole is such that it is not contrary to policy with respect to adopted policy for green space and amenity provision.

Access and Transport

Policy Context

- 8.12. The Bicester 2 strategic allocation requires that the development on the overall site comply with ESD 1, which if taken together with material non-statutory documents such as LTN1/20 and the Bicester Cycling and walking strategy, requires that new development should be in a sustainable location and offer a choice of modes of transport to users of the facility.

Assessment

- 8.13. When initially submitted, the application was found by the Highway Authority to be deficient in failing to provide an enhanced level of public transport serving the site over and above that already provided for as part of the overall development of Graven Hill occasioned by additional trips to and from the site for relocated staff and patients. Following considerable discussion, the applicant has now agreed that additional public transport provision can be provided, which is to be secured via agreed obligations contained in a S106 agreement.
- 8.14. The original application was also found by the Highway authority to be deficient with respect to over-provision of staff and patient parking spaces, however the applicant was, with further discussions, able to secure the support of the Highway Authority to the original level of parking provision by demonstrating that it was consistent with other similar health-hub sites developed by them.
- 8.15. The provision for cycling and pedestrian access was originally only provided via the road access to the site. However, due to deficiencies with that solution it was agreed by the applicant and subject to being secured by S106 agreement that an upgrade of an existing informal path from the adjoining 'wildlife' site on the most direct route from the commercial centre of Graven Hill should be provided. BBUG considers that provision to be unsuitable by reason of the works necessary to improve the existing informal path would impact on the adjoining open space, and alternatively, if the path was not improved, it would not be of an acceptable standard for less able pedestrians or cyclists. BBUG proposed a cycle link over existing vacant land to the North leading to an existing private road. The applicants have resisted this option on the basis that the land is not available as part of this application.
- 8.16. The provision of the upgraded informal path from the adjoining 'wildlife' site would fail to accord with LTN 1/20. However, the following material considerations are considered relevant to the assessment of the level of harm represented by this proposed non-compliance. The upgraded footpath is considered acceptable by the Highway Authority, and whilst LTN1/20 is of material relevance, it is guidance. If the path were to be upgraded to comply fully with LTN1/20 it would introduce into an area of wildlife space a discordant feature, the proposals provide a compromise that delivers a pedestrian and cycle way of an acceptable standard but retaining the essential character of that area.

Conclusion

- 8.17. Having entered with the County Council into considerable discussions with the applicant and their development team, the scheme as now put forward complies with requirements to provide a sustainable location for the use, compliant with adopted policy and other material policy, by providing a practical choice of transport modes. The scheme as now presented is recommended by the Highway Authority, subject to concluding an acceptable section 106 agreement and the imposition of appropriate recommended planning conditions to ensure that the development is undertaken in accordance with approved plans and provides for inter alia a travel plan to encourage

modal shift, a delivery and service management plan, and a construction traffic management plan.

- 8.18. Having regard to the views of the Highway Authority, and the requirements of Policy and other material documents, the scheme as now presented is acceptable in terms of transport and access.

Ecology

Legislative and policy context

- 8.19. 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.
- 8.20. 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.
- 8.21. 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.
- 8.22. 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.
- 8.23. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 8.24. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.25. Paragraph 180 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.
- 8.26. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 8.27. 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. The Bicester 2 strategic allocation policy inter alia requires Biodiversity protection and enhancement measures and protection of habitat.
- 8.28. These policies are supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 8.29. The Planning Practice Guidance dated 2014 postdates 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.
- 8.30. 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:
- a. 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:

- b. 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

- c. 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')
- 8.31. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site 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.
- 8.32. 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.
- 8.33. 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.

Assessment

- 8.34. The application is supported by a detailed ecological impact survey including a protected Phase 1 species survey which concluded that the Site is of limited value to protected and / or notable species, providing nesting opportunities for breeding birds and foraging habitat for invertebrates and in turn bats. Not least due to previous translocation activity under the appropriate licence by the developer of Graven Hill strategic site. No Important Ecological Features (IEF)s are currently present on site and no further surveys for notable and / or protected species are required to ensure legal compliance and ensure good practice measures are adopted during the construction phase of the Development. Mitigation has been provided within this report with regards to the Site preparation and construction phases of the Development. Enhancement measures have also been made within this report to inform the emerging scheme design.
- 8.35. In addition to the ecological impact report submitted as part of the suite of documents supporting the proposal, the applicants have submitted a Biodiversity net gain assessment. The result of that study is that the current site proposals will provide a habitat biodiversity net gain of 0.04% to the already enhanced wildlife areas, and no loss in hedgerow biodiversity by virtue of nearby off-site mitigation. Although small, it is nevertheless confirmed that the proposed habitat creation, and biodiversity net gain mitigation for the wider Site is compliant with local planning policy ESD 10 which does not set a percentage requirement and policy contained in Bicester 2. It is recognised that this level of biodiversity net gain falls below the corporate requirement (a material consideration) of 10%, nevertheless, given the wider context of the Bicester 2 site, and overall planning balance, it is considered that the proposal is acceptable.
- 8.36. The use of off-site habitat for biodiversity offsetting in order to achieve an overall BNG, provides an added benefit to ecology at the wider site through extending habitat of high ecological value already present as described in the first section of this report, as opposed to additional planting onsite at low ecological value habitat.
- 8.37. The inclusion of newly planted woodland provides more suitable habitat for local BAP species and in the future will provide additional habitat to those species potentially

affected by the Development such as bats (local BAP species) and other bird species. In summary, this additional off-site habitat is of greater benefit to local BAP species than additional soft landscaping on-site.

Conclusion

- 8.38. Officers are satisfied, in the absence of any objection from Natural England, and subject to appropriate conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged. In addition, the proposal satisfies the requirements of adopted Local Plan Policy ESD 10.

Securing Health and Wellbeing Facilities

Policy context

- 8.39. Policy BSC 8 of the adopted Local Plan supports the provision of health facilities in sustainable locations which contribute towards health and wellbeing.

Assessment

- 8.40. The submitted proposal is supported by the NHS, OCCG as part of their Healthcare Plan Primary Care Estates Strategy 2020 – 2025 which seeks to produce integrated healthcare facilities at Bicester among other locations as envisaged by the commentary to the policy BSC 8 as set out in paragraph B.146 the Local Plan.

Conclusion

- 8.41. Officers consider that the submitted proposal is in accordance with adopted Policy BSC 8 and, as set out paragraphs 9.3 and 9.4 of this report, consider that whilst the land use is not one envisaged as being required on Bicester 2, the introduction of a healthcare use at this location would not prejudice the continued safeguarding of the site at Kingsmere and the proposal would respond to the identified needs of the NHS in serving the population of Bicester.

The Character of the Built Environment

Policy context

- 8.42. Policy ESD 15 of the adopted Local Plan requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. In addition, Policy Bicester 2 draws attention to the need to comply with ESD 15 and comprise high quality development.
- 8.43. Policy ESD3 of the Local Plan seeks that all non-residential development achieves 'very good' BREAM standard as a minimum and maximise resource efficiency.
- 8.44. Policy ESD4 of the Local Plan seeks to encourage the provision of decentralised Energy Systems in all new developments and the provision of a feasibility assessment for all applications for non-domestic development over 1000sqm of floorspace.
- 8.45. Policy ESD5 of the Local Plan seeks a feasibility assessment of the potential for significant on site renewable energy provision for non-domestic developments above 1000sqm floorspace.

Assessment

- 8.46. The application was supported by a detailed Design and Access Statement which set out in detail the design parameters for the building and the site, including the provision

of disabled access arrangements to all parts of the building and the consideration of alternative layouts. The final design was guided by NHS published guidance for such facilities and is designed to meet BREAM 'excellent' standards. The McCann & Partners 'Building Regulations Part L Compliance Report', dated March 2021 demonstrates that the building will feature 48 solar PV panels on the roof and the building will far exceed the minimum Part L Building Regulations target values such that it will achieve BREEAM 'excellent' standard, in full accordance with policies ESD3 and ESD5.8.47 In respect to ESD4, the applicant has advised that it would neither be feasible nor viable to install a decentralised energy system to serve this development or the wider Graven Hill site.

- 8.48. Policy ESD 15: The Character of the Built and Historic Environment is the successor to Saved CLP 1996 policy C28, layout, design, and external appearance of new development. ESD 15 requires new development *"to complement and enhance the character of its context through sensitive siting, layout and high-quality design"*, whilst *"All new development will be required to meet high design standards."*

- 8.49. NPPF para 126 states:

"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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."

- 8.50. The eventual design is, in the view of the Officers, acceptable utilising for its layout accepted NHS guidance to ensure a functionally compliant building. The external appearance is consistent in both the use of low embodied carbon sustainable materials, and its overall design ethos to that of Graven Hill, as exemplified within Policy Bicester 2 that cites ESD 3 and the approved Graven Hill masterplan and Design Code.

Conclusion

- 8.51. Officers consider that the proposed building is compliant to the relevant adopted local Plan Policies and other material non statutory guidance.

Heritage

Policy Context

- 8.52. Policy ESD 15 of the adopted Local Plan seeks to protect Heritage assets.

Assessment

- 8.53. The application site is situated in an area of archaeological interest and Iron Age and Roman settlement features were recorded ahead of the construction of the pond immediately south of the nearest house. An archaeological evaluation undertaken to the east of the application site also recorded a series of Roman linear features. It is therefore likely that further archaeological deposits would be present on the site and be impacted by the development.

Conclusion

- 8.54. The applicants have submitted an archaeological written scheme of investigation, the County archaeologist has considered the assessment and has raised no objection subject to condition, and as a result Officers consider that the policy requirement to protect Heritage assets is satisfied.

The Master Plan and Design Code

- 8.55. The current extant Master Plan as described above shows the site as part of an area of Open space.

Assessment

- 8.56. A Masterplan and Design Code was produced by The Graven Hill Village Development Company in 2015 following the grant of outline planning permission the previous year to reflect the vision to offer self-build housing opportunities, extensive open space, a strong sense of character and identity, strategic locations for new employment and attract inward investment.
- 8.57. The site location for the application proposals is within an area identified as “Gateway Park” within the Masterplan. In terms of character treatment “Gateway Park” is identified as a large wetland habitat beside the main site entrance with a “rural” structure and with “low design freedom”.
- 8.58. Potential buildings to be retained were originally included within both the “Gateway Park” and “Sports Grounds” areas to the west but these have subsequently been demolished to be replaced by this health and wellbeing centre proposal and a future sports pavilion.
- 8.59. The height of the recently demolished boiler house was taken as a precedent for the proposals to be 3 storeys with flat roof and parapet structure to be similar in scale and height.
- 8.60. The neighbouring “Sports Grounds” is identified as “rural” with “some design freedom” and includes a sports pavilion intended to sit comfortably in the landscape and be complimentary to its context, either by reflecting the military heritage of the site or by blending into its rural surroundings.
- 8.61. The character treatment as exemplified by the application suggests a sensitive approach using a considered application of vernacular materials is to be employed. Case study examples suggest restrained use of materials, brick and concrete, low tech detailing, a robust and understated appearance that conveys a similar quality to that of the military architecture found at Graven Hill.

Conclusion

- 8.62. Officers consider that the application building’s appearance is generally in accordance with the Design code for the wider site. The use of land designated in the Master plan for public open space is considered in this report and the circumstances pertaining at this site lead Officers to conclude that the use of this site for a health hub is, given the particular circumstances of an identified need, the over provision at the wider site of public open space, that the proposal is an acceptable use for the site, particularly given the biodiversity net gain proposals on other land within the Bicester 2 strategic site.

Planning Obligations

- 8.63 The area proposed to be enhanced to deal with biodiversity net gain whilst part of the current application is located at some distance from the main health hub site, within an area of existing and proposed public open space and biodiversity enhancement as detailed in the adopted Master Plan for the overall Bicester 2 Graven Hill development. That area is subject to an extant S106 governing the provision and

maintenance of that area for the benefit of current and future residents of Graven Hill. The proposed health hub provides for further improvement of that area to mitigate the loss of public open space at the Health Hub's proposed site, and as a result the extant S106, requires a deed of variation to incorporate the proposed mitigation, to ensure delivery of that mitigation.

8.64. Footpath upgrade around the pond to also accommodate cyclists on a wider shared-use path with enhanced signage, surfacing and lighting. Though not fully LTN1/20 compliant, it will represent an improvement at a level consistent with the use made of the surrounding area without detriment to its character and appearance. The precise details for its design and cost have still to be finalised.

8.65 In new S106 will be required to secure:

1. Payment of a contribution to improve public transport (bus) provision to the site - £320k;
2. Footpath update - (£TBC)
3. Payment of the County Council's Travel Plan monitoring costs of £2.3k; and
4. The District Council's S106 monitoring costs of £1k

9 PLANNING BALANCE AND CONCLUSION

9.1. The application as submitted and as assessed above is arguably contrary to some aspects of Bicester 2 Policy, which does not envisage the need for any healthcare uses at the Graven Hill site. However, the fact that the facility is not required by policy does not preclude the proposal coming forward. Applying the planning balance the situation since the approval of that part of the Bicester 2 Policy circumstances have changed. The current application arises out of a very clear identified need as set out in the application and the response to it by the NHS Oxfordshire Clinical Commissioning Group. That response identifies that existing primary health care businesses in Bicester reacting to the NHS plans for integration of healthcare have considered that the application site is now their preferred site, and this view is supported by the NHS. Nevertheless, the site safeguarded at Kingsmere remains safeguarded and a decision in line with the recommendation on this application would not affect that position.

9.2. The application is considered to be a sustainable development in accordance with Policy PSD 1 and the NPPF, the definition of sustainable developments is set out in the NPPF as comprising three interconnected limbs, economic, environmental and social objectives.

9.3. The economic and social objectives are satisfied by the achievement of a needed health care facility, identified in accordance with the NHS plans for primary healthcare in Bicester. The site users' access to public transport is, via the S106 contributions to be markedly improved via an improvement to the frequency of bus services serving the site. Similarly, the areas designated for parking and the provision of recharging facilities for staff and patients marks a considerable improvement to the existing healthcare facilities. The proposals also include enhanced access and storage for cyclists. This integrated facility offers areas for teaching and better clinical care than the existing GP's surgeries. The environmental impact of the site is positive with a net biodiversity gain at an off-site but related site, together with the provision of a sustainable building constructed to BREAM excellent standard.

9.4. It is the Officers view that despite the proposal not being entirely consistent with adopted Policy, the circumstances surrounding the application are such that the

development is an acceptable proposal which is sustainable and in consequence satisfies the requirement of the planning system to contribute to the achievement of sustainable development.

10 RECOMMENDATION

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

- i. **RE-CONSULTATION ON AN AMENDED REDLINE BOUNDARY PLAN AND THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, IF THERE ARE NO FURTHER COMMENTS RECEIVED WHICH RAISE NEW ISSUES NOT BEFORE THE COMMITTEE IN THEIR DECISION MAKING; AND;**
- ii. **CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); And**
- iii. **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

S106 Heads of Terms

- A. **£320,000 - Payment of a contribution to improve public transport (bus) provision to the site -**
- B. **£TBC - Footway upgrade**
- C. **£2,300 – OCC Travel Plan Monitoring Fee**
- D. **£1,000 – CDC S106 monitoring fee**

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:

IBI-AR-XX-XX-PL-100-004 Rev 17 – Proposed Site Masterplan
WIE11386-HHA-05-001 Rev A01 – Health Hub & Western Spine Road Vis.
16470-WIE-100-74-XX-ZZ-110 Rev P01 – Biodiversity Net Gain Offset Plan
122447-IBI-XX-WS-PL-A-100-005 Rev 7 – Existing Site Location Plan
IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan
16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan
122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan
122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan
122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan
122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan
122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations
122447-IBI-XX-XX-EL-A-200-5021 Rev P1 – East & South Elevations
122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations
8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan

16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan
 Design & Access Statement, March 2021
 Planning Statement, April 2021
 WSI for Archaeological Investigation, February 2021
 Technical Note – Biodiversity Net Gain Assessment, April 2021
 Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021
 Ecological Impact Assessment, March 2021
 Building Regs Part L Compliance Report, March 2021
 Geotechnical Desk-Study Report – Part 1, February 2021
 Geotechnical Desk-Study Report – Part 2, February 2021
 Geotechnical Site Investigation Report, June 2021
 Arboricultural Impact Assessment, April 2021
 Arboricultural Survey Schedule, August 2020
 Arboricultural Briefing Note, December 2021
 Flood Risk Assessment & S/W Drainage Strategy, March 2021
 Travel Plan, March 2021
 Transport Assessment – Part 1, April 2021
 Transport Assessment – Part 2, April 2021
 Transport Assessment – Part 3, April 2021
 Supplemental TRICS data for GP Surgeries with Pharmacies
 Transport Tech. Note – Primary Health Care Hub proposals, July 2021

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 Samples of all the external materials to be used in the construction of the building 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 samples so approved.

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 [C18] of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Full details of the fire hydrants to be provided or enhanced 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 shall be provided or enhanced 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.

5. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc);
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/

- hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
- (c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

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

6. 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,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] 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.

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.

7. The existing hedge(s) along the north west boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, 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 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

8. No development shall take place until the existing tree T13 to be retained on the south east boundary (shown on approved plan 16470-WIE-100-74-XX-ZZ-100 P03) has been protected in accordance with the approved Tree Protection Plan and Arboricultural Briefing Note dated December 2021 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 / or demolition] 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 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.

9. The approved parking and turning/loading/unloading facilities (shown on approved plan IBI-XX-XX-PL-A-200-005 Rev18) shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning/loading/unloading spaces shall be retained for the parking and turning/loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

10. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

12. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996.

13. Prior to the first use of the business hereby approved, suitably located waste bins shall be provided outside the premises and retained for public use in accordance with details to be firstly submitted to an approved in writing by the Local Planning Authority.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of

odour/flies/vermin/smoke/litter in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. 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 routing 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;

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 Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in Written Scheme of Investigation of the Health Hub site by Waterman Infrastructure & Environment Ltd dated February 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 15 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment by Waterman Infrastructure & Environment Ltd dated March 2021 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.

18. The development hereby permitted shall be constructed to BREEAM 'Excellent' 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.

19. Prior to construction 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.

20. Prior to any occupation of the building it shall be provided with a minimum of 48 solar PV panels in accordance with the details set out in the Building Regs. Part L Compliance Report by McCann & Partners, dated March 2021, which demonstrates significant exceedance of the minimum Part L target values and shall be maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

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

21. The Health Hub building hereby permitted shall be used for medical or health services only (Use Class E(e)) and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended including the update of 1 September 2020) for no other purpose falling within Class E unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the delivery and maintenance of medical and health services to Graven Hill residents and the surrounding Bicester population that it will serve.

**Pakefield House
St Johns Street
Bicester
OX26 6SL**



21/01818/F

Pakefield House
St Johns Street
Bicester
OX26 6SL

Hailles Gardens

71.6m

71.9m

Pakefield
House

Gareloch

Fortescue
House

Newstead

Glyme House

BICESTER



1:500

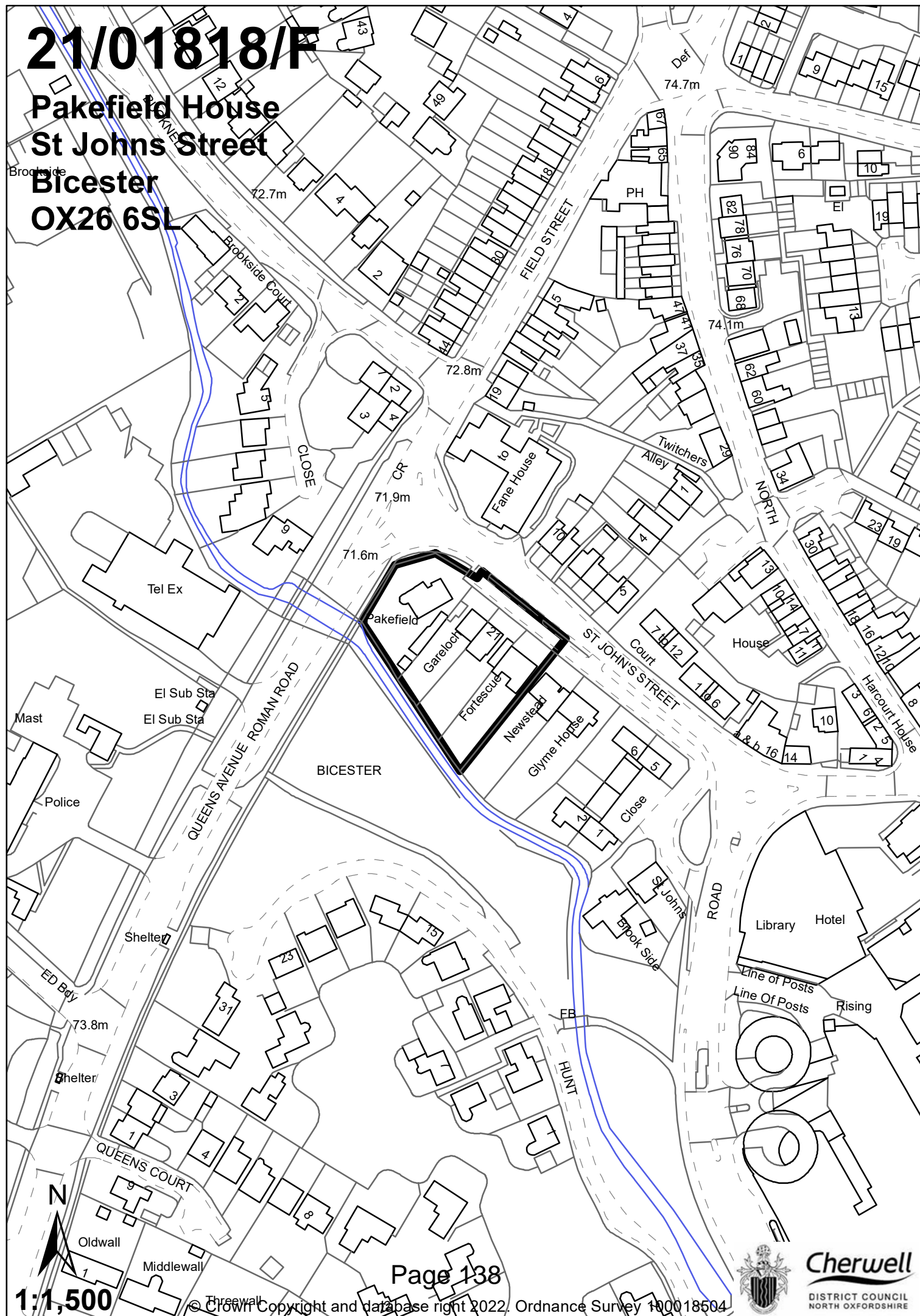
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Pakefield House
St Johns Street
Bicester
OX26 6SL



Case Officer: Wayne Campbell

Applicant: Churchill Retirement Living

Proposal: Redevelopment of the site to form 38no Retirement apartments including communal facilities, access, car parking and landscaping

Ward: Bicester East

Councillors: Councillor Dallimore, Councillor Mould and Councillor Wallis

Reason for Referral: Major development comprising erection of 10 or more dwelling units

Expiry Date: 20 August 2021

Committee Date: 13 January 2022

SUMMARY OF RECOMMENDATION: THAT THE COMMITTEE CONFIRM THAT THEY WOULD HAVE REFUSED THE APPLICATION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the Bicester Town confines and is currently occupied by 4 separate private dwellings. Located mainly along St. John's Street the site also occupies a prominent position at the junction with St. John's Street and Queens Avenue.
- 1.2. The properties currently on the site are two storeys in height while on the other side of St. John's Street are similar two storey dwellings along with a three-storey building known as Fane House located on the opposite side of the junction with St. John's Street and Field Street.
- 1.3. To the rear of the site is a public park area onto which properties in Hunt Close front. The rear / southern boundary of the site is also marked by the River Bure.

2. CONSTRAINTS

- 2.1. The application site is within Bicester Town Centre and located to the immediate north of the River Bure. Due to the location of the River Bure the site is located within an area allocated as Bank Top Width Planning - Development Near Watercourse as such any development within this area will require the consent of the Environment Agency. The site is also located within an area of Archaeological Alert identified as part of the Bicester historic core which has shown possible Anglo Saxon inhumation cemetery and settlement, medieval inhumations and other multi-period features.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks planning permission for the re-development of the site with a single building to initially provide 40no retirement apartments but following amendments to the scheme this has reduced to 38no apartments along with communal facilities, access, car parking and landscaping.

- 3.2. The proposed building would be a mix of heights from 2.5 / 3 storeys rising to 4 storeys on the part of the site at the junction with St. Johns Street and Queens Avenue. The building would be externally faced in a range of materials including brick and render.
- 3.3. Access would be provided off St. John's Street with a single access point leading to the rear of the main block into a surface car park with 14 parking spaces. The remainder of the space around the building would be maintained as landscaped gardens.
- 3.4. *Timescales for Delivery:* The applicant/agent has not advised, in the event that planning permission is granted, by when they anticipate commencing development.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal. However, on 23 November 2021 the applicant lodged an appeal with the Planning Inspectorate on the grounds of the non-determination of the planning application.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 21/005124/PREAPP - Application for redevelopment to form retirement housing - 40-45 units.
- 5.3. The advice provided to the applicant highlighted that the details submitted showed the building to have varying roof heights and roof forms and to be externally finished in brick and render. The building would have an 'L-shaped' form, with amenity space, parking and storage areas to the rear of the building. It was accepted that the use of varying roof forms and heights does break up the bulk of the building slightly and add some visual interest. However, the overall scale and form would result in a monolithic bulk of development that would fail to respond well to the established character of the area.
- 5.4. To conclude, whilst the broad principle of development was considered acceptable, there were significant concerns regarding the impact the development on the character and appearance of the area, the amenities of neighbours, the impact on flood risk and air quality. On the basis of the information submitted in the pre-app, the advice back was that the proposal would not be supported in its current form.

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 **22 June 2021**.
- 6.2. A total of 24 letters of objection have been received from members of the public and 0 letters of support. The comments raised by third parties are summarised as follows:
- Concern over the bulk of the building at 4 storeys high and the design lacks any inspiration or enhance the aesthetic of the surrounding areas and conservation area;
 - Height is totally inappropriate and will impact on daylight to existing properties resulting in over shadowing;

- Over development of the site;
- Development is not going to enhance the road or community in any way
- Significant coverage of retirement properties already in locality;
- 40 flats will generate 80 cars as in modern life every family or couple has a car each, the lack of parking would lead to further pressure on the highway and traffic congestion on a very busy junction and with the already significant parking issues in Dunkin's Close, St John's Street, Crockwell Close, Bucknell Road and Hunt Close and an inevitable further overflow from this increase in residents will push the parking to breaking point;
- One of the busiest junctions in Bicester, so suitability of it being a site for a care home is questionable due to noise and pollution at all hours;
- Not a good location for elderly relative living on the main road through Bicester;
- Development is poorly sited and poorly chosen, a plot designed to make the most money without providing the necessary site infrastructure to support it;
- No information on staff parking;
- Adverse impact on local wildlife such as bats, birds and amphibians;
- Several trees have been lost in recent years and so it is quite likely that the same fate would occur to the trees at the rear of the proposed development, and new planting would not disguise such a mass of glass and brickwork.
- Increase would place further pressure on local infrastructure such as local GP's;
- Noise disturbance during build phase and once finished the increased height and unrelenting frontage would mean that sound is reflected back and the noise of traffic and street noise would be far louder, as well as increased pollution;
- Surrounding properties would be overlooked and suffer from a loss of privacy;
- Development would be literally across the road from the Crockwell Close/Field Street Conservation Area. How would such a dominant building fit in with Cherwell's pledge to 'protect our Conservation Areas and other heritage assets from harmful growth as these help to define how the area looks and feels'?
- Hanover Gardens, around the corner, frequently has flooding issues. Given the proximity to the River Bure can it really be guaranteed that such a large building footprint, despite the submitted drainage statement, will not exacerbate flooding problems?

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. BICESTER TOWN COUNCIL: **Objection** on the grounds that the *oversize and height of the building will dominate the neighbourhood the nature of its size will block light; the roundabout at St John's Street is already busy and with the potential closure of the London Road will be impacted by the additional traffic of this business; the parking to be provided appears to be inadequate; air pollution is already a problem in this area so not practical for the elderly with health issues and will be exaggerated should the development commence; residents in Hunt Close still continue to have inconsiderate and illegal parking despite yellow lines having been applied; accessing and exiting the service road is not viable; it is felt that there are already several retirement and*

care homes close to the town centre, why demolish excellent family homes; an alternative site for this retirement home would be better placed on the outskirts of Bicester; it is felt that the community engagement is incomplete and residents were not consulted widely enough.

CONSULTEES

- 7.3. OCC HIGHWAYS: **Objection** - Applicant must provide a revised site access design drawing that improves the visibility splays for all road users and also easily and safely accommodates the Vehicle access and exit manoeuvres of the different types vehicles associated with the development. A Stage one Road Safety Audit of the redesigned site access and junction across the Service Road will be required to establish compliance with Highway Design and Safety Standards. The footway width should be extended to 2m in width. Details of the pedestrian route within the site and its connectivity with the existing local footway network outside the site will be helpful.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions.
- 7.5. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.6. ENVIRONMENT AGENCY: **Objection** - application not supported by an acceptable Flood Risk Assessment contrary to paragraph 163 of the National Planning Policy Framework and Local Plan Policy ESD6. Proposed development provides inadequate ecological buffer zone to the River Bure and the development falls within 8 metres of the river. The application is therefore contrary to paragraphs 170 and 175 of the National Planning Policy Framework and Local Plan Policy ESD10.
- 7.7. CRIME PREVENTION DESIGN ADVISOR: **No objection** but comments on a number of design issues across the site
- 7.8. THAMES WATER: **No objection** subject to conditions.
- 7.9. CDC RECREATION & LEISURE: **Comments** on contribution required towards community facilities as part of any S106.
- 7.10. CDC Strategic Housing: **Comment** review of the financial viability statement carried out by an independent assessor supports the conclusion that the proposed scheme is unable to viably sustain any level of Section 106 obligations, including any affordable housing contributions. In view of this, we will not be requesting any affordable housing contributions at present.
- 7.11. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions.
- 7.12. WILDLIFE TRUST: No comments received
- 7.13. CDC ECOLOGY: No comments received
- 7.14. CDC PLANNING POLICY: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20 July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved'

policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- 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
- 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
- C31: Compatibility of proposals in residential areas
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding
- R12: Provision of public open space in association with new residential development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Highway impact
- Flooding / drainage impact
- Residential amenity
- S106/Infrastructure

- Sustainable Construction
- Ecology

Principle of Development

- 9.2. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth*.
- 9.3. Policy BSC 2 of the CLP 2015 highlights the importance of effective and efficient use of land and the use of sites. Under this Policy it is highlighted that *housing development in Cherwell will be expected to make effective and efficient use of land*. The Policy also states that *the Council will encourage the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development*.
- 9.4. Policy BSC4 covers the issue of providing housing mix and includes the need to provide for a mixed community. It states that *opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities*. The applicant is not providing sheltered housing, but the accommodation is aimed at those who have retired rather than general housing and therefore this policy is of relevance.
- 9.5. The Council is unable to demonstrate a sufficient housing land supply as required under paragraph 74 of the NPPF. Cherwell's position on five-year housing land supply has recently been reviewed by officers for the emerging 2021 Annual Monitoring Report (AMR) which is to be presented to the Council's Executive on 10 January 2022. Despite a strong record of delivery since 2015, the draft AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. According to the draft AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five year supply as required by the NPPF. Notwithstanding, the use of the site would remain in a residential use and as highlighted by paragraph B.88 of the CLP 2015 that housing growth will be directed towards the urban areas of Banbury and Bicester this proposal complies with the Council's housing strategy.
- 9.6. Furthermore, the proposed provision of accommodation for older and/or disabled people on this scheme would help meet a growing need/demand for this type of accommodation. As highlighted in the applicant's Design & Access Statement, the Government guidance document 'Housing for Older and Disabled People' highlights the importance of providing housing for older and/or disabled people and to plan for meeting a range of needs within these groups. It is accepted that people are living longer and the proportion of older people in the population is increasing. The Oxfordshire SHMA 2014 also states that the need to house a growing older population is one of the drivers expected to influence future need for homes

- 9.7. This is not, however, to suggest that planning permission is guaranteed for the re-development of the site as paragraph B.90 of the CLP 2015 continues by stating that *new housing needs to be provided in such a way that it minimises environmental impact, including through the elimination and control of pollution and the effective and efficient use of natural resources. It needs to be planned in a way that helps to reduce carbon emissions, reflects the functions of our settlements and protects or enhances the identity of our towns and villages and the sense of belonging of our residents.* As such the impact of the development on neighbouring properties and the street scene also needs to be considered before a decision can be made.

Conclusion

- 9.8. The principle of the development is appropriate for this location. The site would remain in residential use. The proposal would allow for an increase in the level of retirement accommodation within the town centre as supported by Policy BSC4. The proposal also complies with Policies PSD 1 and BSC 2 of the CLP 2015. Overall acceptability is subject to other considerations.

Design, and impact on the character of the area

Policy Context

- 9.9 Government guidance contained within the NPPF requiring good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.* Further, *permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.10 Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.11 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.12 Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.13 The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a town. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.14 The existing buildings on the site are two storey residential dwellings as are the dwellings on the opposite side of St John's Street and this forms the character of the built form in this area. The exception to this is Fane House which is a 3-storey building located at the junction of St. John's Street and Field Street.
- 9.15 In this context, the proposed building at 3 to 4 storeys in height would appear as a large structure in the street scene when compared to the existing 2 storey dwellings. Notwithstanding, the applicant has designed the section overlooking the junction with St. Johns Street and Queen Avenue as a 4 storey feature with a curved walling. The adjoining sections would drop down to 3 Storeys on either side. The applicant contends that the taller curved feature would help the building turn the corner at the same time as addressing this important road junction. In addition the applicant also highlights that this feature also references an important architectural detail that can be seen on other buildings in the area, both historic and more contemporary.
- 9.16 The advice in the Cherwell Residential Design Guide section 3 states that in assessing the townscape it is important to question *how might the scheme reflect locally distinctive relationships between buildings and the public realm e.g. extent of frontage, angle of buildings to the street, boundary treatments?* Furthermore, the guide continues by highlighting *how might the scheme reflect locally distinctive building forms, groupings, heights, rooflines and architectural details, wall and surface materials?*
- 9.17 Although the building would be taller than the existing dwellings on the site, the stepped approach of the roofline from three up to four would help to soften the appearance of the scale. It is considered that the location of this four-storey section at the main road junction is an appropriate scale and design to emphasize the corner and provide a strong presence to address the junction on one of the key routes into Bicester town centre. The flat roof design would also ensure that although the taller part of the development the overall bulk of the development would not appear overbearing. Furthermore, in considering the roof lines of this part of the development alongside the roof line of Fane House the four-storey element would not appear significantly out of scale.
- 9.18 In terms of the choice of materials the elevation details show a mix of red brick, tile hanging and white render, all of which have been taken from the materials on the surrounding buildings in this area. The use of the rendered sections has been used to help break up the sections of the building along St. John's Street and Queens Avenue with the primary use of brick for the main parts of the building. The use of brick with rendered sections would help to reduce the mass of the building and is considered an acceptable use of material and the sections of render would ensure that the appearance of the building would not appear overall bulky within the street scene.

Conclusion

- 9.19 The overall height of the building on the site at 3 – 4 storeys would be greater than the 2 storey dwellings and given its footprint the building would be of significant scale in the street scene. However, the design of the curved wall along the junction of St. Johns Street and Queen Avenue would act as pivot point to the development to emphasise this key route into Bicester. The design and use of materials is considered appropriate in this Town centre location. For these reasons it is considered that in terms of design and appearance the development is acceptable and would not warrant a reason to refuse the application.

Highway impact

9.20 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* In terms of parking provision paragraph 108 highlights that *maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.* The paragraph continues by stating that *in town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.*

9.21 Policy ESD 15 of the CLP 2015 highlights, amongst other things that in terms of design new development should demonstrate *a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed.*

Assessment

9.22 This application seeks to provide a new access point into the site off the existing private service road which runs alongside St. John's Street. This service road allows access by all the dwellings along this side of St. Johns Street as well as the application site. As part of the proposal the applicant also seeks to reinstate a currently closed access point onto St John's Street.

9.23 In considering the issue of access the Local Highway Authority (LHA) advises that the service road and the proposed access to St John's Street should comply with OCC's Design Standards and should be submitted by the applicant for approval. The service road surface is in a poor state of disrepair and would require Highway improvements to current Highway Standards. With regards to the access into the site itself, the LHA notes that the access proposing for use on to St Johns Street does not appear to have a dropped kerb and therefore would require dropping of the kerbs and resurfacing. Regarding the site access the main concern relates to the proposed access arrangement, this point has been reiterated to the applicant that they need to make the junction onto the main carriageway directly opposite the site access. However, it is noted that this change has still not been amended in the submitted updated Transport Statement. This issue cannot be conditioned as, highlighted below, the change required would have implications on the footprint of the building on the site to a point which would be materially different to the current arrangement and needs to be addressed by the applicant in advance the approval process.

9.24 With regards to the submitted visibility drawing it is noted that this does not appear to address the emerging visibility to the right onto the service road. The drawing shows it at 2.4 x 11m but this is based on a strange approach angle and a nearly 2m offset,

the adjacent boundary wall/hedge seems to reduce visibility to near zero. Concern is therefore expressed that the access does not allow for adequate visibility to the right of the access for vehicles leaving the site which is over land outside the applicant's control.

- 9.25 The LHA suggests that this could be improved by moving the access point further along the service road and moving the bin store to a new location as a free-standing feature. In response the applicant has advised that *this change would have significant implications on the site layout and design of the building*. In addition, the applicant has also stated that *in their view the change would not improve the visibility in any great deal and by moving the bin store residents would have to cross the access to reach the bin store which the applicant has suggested would not be safe*. Furthermore, *the doors to the bin store could not safely open without causing interference with access and as such the applicant has stated that the suggested changes would cause more detrimental issues to the scheme than the minor increase in visibility splay*.
- 9.26 The access onto the service road needs to be safe and as such adequate vision splays need to be provided in accordance with adopted standards. The revised Transport Statement shows the vision splays for the development. The splays shown are not considered appropriate, being set not from the centre line of the access point but from the left-hand side of the access and also set at an odd angle. The arrangement *as shown* demonstrates a clear vision to the right, but this would not be the case in the event that the vision splays were set in the correct position. Although it is suggested that the service road operates informally as a one-way street, there are no highway regulations which state / enforce this arrangement. It is also considered that the main reason why residents use it as a one-way street is more likely to be that in the event of parking along the service road vehicles need to park very close to the boundary edge of the property and as such this would make existing from the car impossible from the driver's side if access had been from the north.
- 9.27 With regards to access to and from the site the transport statement has provided tracking plans for various types of vehicles. The tracking plan shows vehicles leaving the site and turning into the site and out of the site using the access point from the service road onto St. John's Street but no details of access along the service road. In considering the access movements the route of a private car to and from St. John's Street into the site would require a slightly convoluted manoeuvre using the wider bell mouth into the site. Although this manoeuvre is possible, it is not a straightforward turn from the site into or off St. John's Street and the LHA's request for the access point to be moved seems reasonable.
- 9.28 In addition, it is concerning that access to the site along service road has not been shown on the tracking plans. It is feasible that residents may use the length of the service road as an access to the site rather than wait along St. John's Street in the event of congestion. Due to the restricted vision splay on the right, it is considered that the drivers' view into the site from along the service road would be restricted to a point that when turning into the site a vehicle would need to use almost the full width of the access drive into the site with no space allowed for any vehicles exiting the site at the same time. The suggested moving of the access slightly further north would require the footprint of the building to be moved by the same distance, which would require a reconfiguration of the design of this part of the building. This amendment has been requested of the applicant, but the applicant is unwilling to amend the design in this way.
- 9.29 Turning to the issue of parking, the layout plans show a parking courtyard to the south of the main building with 14 spaces allocated for the use of the residents. Concern has been expressed by objectors to the scheme that the level of parking on the site is too low and would lead to overflow parking by residents to the detriment of local

highway safety. The development proposes a total of 14 car parking spaces to serve the 38-unit retirement development, which gives a ratio of 0.36 spaces per apartment. To establish operational parking demands, the applicant's transport statement confirms that a survey was undertaken which showed that existing Churchill Retirement Homes had an average car parking demand of 0.28 (2016) - 0.29 (2020) per apartment. As such, and based upon these findings, the applicant contends that 12 spaces should be adequate to serve the development. The transport statement therefore claims the proposed 14 parking space facility is sufficient to accommodate all the parking demands, without any anticipated overspill onto the local road network.

- 9.30 The LHA advises that, given the type of land use development and evidence based comparable parking demand data, its sustainable location and lower car ownership for the demographics of the residents, together with the cycling and mobility scooter use options, the number of residential car parking provision is acceptable. For these reasons, officers consider the level of parking provision proposed to be acceptable for this type of development in this sustainable / town centre location.
- 9.31 On the issue of refuse collection the applicant had initially suggested that refuse could be collected from St Johns Street, which was not supported by the LHA. Furthermore, it was highlighted that no details of the number and size of bins for refuse storage nor any designated on-site collection point for refuse vehicles had been submitted. The collection of refuse from St. John's Street is considered unacceptable as this arrangement would impact adversely on the traffic movements and road capacity on the approach to an intersection, and that the collection would be operationally impractical. For this reason, the applicant has confirmed its willingness to use a private contractor which would use smaller refuse vehicles for the collection of refuse. The LHA confirms its support for this option where the vehicle is parked within a suitable location on site close to refuse store and an indicative drawing has been provided to demonstrate that both the on-site and access refuse collections is feasible.

Conclusion

- 9.32 The access to and from the site would use the private service road along the side of St. John's Street. However, it is also noted that due to the position of the access point into the site the vision splay to the right along the remainder of the service road is compromised and that the suggested vision splays shown by the applicant are not acceptable from a highway safety point of view.
- 9.33 The applicant is not willing to amend the access arrangements because of the consequences it has for the re-design of the building – principally a reduction in footprint – and the re-configuration this would require. However, highway safety is a material consideration in the determination of this application and therefore if a change in the access is required this should have been designed into the scheme. For these reasons it is considered that the development would fail to provide a safe access to and from the site and therefore the proposal fails to comply with Policy ESD 15 as well as paragraph 110 of the NPPF.

Flooding / drainage impact

Policy context

- 9.34. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at*

risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.35 Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.*

9.36 Policy ESD 6 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.

9.37. Policy ESD 7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

9.38 The southern boundary to the application site is marked by the River Bure and as such parts of the site located in flood zones 2 and 3 due to the river as well as flood zone 1. For this reason, the application is supported by a detailed flood risk assessment (FRA) which, following an initial objection from the Environment Agency (EA), has been revised twice. The FRA acknowledges that the main development area of the site comprising the residential units would be located in flood zone 1 while the area of the car park would be located within flood zone 3. The applicant has stated that a sequential approach to the site layout has been undertaken and that the parts of the site which experience the highest impact from a flood event are located in the areas at the lowest flood risk.

9.39 In terms of changes to the site the FRA outlines that the far southeast extent of the site is at risk of fluvial flood events of approximately 1:20 (5% Annual Exceedance Period) or greater with existing ground levels at approximately 70.65m AOD placing highly localised areas of the site within Flood Zone 3B. The FRA also outlines that in the latest PPG guidance that as car parking is undefined as a vulnerable use it is therefore acceptable within all areas of Flood Zone 3 with its operation suitably managed using a flood management and action plan for this part of the site. Based on this assumption the applicant confirms that the proposed car parking area is designed to be at the 1:20 flood level of 70.75m AOD to place it outside the functional floodplain and into Flood Zone 3A. Where site levels are raised to achieve this compensatory flood storage would be provided on a 'level for level', 'volume for volume' basis.

- 9.40 The FRA along with the revised version has been considered by the EA and an objection raised. The main concern relates to the fact that the proposed car park is located within Flood Zone 3b, and that the FRA shows that land within Flood Zone 3b is proposed to be raised which the EA has advised is unacceptable. Furthermore, concern is also expressed over the fact that under paragraph 7.1.8 of the FRA it is stated that *the proposed car parking area will be designed to be at the 1:20 flood level of 70.75m AOD to place it outside the functional floodplain and into Flood Zone 3A* which the EA has advised is factually incorrect in that in this location, Flood Zone 3b is defined as land at or below the level of 70.75m above ordnance datum and therefore raising land to this level still places the proposed car park in Flood Zone 3b. The proposal to raise land to enable development within this flood zone is unacceptable as Flood Zone 3b must be retained and protected as functional floodplain in order to manage and reduce flood risk to surrounding areas. In addition, the FRA states that car parking is not defined as a vulnerable use within the flood risk and coastal change planning practice guidance. This assumption is incorrect in that car parks are now defined as less vulnerable uses in accordance with Annex 3 of the NPPF (amended July 2021) and are not compatible within Flood Zone 3b in accordance with Tables 1 and 3 of the PPG.
- 9.41 The FRA proposes mitigation for lost flood storage within the 1% climate change extent and Table 3 shows flood storage compensation volumes to be provided. The location of this mitigation work is shown in Appendix 12 of the FRA. It appears from Table 3 that level for level mitigation is proposed, however there is insufficient detail within the FRA to demonstrate that the proposed works are feasible and would be functional. Further details are required which show the final proposed land levels across the site and evidence that all flood storage compensation areas would function during the relevant flood event and are not isolated low-lying areas. For these reasons it is considered that the application is contrary to paragraph 167 in the NPPF and associated planning practice guidance and Local Plan Policy ESD 6.
- 9.42 In addition to the objection on the issue of development in the flood zone, the EA has also raised a further objection on the grounds that the submitted plans and documents show that the development would result in a significant amount of riparian natural habitat within 8 metres of the bank of the river Bure, which is a designated main river.
- 9.43 The ecological report submitted with the application does not adequately assess the importance of the river, nor the development's impact on its ecology. The ecological report also refers to the loss of a small watercourse but the impact of this has not been robustly assessed. The EA also considers that there is insufficient detail on the management of the river corridor and how the development would deliver net biodiversity gain and how the development can contribute towards extending the connectivity of habitats up and downstream.
- 9.44 The EA have confirmed that the proposed development will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 but, as submitted, it is unlikely that a permit will be issued. This objection is supported by paragraphs 170 and 175 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged and Local Plan Policy ESD 10 requires development to deliver a net gain in biodiversity through protection and enhancing and extending existing resources and by creating new resources. Existing ecological networks will be expected to retain features of nature conservation value to form an element of green infrastructure. Development proposals are also expected

to submit a monitoring and management plan to ensure long-term management can and will be achieved.

- 9.45 Since the second objection raised by the EA a third version / revision to the FRA has been submitted by the applicant. The EA has been re-consulted on this latest version but at the time of drafting this report no comments had been received. It is therefore not clear whether or not the latest FRA overcomes the concerns the EA has raised. Any comments received from the EA will be reported to Planning Committee.

Conclusion

- 9.46 The application site is located within flood zones 1, 2 and 3. The proposed development would ensure that the built form of the apartments would be located within the area of flood zone 1 while the area of the car park would be located within the area of flood zone 3b. To remove the area of car park out of the flood zone the applicant proposes to raise the level and provide Compensatory Flood Storage on the site. The EA objects to the proposals on the grounds that the proposed development would result in a loss of flood storage at this level. The FRA proposes no mitigation for this and as such the development as proposed would increase the risk of flooding elsewhere.
- 9.47 The FRA submitted in support of the application also fails to adequately assess the importance of the river, nor the developments impact on its ecology. The ecological report also refers to the loss of a small watercourse but the impact of this has not been robustly assessed. There is insufficient detail on the management of the river corridor and how the development will deliver net biodiversity gain and how the development can contribute towards extending the connectivity of habitats up and downstream. Following the detailed objection received from the EA that the latest FRA has not addressed the objections raised, it is considered that the application fails to comply with Policies ESD6 and ESD10 of the CLP 2015 as well as paragraphs 163 (footnote 50), 167, 170 and 175 of the NPPF.

Residential amenity

- 9.48 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015, which states that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.49 The closest neighbouring property is to the immediate south of the building known as Newstead which is separated by a distance of approximately 8m from the side of the built form of the development and the side elevation of this neighbouring property. With the roof slope of the development then sloping away from the boundary the impact of the development upon the neighbouring property reduces accordingly.
- 9.50 Although the overall height of the proposal is greater than the neighbouring property by approximately 3m for ridge to ridge, as the proposal is for a three storey with the third storey in the roof space the overall impact on the neighbouring property is reduced to a point that the proposed development would not appear overbearing when viewed from the neighbour's property. In addition to this it is also considered that the development would not result in any significant loss of light nor outlook to warrant a refusal of permission.

Policy Context

- 9.51 Paragraph 54 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.* Paragraph 56 continues by stating that *planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

Development Plan

- 9.52 Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the *Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:*

- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

- 9.53 Policy BSC 3 of the CLP 2015 states, amongst other things that *at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

- 9.54 The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

Assessment

- 9.55 Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for 38 apartments on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.56 The policy requirement is for 30% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 12 units with a 70:30 tenure split between rented and shared ownership. However, as part of the application the applicant has provided a detailed viability assessment of the scheme which highlights that the proposal would

not be viable with the cost of providing an element of affordable housing as part of the development. For this reason, the application as submitted would not be supported by any S106 contributions such as affordable housing.

- 9.57 In considering the viability element of the scheme officers instructed an independent review of the applicant's viability assessment which was carried out by Bidwells. In reviewing the viability assessment Bidwells confirmed that the findings of the applicant's assessment were reasonable and within the region of costs expected for this type of development. Bidwells' review of the development has therefore concluded support for the applicant's view that the proposed scheme is unable to make any contribution towards the provision of affordable housing whilst maintaining economic viability. Bidwells noted that the applicant's viability assessment did not include reference to any potential abnormal costs arising as part of the development proposal. As such if these had also been introduced in the applicant's viability this would have had an even greater impact upon the viability of the scheme.
- 9.58 Taking this review into consideration the Strategic Housing Officer has confirmed that there will not be a request for any affordable housing contributions at present. It is also considered that the requirement to provide an element of affordable housing as outlined in Policy BSC3 has also not been met in that the applicant's viability assessment has outlined that the development would not be viable with an element of affordable housing being required.

Sustainable Construction

- 9.59. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that:

- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.*

Paragraph 155 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- c) *identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.60. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes a criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*

- 9.61. With regards to Policy ESD2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.62. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*
- 9.63 The applicant has made it clear that the flat roof areas of the building provide an ideal location for the positioning of a number of photo-voltaic panels which as they would be located within the valley of the roof the panels would be hidden from view. The applicant also notes that the electricity produced by solar cells is clean and silent and that solar energy is a readily available renewable resource. The applicant continues by stating that the proposed development would also seek to maximise passive solar lighting and natural ventilation and that all areas of the building internally and externally would be lit using low energy lighting and where applicable utilise appropriate daylight and movement sensor controls. With regards to water use the applicant has confirmed that in order to reduce excessive potable water use, water saving appliances are provided. All apartments would be fitted with flow restrictors, aerated taps and dual flush low capacity cisterns and that all apartments would have shower cubicles rather than baths fitted in their principle bathrooms.
- 9.64 Officers are satisfied that the proposed development would comply with the requirements of the Policy and that the development would be a sustainable proposal in terms of energy use. In the event of any permission being granted a condition would be attached requiring the implementation of these measures outlined by the applicant.

Ecology Impact

Legislative context

- 9.65 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.

- 9.66 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.
- 9.67 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.
- 9.68 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.
- 9.69 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

- 9.70 Paragraph 174 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.
- 9.71 Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.72 Paragraph 185 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.
- 9.73 Policy ESD 10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.74 Policy ESD 11 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.
- 9.75 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.
- 9.76 The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.77 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 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')
- 9.78 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of private garden spaces and built existing dwellings. The site backs onto the River Bure and this area of the site is an area of ecology value.
- 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.
- 9.82 The application is supported by a detailed protected species survey which concluded that *ecological features of significant ecological importance have been identified within the Site and even if present they could be accommodated within the proposed development*. Furthermore, the ecology assessment continues by stating that *measures outlined in this report to protect locally designated sites, retained habitats and mitigation strategies to ensure no impacts to protected and priority species are minimised can be controlled via a CEMP as a condition of the planning consent*.
- 9.83 An addendum to the main ecology assessment also highlighted that no bats or Great Crested Newts were found on or near the site. In conclusion the two ecology reports state that *the new development proposals offer a range of opportunities to increase the biodiversity resource on site and deliver net gains. This will be done through the removal existing barriers on site and the installation of fencing permeable to small animals, the incorporation of a range of native-species planting, and the installation of bird and bat boxes into the new buildings. Overall, the development proposals will further enhance the site for animals, contributing to an increase in biodiversity*.
- 9.83 The Council's Ecology Officer was consulted but no comments were received. Notwithstanding, the EA has objected to the application on the details of the ecology report. The EA highlights that the development would have a significant amount of riparian natural habitat within 8 m of the bank of the River Bure which, is a designated main river. The EA also advises that the ecological report submitted with the application does not adequately assess the importance of the river, nor the developments impact on its ecology. The ecological report also refers to the loss of a small watercourse but the impact of this has not been robustly assessed. There is insufficient detail on the management of the river corridor and how the development will deliver net biodiversity gain and how the development can contribute towards extending the connectivity of habitats up and downstream. In addition to this the EA also confirms that the proposed development will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 but as submitted, it is unlikely that a permit will be issued.
- 9.84 For the above reasons officers are not satisfied that the welfare of any European Protected Species found to be present at the site and surrounding land would continue. The proposal therefore fails to comply with Policy ESD 10 of the CLP 2015 and paragraphs 170 and 175 of the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. With this application the principle of the redevelopment of the site is considered acceptable. In terms of design the revised scheme is also considered appropriate in

terms of scale and materials. It is also considered that the position and design of the building will step up from the neighbouring dwelling to ensure that the development would not result in any adverse impact on the neighbours' amenities in terms of any loss of light, outlook or privacy.

- 10.3. This scale and type of development would normally require a S106 to be negotiated and attached to any planning permission granted to include an element of affordable housing. As outlined under Policy BSC3 *the district council will need to be satisfied that such affordable housing:- is economically viable in terms of its ability to meet the need identified*. As part of the supporting documents attached to the application the applicant has submitted a detailed viability assessment with the application. The viability assessment outlines the fact that the development would not be viable in the event that a S106 would be required. In considering this the Council's viability consultant, Bidwells, has reviewed the details and advises that the applicant is correct and as such there is no S106 to be attached to the development in the event that the application was to be approved.
- 10.4. The development does not, however, provide an acceptable form of access to and from the public highway. The LHA objects to the proposed access arrangements onto the private service road to the east of the development. The vision splays as outlined in the report above are considered to be inadequate for the type of development and are obstructed by the adjoining neighbours' boundary. For these reasons it is considered that the development would fail to provide a safe access to and from the site and therefore the proposal fails to comply with Policy ESD15 as well as paragraph 110 of the NPPF.
- 10.5. As the site is partly located within flood zones 2 and 3 the application was supported by a detailed FRA on which the EA has raised an objection to and maintained its objection on the second revision to the FRA. A third FRA has been received from the applicant but at the time of drafting this report there has been no comments received from the EA. Unless further comments are received from the EA that the latest FRA has addressed the objections raised, it is considered that for the above reasons the application fails to comply with Policies ESD6 and ESD10 of the CLP 2015 as well as paragraphs 163 (footnote 50), 167, 170 and 175 of the NPPF.
- 10.6 A further objection from the EA relates to the impact of the development upon the ecology in the River Bure. The EA advises that the ecological report does not adequately assess the importance of the river, nor the development's impact on its ecology. The ecological report also refers to the loss of a small watercourse but the impact of this has not been robustly assessed. There is insufficient detail on the management of the river corridor and how the development would deliver net biodiversity gain and how the development can contribute towards extending the connectivity of habitats up and downstream. For this reason, the development fails to comply with Policy ESD10 of the CLP 2015 and paragraphs 170 and 175 of the NPPF.

11. RECOMMENDATION

THAT THE COMMITTEE RESOLVE TO CONFIRM THAT, HAD THE POWER TO DETERMINE THE APPLICATION HAD CONTINUED TO REST WITH THEM, THEY WOULD HAVE REFUSED THE APPLICATION FOR THE REASONS SET OUT BELOW:

REASONS FOR REFUSAL

1. The proposed access into and out of the site and onto the private service road fails to provide adequate and necessary vision splays to the south of the access. The proposed development therefore fails to provide a safe access to and from the site

contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031 as well as paragraph 110 of the National Planning Policy Framework.

2. The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. Car parks are classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. In addition, the submitted Flood Risk Assessment (FRA) identifies a flood level for a 1% annual probability flood event with the appropriate allowance for climate change of 71.06m AOD. When compared to the topography of the site, the proposed development will result in a loss of flood storage at this level. The FRA proposes no mitigation for this and as such the development as proposed will increase the risk of flooding elsewhere. The proposed development is therefore contrary to paragraph 167 in the National Planning Policy Framework and its associated planning practice guidance and Policy ESD 6 of the Cherwell Local Plan 2011-2031.
3. The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The Flood Risk Assessment does not therefore adequately assess the development's flood risks. In particular, the FRA fails to take the impacts of climate change into account. The development provides inadequate mitigation to address flood risk for the lifetime of the development. The floodplain has not been safeguarded or compensation for lost flood storage provided. The proposed development is therefore contrary to paragraph 167 in the National Planning Policy Framework and its associated planning practice guidance and Policy ESD 6 of the Cherwell Local Plan 2011-2031.
4. The ecological report submitted with the application does not adequately assess the importance of the river Bure, nor the developments impact on the river's ecology. The ecological report also refers to the loss of a small watercourse but the impact of this has not been robustly assessed. There is insufficient detail on the management of the river corridor and how the development would deliver net biodiversity gain and how the development can contribute towards extending the connectivity of habitats up and downstream. The proposed development therefore fails to comply with Policy ESD 10 of the Cherwell Local Plan 2011 – 2031 and paragraphs 170 and 175 of the National Planning Policy Framework.

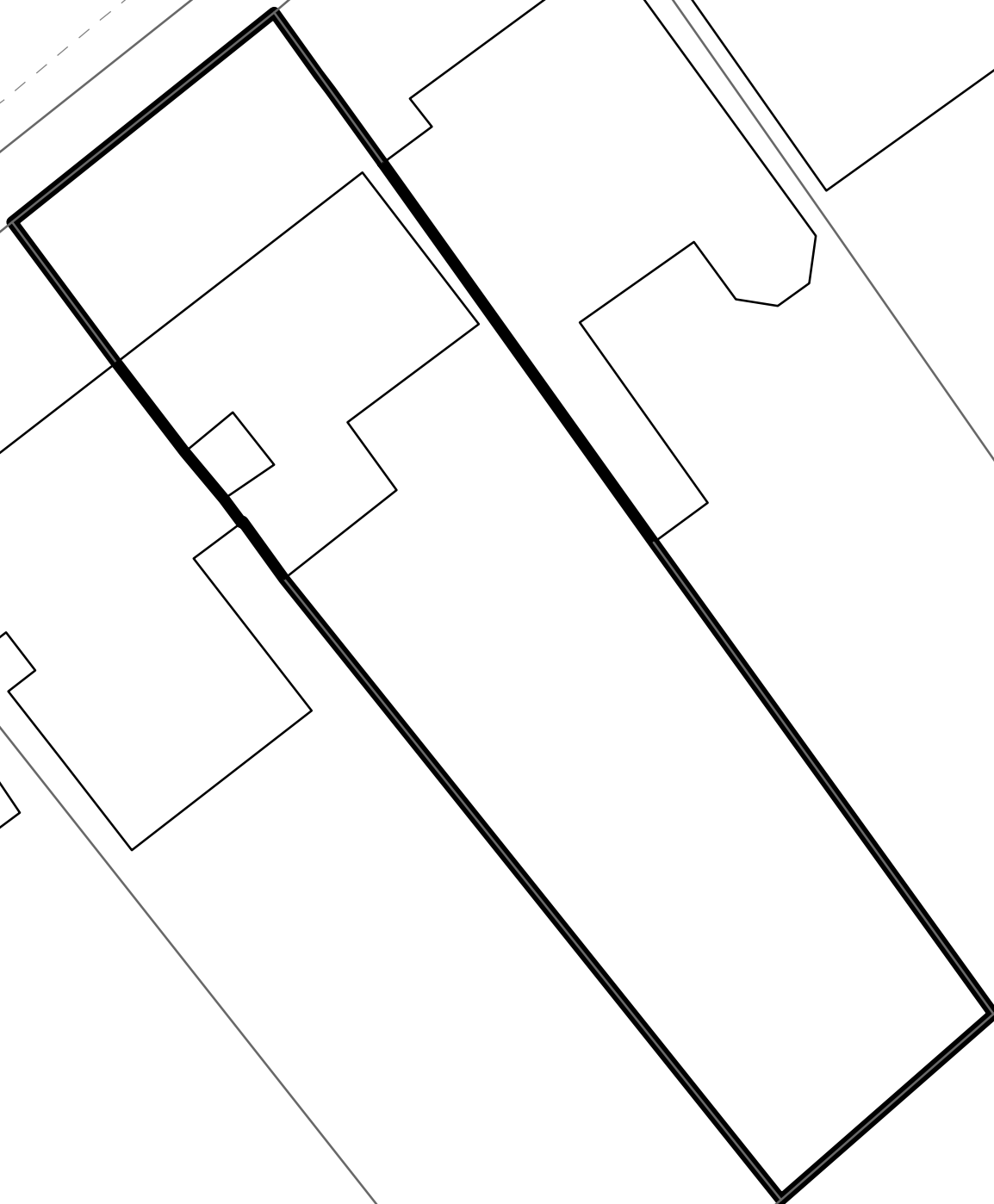
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St Thomas More



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Sarah Greenall

Applicant: Mr Jack Piccaver

Proposal: Demolition of existing dilapidated and fire damaged single level dwelling - Class C3(a) - and erection of 4 No. flats in single, two level building - Class C3(a) (resubmission of 21/01212/F)

Ward: Kidlington East

Councillors: Councillor Billington, Councillor Griffiths, and Councillor Middleton

Reason for Referral: Called in by Councillor Billington for the following reasons:

1. Level of local concern
2. Impact on quiet residential street with many bungalows and elderly residents
3. Insufficient parking and increased traffic, noise and pollution

Expiry Date: 17 January 2022

Committee Date: 13 January 2022

SUMMARY OF RECOMMENDATION: REFUSAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the built-up form of Kidlington within an established residential area to the south of the main village High Street. The site is bound by other residential properties, and St Thomas Moore Roman Catholic School and West Kidlington Primary School are situated further to the south east of the site. Churchill Road itself is characterised with a varied street scene featuring a mixture of single and two storey dwellings that are set back from the road with large driveways/front garden areas and finished in mostly light-coloured rendering.

2. CONSTRAINTS

- 2.1. The site lies within an area where the West European Hedgehog have been identified; however, other than this the site is considered to be relatively unconstrained. It does not lie within a conservation area or within close proximity to any listed buildings. The site is situated within Flood Zone 1 and is considered to be at low risk of flooding.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application relates to the demolition of the existing bungalow and erection of 4 no. 2 bedroom apartments at 7 Churchill Road, Kidlington. The building would be 1.5 storeys in height and consist of a double gable design on the front elevation finished in white render with anthracite UPVC fenestrations. The proposals include the provision of 4 off street parking spaces at the front of the property that set it back from the road, and shared amenity space, secured and covered bicycle parking and recycling and refuse storage to the rear of the property. The cycle parking provision is located within the allocated amenity space for the individual units to the rear.

4. RELEVANT PLANNING HISTORY

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

21/01212/F

Demolition of existing dilapidated and fire damaged single level dwelling - Class C3(a)
- and erection of 5 x flats in single, two level building - Class C3(a).

Application Withdrawn.

- 4.2. The above application was withdrawn over concerns with the design, impact on residential amenity and highway issues.

5. PRE-APPLICATION DISCUSSIONS

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

21/02204/PREAPP

The principle of the development was considered to be acceptable; however, it was advised that the scale of the rear element of the proposals should be reduced to allow the proposals to be acceptable.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is **9 January 2022**.

- 6.2. 19 letters of objection have been received and no letters of support have been received. The comments raised by third parties are summarised as follows:

- The proposal would be detrimental to the character of the area
- Parking concerns
- Highway safety concerns
- Not enough affordable housing
- Overdevelopment of the site
- Impact on neighbour amenity
- Cumulative negative effects
- Concerns that the outbuilding/office rooms will be used as additional accommodation
- Concerns over drainage
- Increased fumes and noise

- 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. KIDLINGTON PARISH COUNCIL: **Objects** on the grounds of the proposed development being out of keeping with surrounding character, impact on neighbour amenity and insufficient parking provision.

OTHER CONSULTTEES

- 7.3. OCC HIGHWAYS: **No objections**. The proposals offer 1 off-street car parking space per dwelling. This is below the maximum standards of 2 per dwelling for urban areas in Cherwell. In this case, there are mitigating factors which justify a relaxation of parking standards. The site is located in a highly sustainable location, with excellent access to frequent bus services. Nearby amenities are within walking distance and there is a good level of cycling infrastructure nearby. Each site has been provided with covered and secure cycle parking that conforms to policy requirements. The proposals are unlikely to have any adverse impact upon the local highway network in traffic and safety terms.
- 7.4. CDC BUILDING CONTROL: **Comments** that all the windows to all the habitable rooms would need to be suitable for means-of-escape in case of fire. The proposed external wall on the north east elevation (facing the boundary to adjacent property No.5) would need to be located at least one metre from the boundary otherwise non-compliant for fire safety.
- 7.5. CDC ECOLOGY: **No comments received** at the time of writing this report.
- 7.6. CDC ENVIRONMENTAL HEALTH: **No objections** subject to conditions.
- 7.7. CDC HOUSING STANDARDS: **Comments** that the open plan layout of the proposed flats creates a risk from fire. In the event of a fire in the open plan kitchen/living room, there is a risk that occupiers could become trapped in bedrooms. I would recommend that all bedrooms have an alternative means of escape i.e. an emergency egress window. Additional fire safety measures such as misting systems in the kitchen/living room would be recommended.
- 7.8. CDC LAND DRAINAGE: **No objections**. the site is shown to be in an area of medium surface water flood risk. However, given the previous development history at the site, no objections in principle. Drainage: The applicant proposes to provide a soakaway (of size yet to be specified) for the disposal of surface water. This is very unlikely to be acceptable in principle due to the very high impermeability of the superficial geology. The applicant should be asked to justify this proposal through undertaking BRE 365 testing on the site. If soakaways are found not to be feasible the applicant should be asked to propose an alternative method of surface water disposal, which is likely to be achievable only through a S.106 Water Industry Act agreement with Thames Water to connect to their sewer in Churchill Road.
- 7.9. CDC WASTE AND RECYCLING: **No comments received** at the time of writing this report.
- 7.10. THAMES VALLEY POLICE (DESIGN ADVISOR): **No objection** subject to conditions.

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 ('CLP 2015') was formally adopted by Cherwell District Council in July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC4: Housing Mix
- ESD1 – Mitigation and adapting to climate change
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD6: Sustainable Flood Risk Management
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation

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)
- Kidlington Framework Masterplan SPD (2016)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway Impacts
- Ecology impact
- Flood Risk
- Other matters

Principle of Development

- 9.2. The principle of residential development in Kidlington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Kidlington is recognised as a Category A village in the CLP 2015. Category A villages are considered the most sustainable settlements in the District's rural areas and the majority have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement.

- 9.3. The application site is located in an established residential area within Kidlington and contains a detached single storey dwelling situated on a generous plot. The application seeks planning permission for the demolition of the dwelling and its replacement with 4 no two bedroom flats.
- 9.4. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.5. Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.6. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'. Cherwell's position on five-year housing land supply has recently been reviewed by officers for the emerging 2021 Annual Monitoring Report (AMR) which is to be presented to the Council's Executive on 10 January 2022. Despite a strong record of delivery since 2015, the draft AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. According to the draft AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five year supply as required by the NPPF.
- 9.7. However, paragraph 12 of the NPPF advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. In February 2021, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that where a council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes but it does not render grants of planning permission automatic.
- 9.8. The provision of additional housing within an existing residential area located in a sustainable Category A village weighs in favour of this proposal which has the potential of increasing the District's housing supply and therefore helps to address the current shortfall. However, any development proposal would continue to be assessed against the policies of the Development Plan.

- 9.9. The proposed development can therefore be considered acceptable in principle, with overall acceptability subject to compliance with the relevant Development Plan policies and the NPPF.

Design and Impact on the Character of the Area

Legislative and policy context

- 9.10. Government guidance contained within the NPPF requiring good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.11. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.12. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.13. 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
- 9.14. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.15. The application proposes the demolition of the existing 1930s bungalow and its replacement with a purpose-built building containing 4 x 2-bedroom flats. The replacement building would not sit any further forward on the plot than the existing dwelling, although it is noted that it would have a larger overall footprint and the height would be increased from single storey to 1.5 storey. The area is, however, characterised by a varied street scene that has a mixture of single and two storey dwellings. Further to this, several of the nearby bungalows feature dormers on the front elevation which create a perceived feeling of an additional storey. While objectors raise concerns with regards to the additional storey proposed and its impact, given the above it is not considered that increasing the height of the building would result in any harm to the character of the street scene.
- 9.16. The design of the building does include a prominent double gable on the front elevation; however, it is noted that there are a number of front elevations within the

vicinity featuring a gable end design and a double gable also seen on the neighbouring bungalow at number 9. The building is proposed to be finished in a white render and would be set back from the road, which mirrors the character of the neighbouring buildings, and therefore it is not considered that the design of the proposal would result in any material harm to the character or appearance of the area.

- 9.17. The front of the property is proposed to be utilised as parking which would result in a large area of hardstanding being installed. While this is unfortunate, it is noted that this is a feature added to many of the properties in the area. The street does feature a buffer of grass verges to break up areas of hardstanding, and on balance it is not considered the addition would result in such a negative impact to the streetscene to warrant a reason for refusal.
- 9.18. The proposals are therefore considered to be in accordance with Policies C28 and C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and guidance contained within the NPPF.

Residential Amenity

Legislative and policy context

- 9.19. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. Policy ESD15 of the CLP 2015 highlights, amongst other things, that new development should *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*.
- 9.20. The Cherwell Residential Design Guide (2017) states that a minimum distance of 22m back to back, between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable. First floor habitable room windows must not be within 7m of neighbouring property.

Assessment

- 9.21. The proposed development is considered to provide an appropriate standard of living for any future occupants of the proposed flats in terms of the indoor and outdoor amenity space available.
- 9.22. There is some concern over the proposed layouts of the flats in terms of fire safety. The Council's Building Control team advises that all bedrooms would need to have windows that have a suitable for means-of-escape in case of fire, but it is not clear whether this has been incorporated into the design. Further to this, unit 4 at ground floor level would require two door protection at the entrance to ensure it complied with building regulations. However, it is not considered this amounts to a reason to refuse the application on the grounds of living conditions of future occupiers, and would need to be dealt with under separate legislation, i.e. these issues could likely be overcome through alternative solutions and an informative note, highlighting the concerns included on the decision notice should the application be approved, would suffice. That said, the reliance of the upper floor flats on rooflights for light to living spaces is an indicator of the somewhat cramped form of development would result.
- 9.23. It is noted that any windows proposed on the side elevations of the building are either at ground floor level and screened by boundary fencing, or high level rooflights at the first floor level which ensures that there would be no detrimental impacts on the privacy amenity of neighbouring properties.
- 9.24. The replacement building would be constructed in two sections with the front of the building having a ridge height of approximately 6.3 metres, and a subservient rear

section of the building that has a lower ridge height of 5.9 metres. The proposed building would also protrude a further 10.8 metres into the rear garden of the plot than the existing bungalow. It is considered that the proposal would not result in loss of privacy or outlook to the neighbours to the north east (No. 5 Churchill Road) given that there are no windows on the side elevation of the building serving habitable room windows, and the windows on the rear elevation of the building appear to accord with the 45 degree angle rule.

- 9.25. However, the other neighbouring property, to the south west (No. 9 Churchill Road) benefits from a ground floor rear-facing window which is positioned close to the boundary of the two properties and according to floor plans from 2011, this appears to serve bedroom number 3 of the property. This is the only window serving the third bedroom on No. 9, and officers are concerned that this would result in an overbearing impact that would be detrimental to the light and outlook amenity of this neighbour.
- 9.26. The application property benefits from a kitchen on the south western side of the building that extends further to the rear of the main house that already intervenes the 45 degree angle when measuring from the middle of the window serving bedroom 3 at number 9. The proposals would not only extend further into the rear garden by an additional 3.7 metres, but also increase the ridge height of the building close to the boundary of this window by an additional 2.2 metres. While it is noted that the proposals have been amended to reduce the height of the rear section of the building, the additional impact on the 45 degree angle together with the increase to the height of the building is still considered to be too severe and would result in a detrimental impact on the light and outlook amenity to number 9.
- 9.27. The proposals are therefore considered to be contrary to Saved Policy C30 of the CLP 1996 and Policy ESD15 of the CLP 2015.

Highway Impacts

Legislative and policy context

- 9.28. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe places to live and work in.
- 9.29. Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.30. In addition, paragraph 109 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 9.31. Several concerns have been raised with regards to the parking provision proposed at the site, and the potential impact on highway safety. It is noted that the two ground floor flats have an additional room labelled as 'office' space that have the potential to be used as bedrooms; however, the assessment on highway safety has taken this into account.

- 9.32. The proposals offer 1 off-street parking space per dwelling, which is below the maximum parking standards of 2 per dwelling for urban areas in Cherwell. The Local Highway Authority (LHA) has noted that the site benefits from mitigating factors that justify a relaxation of parking standards in this case. The site is in a highly sustainable location, with frequent bus services within close proximity to the site along Oxford Road. Further to this, a number of nearby amenities are within walking distance to the site, and there are good levels of cycling infrastructure nearby.
- 9.33. Each flat has covered and secured cycle parking provision located within the allocated amenity space to the rear of the building that is easily accessible from the side of the building, which would further promote the use of sustainable forms of travel and conform to policy requirements. The LHA has offered no objections to the application, and given the above it is considered the proposals comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.
- 9.34. The LHA has noted that any alterations to the public highway would be at the applicant's expense and to Oxfordshire County Council's standards and specifications

Ecology Impact

Legislative and policy context

- 9.35. 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.
- 9.36. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.37. 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.
- 9.38. 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 (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.39. 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')

9.40. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative note reminding the applicant of their duty to protected species would instead be included on the decision notice should the application be approved and is considered sufficient to address the risk of any residual harm.

Flood Risk

Legislative and policy context

9.41. Policy ESD 6 of the CLP 2015 states that site specific flood risk assessments will be required to accompany development proposals in the following situations:

- All development proposals located in flood zones 2 or 3
- Development proposals of 1 hectare or more located in flood zone 1
- Development sites located in an area known to have experienced flooding problems
- Development sites located within 9m of any watercourses.

9.42. The Policy goes on to state that *development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.*

Assessment

9.43. It has been noted that Land and Drainage have suggested that the applicant should be asked to justify this proposal through undertaking BRE 365 testing on the site. The site is however situated within a Flood Zone 1 area and is not at significant risk of flooding. The proposal is situated on previously developed land and would be less than 1 hectare in size, nor is it located within 9 metres of any watercourses. It is therefore considered sufficient for the structure to be built in accordance with Approved Document H of the Building Regulations. The application is therefore considered to comply with Policy ESD 6 of the CLP 2015.

Other Matters

9.44. It is noted that several objectors raised concerns around the description of the development, which suggested that the existing bungalow was dilapidated and fire damaged. While on site it was noted that there is some fire damage to the property, it is not considered to be in a dilapidated state that could not be rectified with some minor modifications to the building. That said, it is not considered that the state of the building has any impact on officers' view of the proposals.

9.45. Concerns have also been raised with regards to the use of an existing outbuilding currently located in the rear garden of the site that has the potential to be used as additional accommodation. It is noted, however, that this is not included in the

proposals and would be removed as part of the scheme – this should be a condition of any approval given. Therefore, if the outbuilding were to be retained and used as additional accommodation then the development will not have been completed in accordance with the approved plans, and enforcement action would be sought.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal would result in additional dwellings in a sustainable urban location, to which significant weight should be attached and some minor, temporary benefits through construction jobs. However, the proposal fails to comply with the relevant Development Plan policies and guidance listed at section 8 of this report because it would result in an unacceptable impact on the light and outlook amenity of number 9 Churchill Road, and it is considered that these impacts would significantly and demonstrably outweigh the proposal's benefits. There are no other material considerations that outweigh this conflict and the harm caused, and therefore permission should be refused.

11. RECOMMENDATION

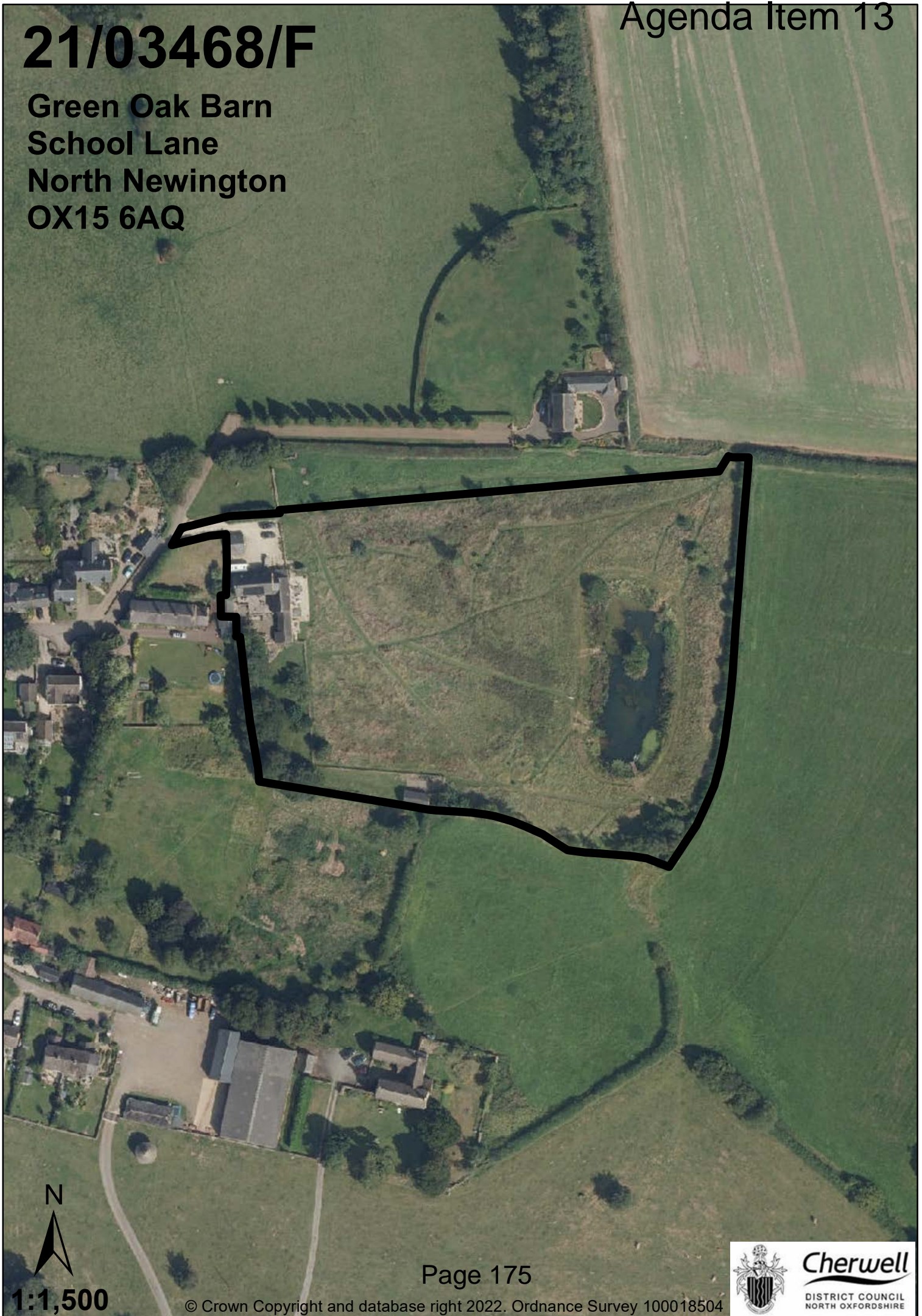
RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

1. By virtue of its size and massing, the proposed development would have an overbearing impact on number 9 Churchill Road that would be detrimental to the living conditions of the neighbouring occupier through loss of light and outlook. The proposal is therefore contrary to Saved Policy C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21/03468/F

**Green Oak Barn
School Lane
North Newington
OX15 6AQ**



21/03468/F

**Green Oak Barn
School Lane
North Newington
OX15 6AQ**

Sorbrook Barn

Tiggs Court

North Lodge

Pond

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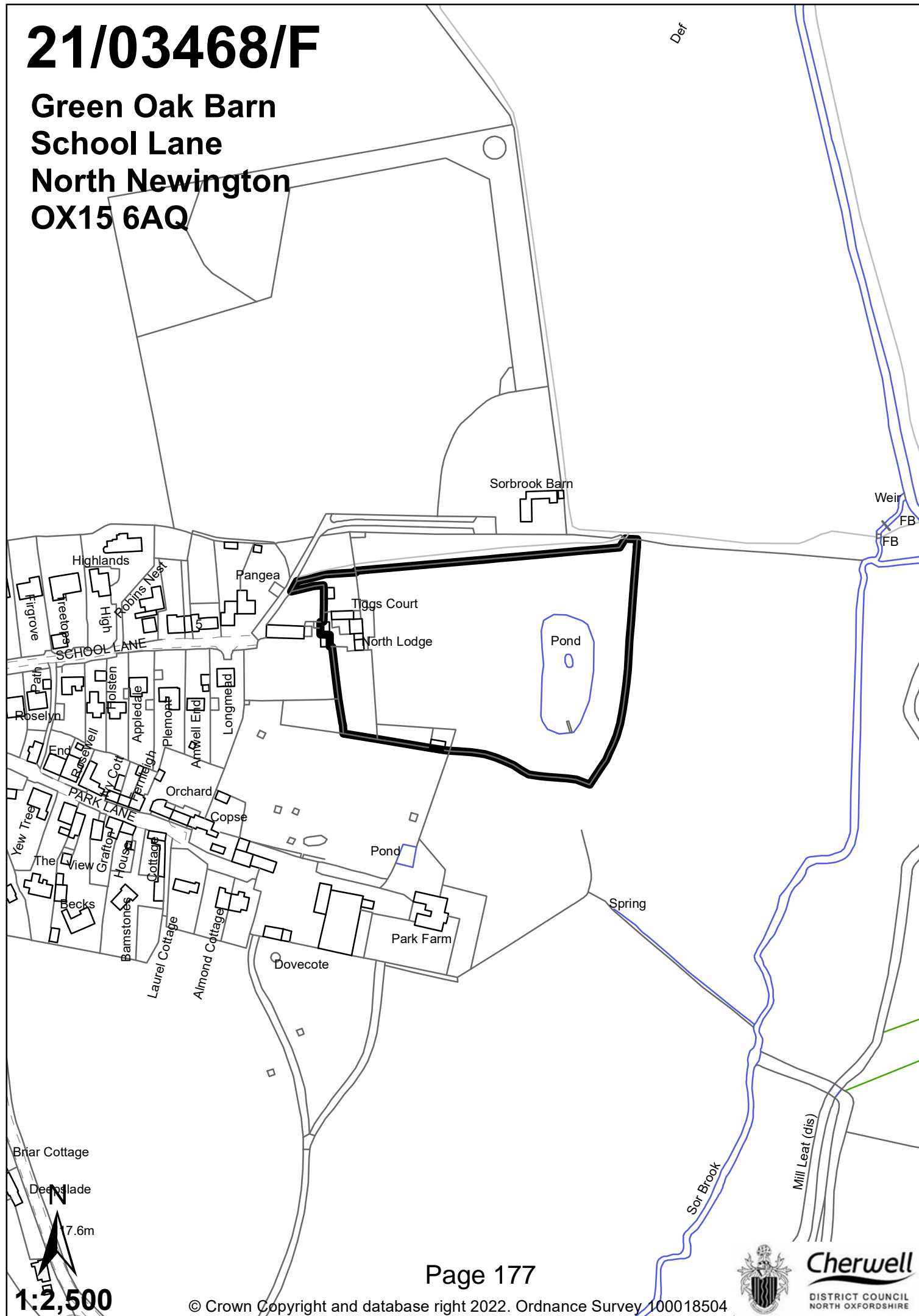
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/03468/F

**Green Oak Barn
School Lane
North Newington
OX15 6AQ**



Case Officer: Lewis Knox

Applicant: Mr and Mrs Mackaness

Proposal: Attic conversion with associated rooflights and gable windows. New rooflights to master bedroom

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllr Chapman, Cllr Reynolds and Cllr Webb

Reason for Referral: Called in by Cllr Webb as to whether the assessment of the impact of the proposed development on the character and appearance of the North Newington Conservation Area, and the historic character of the converted original threshing barn and stable is appropriate.

Expiry Date: 8 December 2021

Committee Date: 13 January 2021

SUMMARY OF RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a group of converted barns on the edge of the village of North Newington. The barns are of stone construction under a slate roof with timber windows and doors. There are residential properties immediately to the west and the site looks over open countryside to the east.

2. CONSTRAINTS

- 2.1. The site is not a listed building but does sit within the North Newington Conservation Area and Historic Village Core. A public right of way runs adjacent to the property (ref. footpath 315/1). The site may have some archaeological potential and the land has the potential to be contaminated with naturally occurring arsenic, chromium and nickel.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks permission for the conversion of the attic which would include the associated insertion of rooflights and gable windows to create a habitable space.
- 3.2. The proposals also include the insertion of new rooflights to the existing master bedroom.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 96/01132/F
Conversion of existing redundant stone barn and courtyard to residential use
Permitted

- 4.2. Application reference 96/01132/F granted permission for the conversion of the barns to residential use. However, Condition 7 of that permission restricted permitted development rights for the insertion of new openings within the converted barn. The reason given for the restrictive conditions was to enable the Local Planning Authority to retain control over the development of the site in order to safeguard the amenities of the occupants of the neighbouring properties.

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, expiring **15 November 2021**, by advertisement in the local newspaper expiring **11 November 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **1 December 2021**.
- 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. NORTH NEWINGTON PARISH COUNCIL: No objections

CONSULTEES

- 7.3. CDC CONSERVATION: **Object**

The main issue is the effect of the proposal on the character and appearance of the North Newington Conservation Area, having particular regard to the historic character of the converted original threshing barn and stable within a landscape setting with archaeological interest.

The original form of the farm courtyard is clearly discernible and the use of original openings and limited additional openings combine to respect the simple form of the former threshing barn, the addition of the large opening to the former stable wing has changed the understanding of this building but has attempted to use the language of traditional farm buildings. The grouping of farm buildings continues to make a positive contribution to the rural character of the village at the interface between the village and the landscape setting.

The NPPF defines a heritage asset to include a building that has a degree of significance meriting consideration in planning decisions because of its heritage interest and the PPG advises that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. The retention of the original characteristics convey the historic form and function of the former threshing barn and stable, it possesses local interest and aesthetic value as part of Cherwell's agricultural heritage. This is still a barn conversion, converted under our saved policies and guidance on barns and it is

important that we continue to resist any proposals that would erode the character of the barn and conservation area.

The design approach would not align with the Cherwell's Design Guide for the Conversion of Farm Buildings (2002): 'the character of a barn is derived from its original function as a working agricultural building, and therefore every effort should be made to retain the original simplicity of scale and form and to alter as little as possible externally and internally'. Non-designated heritage assets of local importance are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (NPPF Par 189). Saved Policy C28 and ESD13 also expect development to respect and enhance local landscape character which forms part of the setting of the conservation area. The design of proposals are also expected to enhance a conservation area. I would not support this proposal as the cumulative changes are considered to harm the character and appearance of the Conservation Area and erode the significance of the non-designated heritage asset.

- 7.4. CDC BUILDING CONTROL: **No objections** - Building control application required. Bedrooms should have a protected escape route

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H19 – Conversion of Buildings in the Countryside
- 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)
- CDC Home Extensions and Alterations Design Guide (2007)
- North Newington Conservation Area Appraisal (2014)
- Cherwell District Council's Design Guide for the Conversion of Farm Buildings (2002)

9. APPRAISAL

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

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

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

Policy Context

- 9.2. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.3. The NPPF also advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.4. Policy ESD15 of the CLP 2031 Part 1 states that development should '*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*'.
- 9.5. Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscape.
- 9.6. Saved Policy H19 of the CLP 1996 is particularly relevant in terms of local plan policy, though the conversion has already been approved and completed, conditions included on the original permission removed the permitted development rights for the insertion of new openings to ensure the LPA retained control over the character of the dwelling and so that the agricultural origins and appearance of the converted barn could be retained. The policy does also provide background on the details which are considered at the time of conversion. This policy indicates that proposals for the conversion of a rural building whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided:
- i. The building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character;
 - ii. The proposal would not cause significant harm to the character of the countryside or the immediate setting of the building;
 - iii. The proposal would not harm the special character and interest of a building of architectural or historic significance;
 - iv. The proposal meets the requirements of the other policies in the plan.

- 9.7. Cherwell District Council's Design Guide for the conversion of farm buildings contains guidance on what alterations to traditional farm buildings can be made whilst retaining the original character of the buildings. The guidance states that existing openings should be retained and used as a priority when finding new means of admitting light to the property. Any new openings should be kept to a minimum. Rooflights should relate to the scale of the building and should only be considered after non-obtrusive windows in the gable ends.

Assessment

- 9.8. The main issue is the effect of the proposal on the character and appearance of the North Newington Conservation Area, having particular regard to the historic character of the converted original threshing barn and stable. A Conservation Area is defined by the NPPF as a designated heritage asset.
- 9.9. The grouping of farm buildings continues to make a positive contribution to the rural character of the village at the interface between the village and the landscape setting.
- 9.10. The proposed additional rooflights would be located within the existing roof slope of the application dwelling and would be readily visible from the public domain and would have an impact on the character and appearance of the North Newington Conservation Area and would be readily visible from the public right of way running along the northern boundary of the site.
- 9.11. It is noted that a further opening to the northern gable was permitted under Ref: 15/00039/F, with the Planning Officer concluding that whilst the opening would have an impact to the character and appearance of the barn, it would retain an agricultural appearance.
- 9.12. The existing three rooflights to the northern side are set relatively low within the roofslope and as such their impact on the character of the property when viewed from outside of the site is relatively minimal, leaving much of the roof plane untouched.
- 9.13. The proposed development would result in a further four rooflights to this side and would be set much higher in the roofslope making them more noticeable and prominent within the Conservation Area and from the public right of way than the existing rooflights which are set lower and are somewhat obscured from wider views by surrounding buildings.
- 9.14. Similar to the northern elevation there are an additional two rooflights proposed to the southern roofslope of the application dwelling. They would also be set higher in the roofslope. As such would have a similarly harmful impact to the character and appearance of the property, locality and Conservation Area as those proposed to the northern elevation.
- 9.15. The additional rooflights would be visible from public rights of way and would be more dominant when the interior is artificially illuminated, detracting from the setting of the Conservation Area.
- 9.16. These additions are considered to be an over proliferation of openings to this roof and would diminish the original agricultural look and feel of the property. The number of rooflights would appear overly domestic and would not respect the original character of the barns which has been retained through their conversion.
- 9.17. The proposed flush planar glass rooflights to the eastern elevation of the property are considered to cause further harm to the character of the converted barn. The openings would overlap the bottom of the roofslope onto the elevation below. These types of windows, which would interrupt the original eaves of the barn, are considered to be

an incongruous and alien feature and would be to the detriment of the character and appearance of the North Newington Conservation Area and the agricultural origins of the converted barns.

- 9.18. This element of the proposal would introduce an overtly modern intervention designed to contrast with the traditional detailing of the farm facing onto open countryside and would be visible from public rights of way and would be more dominant when the interior is artificially illuminated, detracting from the setting of the Conservation Area.
- 9.19. The additional window to the eastern gable end would also cause harm to the original agricultural character of the barn and to the character and appearance of the Conservation Area. It is the officer's opinion that the converted barn is already at the limit of the number of openings which would be appropriate for this kind of dwelling without causing demonstrable harm to the farm buildings and wider Conservation Area.
- 9.20. Any benefits to the proposed development are suggested in the supporting Design and Access Statement to be related to sustainability. Specifically, electricity saving through increased natural light, and solar gain heat from the windows reducing the need for excess additional heating. These benefits would very small in scale and mostly appreciated only by the occupants of the property. As such they are considered to represent very minimal public benefits. The proposed development is not required to ensure the future use or protection of the building and as such there is no justification for the harm which would be caused to the character of the converted barn.

Conclusion

- 9.21. The newly proposed openings are considered to go beyond what is generally acceptable for a barn conversion and would result in an over proliferation of these kinds of openings causing harm to and diminishing the original agricultural character of the property. As a result, it is considered that the development would have a negative impact on the converted barns and the character and appearance of the area representing 'less than substantial' harm to the designated heritage asset of the North Newington Conservation Area. The very minimal public benefits represented by the sustainability gains of the proposed works would not be sufficient to outweigh this 'less than substantial' harm caused when viewed from the public domain most notably the nearby public right of way where clear views of the property are possible.
- 9.22. The proposal is considered to not be acceptable in design terms and would conflict with Policy ESD15 of the CLP 2015, saved Policies H19, C28 and C30 of the CLP 1996, Council guidance contained within the Conversion of Farm Buildings (2002) and Government guidance contained in the NPPF.

Residential Amenity

Legislative and policy context

- 9.23. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 Part 1 which states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.24. None of the proposed openings would face towards any neighbouring dwelling and as such would not impact on the levels of privacy within the locality.

- 9.25. The development does not seek to enlarge the scale of the dwelling and so there would not be any impact on the amenities of the occupants of nearby dwellings in terms of loss of light, loss of outlook or overbearing.

Conclusion

- 9.26. The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and Government guidance contained in the NPPF.

Highway Safety

Legislative context

- 9.27. The NPPF states that, *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Assessment

- 9.28. The conversion of the attic space would result in a further two bedrooms at the dwelling taking the overall number to six.
- 9.29. The property benefits from a large, gravelled parking area to the northern side of the site which has sufficient space to accommodate the parking needs of a dwelling of this size and as such it is not considered that there would be any impact on the safety of the local highway network as a result of the development.

Conclusion

- 9.30. The proposals would be acceptable in highway safety terms and accord with Policy ESD15 of the CLP 2031 Part 1 and Government guidance contained in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal fails to comply with the relevant Development Plan policies and guidance listed at section 8 of this report because it would result in an incongruous and overly domestic form of development through the over proliferation of openings to the converted barn which would cause demonstrable harm to the character and appearance of the former agricultural buildings. The very minimal public benefits represented by the sustainability gains of the proposed works would not be sufficient to outweigh this 'less than substantial' harm caused to the North Newington Conservation Area. The development would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H19, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
- 10.2. There are no other material considerations that outweigh this conflict and the harm caused, and therefore permission should be refused.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASON SET OUT BELOW

1. The proposed new openings by virtue of their layout, form and positioning within the roofslope would result in an incongruous and overly domestic form of development that is not in keeping with the traditional agricultural character of the converted barn and would fail to sympathetically integrate into the built environment or reinforce local distinctiveness. The proposals are also considered to cause less than substantial harm to the character and appearance of the North Newington Conservation Area. The minimal public benefits identified are insufficient to outweigh this harm to this designated heritage asset. The proposal therefore fails to comply with saved Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies H19, C28 and C30 of the Cherwell Local Plan 1996; and Government guidance contained within the National Planning Policy Framework.

**32 Orchard Way
Bicester
OX26 2EJ**

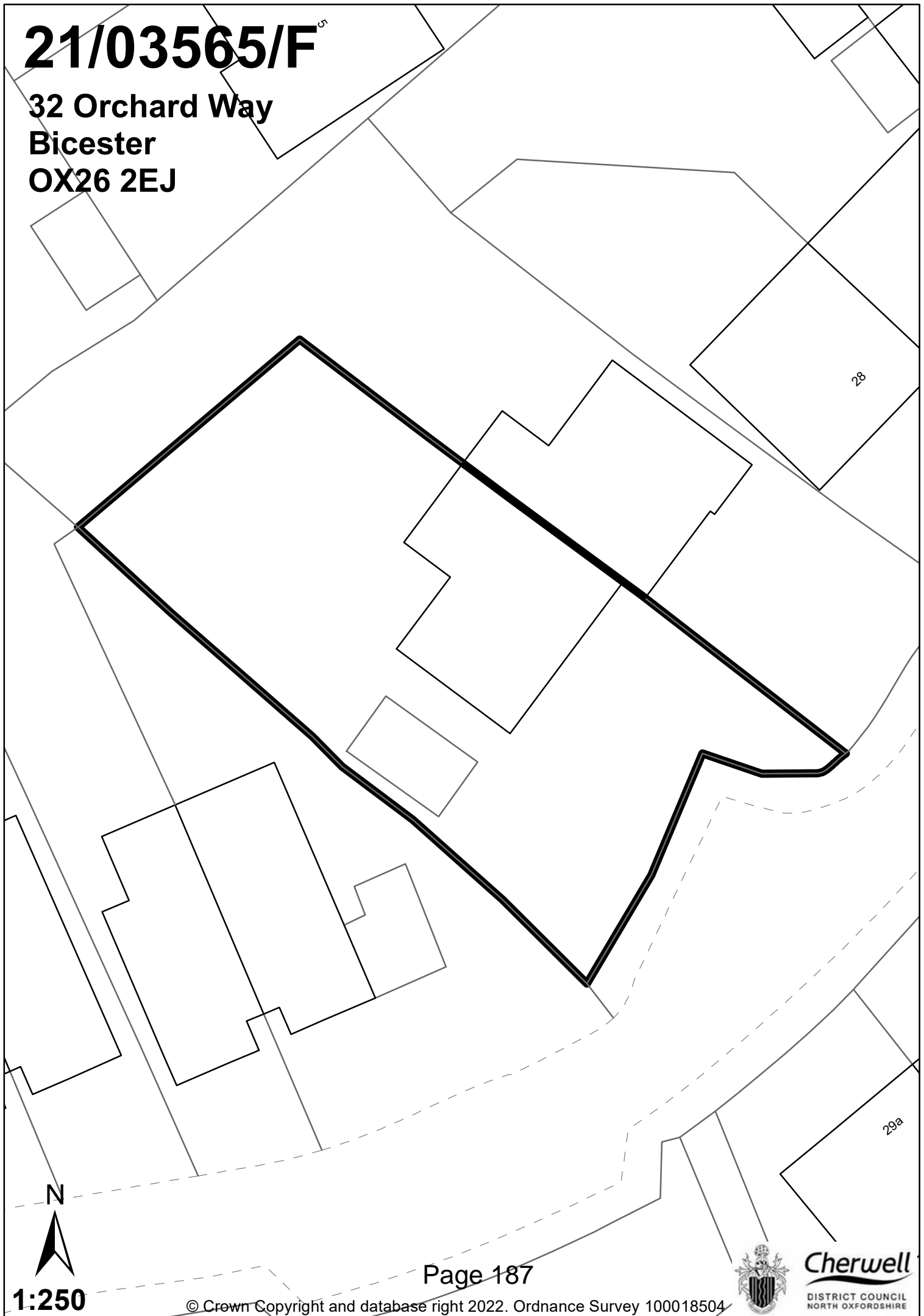


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21/03565/F⁵

**32 Orchard Way
Bicester
OX26 2EJ**



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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/03565/F

32 Orchard Way
Bicester
OX26 2EJ



Case Officer: Emma Whitley

Applicant: Mr Adrian White

Proposal: Conversion / extension of garage to form 1-bed single storey dwelling - resubmission of 21/00790/F

Ward: Bicester West

Councillors: Cllr Broad, Cllr Sibley and Cllr Webster

Reason for Referral: Called in by Councillor Les Sibley for the following reasons:

- Impact of the proposed development on the character and appearance of the area
- The design and visual impact of the building on the street scene and neighbouring properties
- The impact the proposed development on the private amenities of the neighbouring property at no34 Orchard Way
- The on-off site vehicle movements and visibility splays

Expiry Date: 14 January 2022

Committee Date: 13 January 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to the detached garage of No. 32 Orchard Way. The existing building is single storey in scale and is constructed from red brick with a plain tiled roof. The host dwelling (32 Orchard Way) is a semi-detached dwelling constructed from red brick with off-white render and uPVC fenestration under a plain tiled roof. The dwelling and associated garage are stepped back from the road by approximately 11m and are screened by well-established hedgerows and trees. The immediate vicinity is characterised by similarly designed semi-detached and terraced dwellings.

2. CONSTRAINTS

- 2.1. The application site is not listed nor is it situated within proximity to any listed buildings or within a designated conservation area. There are no additional site constraints considered relevant to this proposal.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning permission to extend and convert the existing garage to create a 1-bed single storey dwelling. The application differs from a previous proposal (reference 21/00790/F) as this proposal is single storey. The applicant has confirmed that construction materials would match those of 32 Orchard Way and that six off-street parking spaces would be provided as part of the proposals (an increase of two spaces).

4. RELEVANT PLANNING HISTORY

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

73/00219/NE

Construction of two-storey extension to form garage with bedrooms above
Application Permitted

15/00352/F

New 3 bedroom detached dwelling
Application Withdrawn

16/00140/F

Erection of 1 No three bedroom semi-detached dwelling - re-submission of
15/00352/F
Application Refused

17/00397/F

Two storey side extension
Application Refused

18/01794/F

Convert 1no five bedroom semi-detached dwelling into 2no dwellings - 1 three
bedroom and 1 two bedroom
Application Permitted

21/00790/F

Demolition of existing garage. Erection of 2 storey end of terrace dwelling
Application Withdrawn

- 4.2. Application number 15/00352/F was withdrawn as the case officer had advised the application was likely to be refused on grounds that the impact on the street scene and neighbour amenity were seen as too harmful.
- 4.3. Application number 16/00140/F was refused due to the harmful affect the proposal would have on the character of the area as a result of its cramped and incongruous appearance, in particular the terracing affect in comparison to the established semi-detached built-form of the area. It was also deemed to have an overbearing effect on the neighbouring property.
- 4.4. Application number 17/00397/F was refused due to the harmful affect the proposal would have on the established built form of the area, by virtue of the increased width, lack of subservience and resulting appearance of the terrace. It was also deemed to have an overbearing effect on the neighbouring property. This application was subsequently dismissed at appeal with the Inspector agreeing with the LPA that the proposal would result in harm to character and appearance and living conditions of neighbouring occupiers.
- 4.5. The 2018 permission was considered acceptable in sustainability terms, would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics. Further, it would not adversely affect residential amenity or highway safety. The applicant has confirmed that this permission is no longer extant as the existing dwelling remains a single dwelling unit.
- 4.6. Application number 21/00790/F was withdrawn following discussions with the previous case officer.

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 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 **16 November 2021**.

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

- Detrimental harm to highway safety
- Garage should be retained in order to provide additional off-street parking
- Existing dwelling 6-bed HMO
- With 18/01794/F permitted for separation to two dwellings (2-bed and 3-bed), this proposal would add a third property on the application site
- Proposal close to neighbouring property (No. 34)
- Existing bin storage on public footpath
- Detrimental impact on neighbouring residential amenity
- Plans inaccurate
- Position of front door not in-keeping
- Prevent access to existing bike store for No. 32
- Creation of terrace not in-keeping
- Existing dwelling not maintained

- 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. BICESTER TOWN COUNCIL: **Object** on the grounds of over-development; inappropriate development of site; adverse impact on character and appearance of streetscene; parking and highway safety concerns; waste disposal concerns; too close to neighbouring property; no EV charging points.

CONSULTEES

- 7.3. ARBORICULTURE (CDC): **Objection**. Comments: No arboriculture assessment provided, which would address Officer concerns with regards to tree removal and tree retention.
- 7.4. ENVIRONMENTAL HEALTH (CDC): **No objections**, subject to conditions relating to contaminated land and EV charging infrastructure.
- 7.5. LOCAL HIGHWAYS AUTHORITY (OCC): **No objections** subject to standard conditions in respect of parking and turning provision and EV charging infrastructure.

- 7.6. HOUSING STANDARDS: **No objections. Comments:** Inner room requires means of escape, sui generis planning permission required if occupied by more than 6 people, HMO license would need to be varied upon completion of proposed works.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in favour of sustainable development
- BSC2 – The effective and efficient use of land - brownfield land and housing density
- SLE4 – Improved transport and connections
- BSC2 – Effective use of land and housing density
- ESD1 – Mitigation and adapting to climate change
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

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)

9. APPRAISAL

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

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

Principle of Development

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

otherwise. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how these should be applied.

- 9.3. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.4. Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.5. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'. Cherwell's position on five-year housing land supply has recently been reviewed by officers for the emerging 2021 Annual Monitoring Report (AMR) which is to be presented to the Council's Executive on 10 January 2022. Despite a strong record of delivery since 2015, the draft AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. According to the draft AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five year supply as required by the NPPF.
- 9.6. However, paragraph 12 of the NPPF advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. In February 2021, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that where a council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes, but it does not render grants of planning permission automatic.
- 9.7. The provision of additional housing is a material consideration that weighs in favour of a proposals that have the potential of increasing the Districts housing supply and therefore help to address the current shortfall. However, any development proposal would continue to be assessed against the policies of the Development Plan.

- 9.8. There are no adopted Local Plan policies specifically restricting housing development within Bicester. The CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B88 states: *“By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”*.
- 9.9. The application site is positioned within the built-up limits of Bicester in close proximity of the town centre and has good access to public transport links, local shops and amenities. It is therefore considered to be in a sustainable urban location, which in principle is suitable for residential development. Policy BSC2 also encourages the efficient use of land in sustainable locations, which weighs in favour of the proposal. Further, the emphasis of the NPPF is very much on the efficient use of land, providing a good mix of house types and on creating new dwellings in sustainable locations.
- 9.10. Thus, the overall principle of development, in sustainability terms, is not opposed. However, the acceptability of the proposal is subject to other considerations such as the impact of the proposal on both the visual amenity of the site and surrounding area, impact on neighbours and highway safety.

Design, and impact on the character of the area

- 9.11. The current proposal is for an attached dwelling that has been designed to face onto Orchard Way and would align with the front elevation of the existing dwelling. Further, construction materials appear to match the existing dwelling. In order to ensure this is the case, a condition has been recommended to require materials to match.
- 9.12. Section 4.8 of the Cherwell Residential Design Guide SPD relates to Density. It advises that to ensure that land across the district is used in an economical manner, Policy BSC 2 of the Local Plan requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare (dph), and that efficiency for the use of land can be increased through the use of bespoke house types which can make best use of awkward plots
- 9.13. Redevelopment within existing residential areas is a means of increasing density within the most sustainable locations in the District. However, for such development to be seen as acceptable it needs to demonstrate compliance with Policy ESD15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996.
- 9.14. ESD15 requires development to be designed to improve the quality and appearance of an area and the way it functions, support the efficient use of land and infrastructure, through appropriate mix and density/development intensity; and contribute positively to an area's character and identity by reinforcing local distinctiveness, respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. It also advises that development should be designed to integrate with existing streets. Policy C28 of the CLP 1996 requires new development to be sympathetic to the character of the urban context of that development, and Policy C30 of the CLP 1996 requires that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.16. The character of the surrounding street scene is typified by two storey semi-detached dwellings. Many have been extended at 2 two storey level to extend up to the side boundaries of the plots. As was highlighted in the Inspectors dismissal of the previous application reference 17/00397/F, although number 32 sits on a wider plot than others in the area, the Inspector concluded that the (then) proposed two storey addition would have created an unacceptable terracing effect, unbalancing the host building.

- 9.17. By contrast, given the reduced scale of the development, the dwelling now proposed would appear subservient by way of roof ridge and eaves height. It would have the appearance of a single storey side extension, particularly as the entrance is to the side.
- 9.18. Officers note concerns regarding the creation of a terraced from the existing semi-detached dwellings. However, as detailed above, the single storey form of the proposal is considered to adequately address this concern.
- 9.19. It is acknowledged that the proposal would compromise access to the existing waste storage to the rear of the host dwelling. However, an area for bin storage has been identified within proposed plans that could be adequately screened. It is the arrangement to the front of the site with the significant parking area and arrangements for bin storage which would provide the biggest visual clues that the plot had been subdivided. This area would also be more visible within the street scene as the existing landscaping to the front of the site would need to be removed to accommodate the required car parking and bin storage. Within the surrounding street scene, on-plot parking provision the front of properties is common and many have extended their hardstanding across what would have been the front garden. Tall planting is uncommon and therefore the loss of the existing vegetation would not undermine the existing character of the area to an unacceptable degree.

Residential amenity

- 9.20. The proposal would not breach the informal 45-degree line with regards to 34 Orchard Way. Further, given that positioning and scale of the proposal, limited overshadowing and loss of light would occur to the habitable rooms of this neighbour. With the proposal being single storey, loss of privacy would be limited with regards to this neighbour, particularly given the existing boundary treatments. Officers note the neighbours' concern with regards to overlooking from the side entrance door to the proposal, however this would largely be screened by the boundary treatments and no other windows are proposed to the side elevation towards this neighbour. The impact to this neighbour is therefore considered to be minimal.
- 9.21. Some shadowing and loss of light would occur to the existing dwelling of 32 Orchard Way; however, this would largely be in the late afternoon and is not considered so severe to warrant a refusal in this regard. Limited harm would result with regards to loss of privacy given the single storey scale of this proposal.
- 9.22. Overall, the proposals are not considered to result in a detrimental impact on the amenities of the attached neighbour or any other neighbouring property by way of loss of light and outlook. The proposal therefore complies with saved Policies C30 of the CLP 1996 and ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

Highway safety

- 9.23. The proposal includes the provision of six off-street parking spaces to be provided within the existing hard standing, which according to existing plans, is an increase of two off-street parking spaces. However, the Local Highways Officer noted that due to existing vegetation, the existing parking provision shown on the plans is incorrect.
- 9.24. Notwithstanding this inaccuracy, the Local Highways Officer provided no objections, stating that three additional parking spaces would effectively be provided so with the increase of an additional bedroom at the site, on-street parking should be reduced, subject to the standard parking and turning provision condition. The majority of the comments received from the neighbours identified concerns regarding parking at the site and as such, officers consider that this proposal would be of some benefit in this

regard in order to be able to provide better parking provision at the site and within the immediate area.

- 9.25. The Local Highways Authority and the Council's Environmental Protection Officer both requested that EV charging points be provided on the site. Given that there are no other provisions for renewable energy within the proposals, a condition has been recommended to require EV charging infrastructure to be provided.
- 9.26. The proposal therefore complies with Policies ESD5 and ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

Trees

- 9.27. The Council's Arboricultural Officer has raised concerns regarding the impact on existing trees to the front of the existing property. This vegetation would need to be removed in order to accommodate the car parking and bin storage arrangements necessary to service both the proposed dwelling and the existing 32 Orchard Way.
- 9.28. Policy ESD10 of the CLP 2015 states that the protection of trees will be encouraged, with an aim to increase the number of trees in the District. This policy also seeks to ensure proposals for development achieve a net gain in biodiversity through either protecting existing resources, or by creating new ones. In order to offset the loss of the vegetation to the front of the property, it is therefore considered necessary to impose a condition to require a landscaping scheme that will secure compensatory planting in the area to the rear of both the proposed dwelling and 32 Orchard Way.
- 9.29. The TPO'd tree to the rear of the site would be unaffected by the proposed works.

Neighbour comments

- 9.30. Comments relating to the existing dwelling operating as a 6-bed HMO are noted, however planning permission is not necessarily required for an HMO of this size. The remaining neighbour comments have been addressed within the report.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The proposed development is located in a sustainable location within an existing residential area of Bicester. The introduction of the hard landscaping to the frontage to facilitate the required car parking and bin storage, in combination with the loss of existing vegetation, will have a small degree of detrimental impact. However, this is considered to be acceptable given the prevailing character of the surrounding area. Planning weight is also given to the fact that this limited visual harm is created to facilitate the provision of an additional dwelling that will help to address the current housing shortfall in the district.
- 10.3. Further, the dwelling would not result in detrimental harm to residential amenity or highway safety. The proposal therefore complies saved Policies C28 and C30 of the CLP 1996 and ESD15 of the CLP 2015.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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: Site Location Plan, Block Plan and Drawing Numbers 01998/21/10 (Proposed Elevations) and 01998/21/11 (Proposed Plan).

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

3. The materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the adjoining building, number 32 Orchard Way, Bicester.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the first use of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 01998/21/11 – Proposed Plan) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The parking and manoeuvring areas shall be retained as such thereafter and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

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

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

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

6. Prior to the commencement of works above slab level in respect of the development the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:
- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

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

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

7. The dwelling hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling.

Reason: To maximise opportunities for sustainable transport modes and to comply with Policies SLE 4, ESD1, ESD3 and ESD5 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 of the dwelling hereby approved, full details of the bin storage area(s) to serve both the dwelling hereby permitted and 32 Orchard Way, Bicester shall be submitted to and approved in writing by the Local Planning Authority. The agreed bin storage area(s) shall be fully installed prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained.

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

9. Prior to the first occupation of the dwelling hereby approved, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the

Local Planning Authority.

Reason - Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework

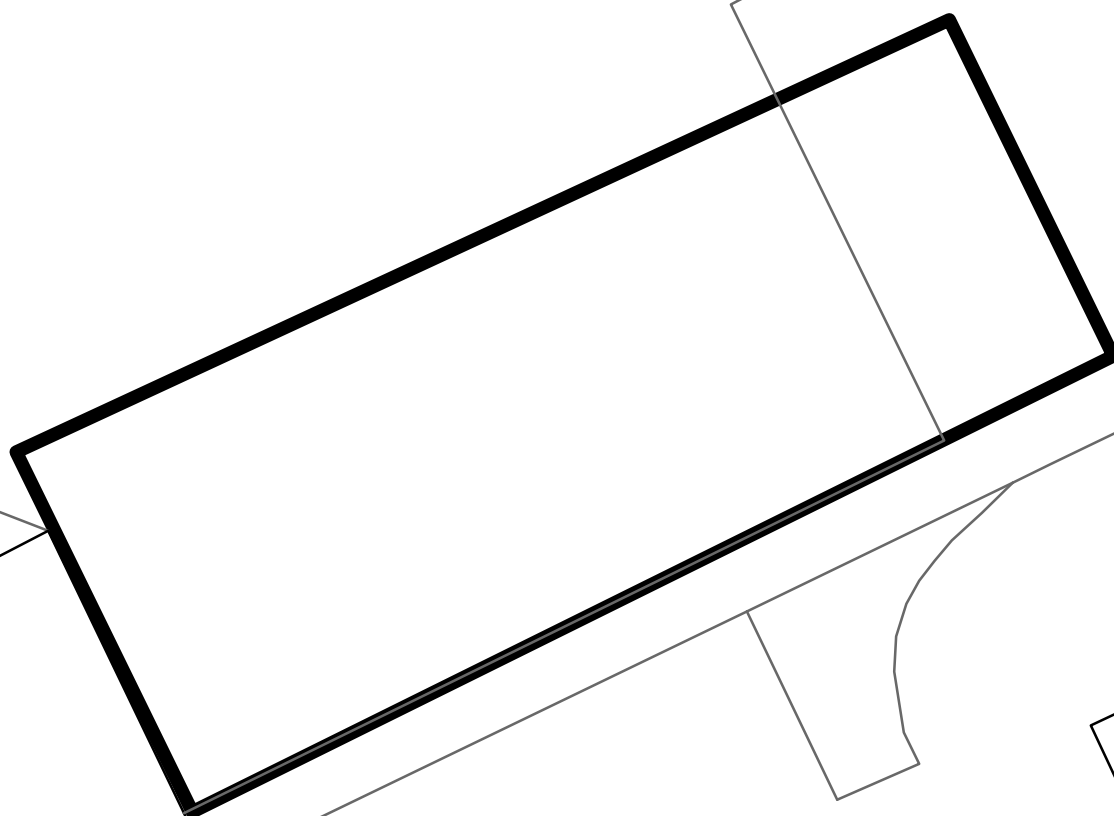
Woodgreen Leisure Centre
Woodgreen Avenue
Banbury
OX16 0HS



21/02857/F

Woodgreen Leisure Centre
Woodgreen Avenue
Banbury
OX16 0HS

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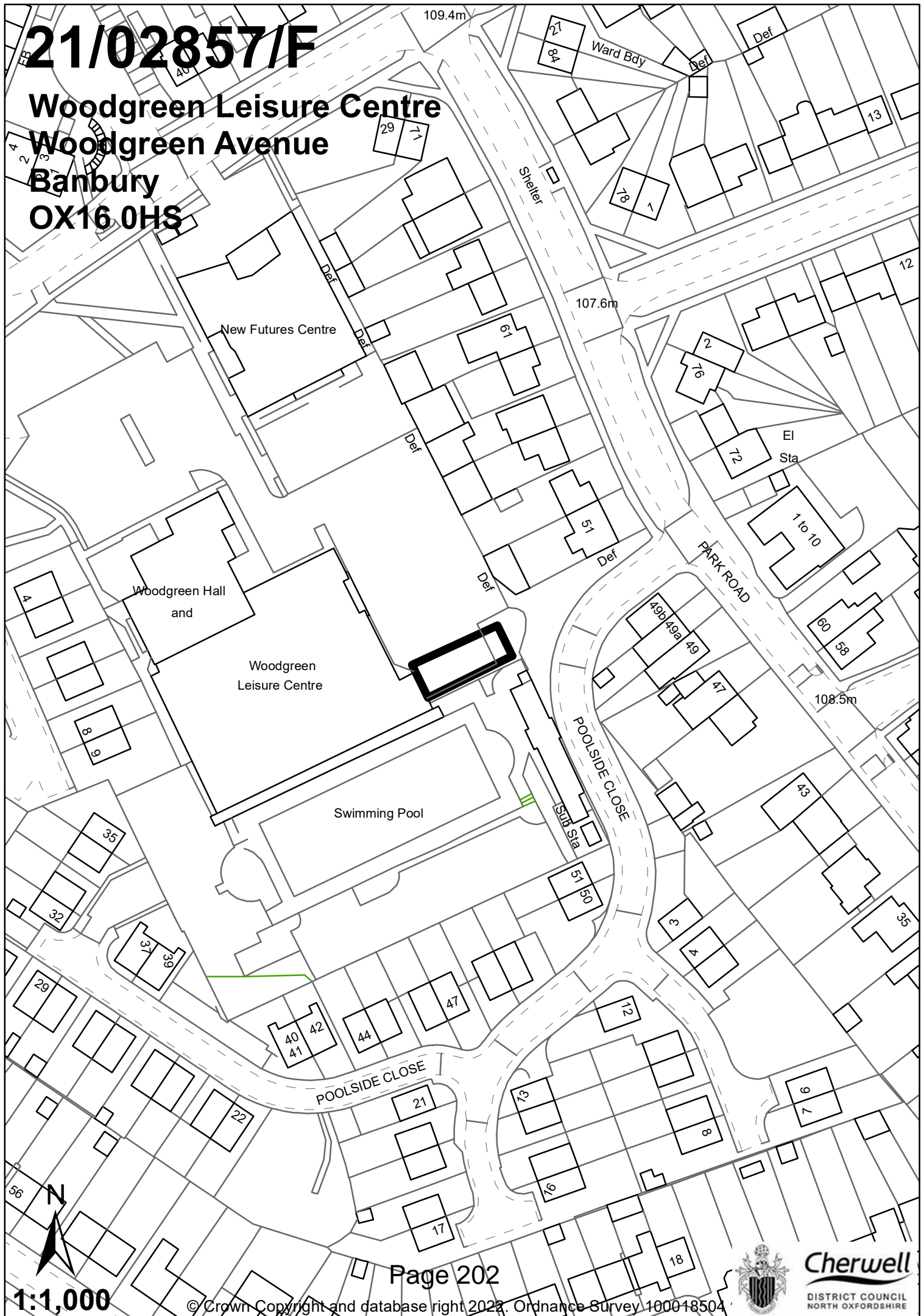
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/02857/F

Woodgreen Leisure Centre
Woodgreen Avenue
Banbury
OX16 0HS



Case Officer: Lewis Knox

Applicant: Cherwell District Council

Proposal: Installation of solar thermal water heating system to the roof of the building.

Ward: Banbury Ruscote

Councillors: Cllr Cherry, Cllr Richards and Cllr Woodcock

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 12 October 2021

Committee Date: 13 January 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION
SUBJECT TO CONDITIONS FOLLOWING EXPIRY OF CONSULTATION PERIOD**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is Woodgreen Leisure Centre which provides the following facilities: outdoor pool; indoor bowls hall; gym; and exercise studio. It is accessed from a roundabout on Woodgreen Avenue and has car parking situated to the north and west of the building.
- 1.2. The building is a mix of architectural styles including a main two storey pitched building with flat roof and mono-pitched extensions around the building. It is constructed with a mix of materials including brick and render.
- 1.3. The Banbury Early Intervention Hub is to the north of the site and is a modern building with a mix of mono-pitched roofs. This building is predominantly finished in a blue and cream render.

2. CONSTRAINTS

- 2.1. There are no significant planning constraints to the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks permission for the installation of a solar thermal water heating system to the roof of the building.
- 3.2. The solar thermal system would predominately be set on the northern roofslope of the main building with some added next to the existing solar PV panels to the southern roofslope.
- 3.3. The solar thermal system would also be added to the southern roofslope of the outdoor pool building and plant room.
- 3.4. This is a change from the originally submitted scheme which proposed the installation of a shipping container within the leisure centre car park to house a battery system for the existing solar PV panels to the roof of the building. It was considered that the

shipping container storage would only be appropriate for a 3-year temporary permission, the applicants decided that they could not proceed on this basis and amended the proposals.

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 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 is **15 January 2022**.
- 6.2. No comments have been raised by third parties at the time of writing this report; however, it is noted that the consultation period is due to end after the committee date and any comments submitted up to this date will still be considered.
- 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. BANBURY TOWN COUNCIL: No comments on the revised scheme at the time of writing

CONSULTEES

- 7.3. CDC ENVIRONMENTAL HEALTH: No objections
- 7.4. CDC BUILDING CONTROL: 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 in July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- ESD15 – The Character of the Built and Historic Environment
- PSD1 – Presumption in Favour of Sustainable Development
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Design, and impact on the character of the area
- Residential amenity
- Highway Safety
- Renewable Energy

Design, and impact on the character of the area

Policy Context

- 9.2. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.3. Saved Policy C28 of the adopted Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.4. Policy ESD15 of the CLP 2015 states that development should ‘*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*’.

Assessment

- 9.5. The proposed solar thermal heating system would be positioned on the northern roofslope of the leisure centre and would face onto the car park surrounding the building. Though it is noted that it would be visible from the public domain from Spring Gardens to the west and from the roundabout which connects Woodgreen Avenue to Orchard Way.
- 9.6. Aside from the fact that a large proportion of the system would be on a flat roofed section of the leisure centre, the building is set significantly back from the main public highway and roundabout at the entrance of the site and so the impact of the solar panels, which are a common feature on municipal buildings, would be minimal and any harm to the character and appearance of the streetscene would be negligible.

- 9.7. The solar thermal heating system would be similar in appearance to the existing solar PV panels already affixed to the southern roofslope of the main leisure centre building and as such would not appear alien within the context of the site.
- 9.8. Further panels of the solar thermal heating system would be affixed to the smaller outdoor pool building and plant room to the rear of the main leisure centre building and as such would not be readily visible from outside of the application site and would not have any impact on the character and appearance of the locality.
- 9.9. Renewable energy systems such as this are becoming more typical of larger public buildings such as this as we move towards a more sustainable energy source, and as such the system would not be against the character of this building.

Conclusion

- 9.10. The proposals are considered to have a neutral visual impact on both the leisure centre and the wider streetscene. The proposals are therefore considered to comply with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential Amenity

Policy context

- 9.11. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 Part 1 which states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.12. Part of the solar thermal system would be fitted to the main roof of the leisure centre roof which is in close proximity to neighbouring dwellings within Spring Gardens to the west of the site.
- 9.13. Despite this relationship, the panels would not add any significant massing to the building. It is therefore considered that there would not be any notable impact on the amenity of neighbouring occupants in terms of loss of light, loss of outlook or by being overbearing.
- 9.14. The element of the solar thermal system which would be fitted to the plant room and pool building would not be located in close proximity to any residential properties and as such would not have any impact on the amenity of the locality.

Conclusion

- 9.15. The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and Government guidance contained in the NPPF.

Renewable energy

- 9.16. In accordance with Policy ESD5 of the CLP 2031 Part 1 which promotes the use of renewable energy, the application incorporates sustainable technology within the scheme through a solar thermal water heating system.
- 9.17. The proposed heating system would reduce the building's reliance on fossil fuels and the existing water heating system and as such would reduce the carbon footprint of

the leisure centre and thereby support the Council's commitment to address the climate change emergency.

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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

- i. THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, IF THERE ARE NO FURTHER COMMENTS RECEIVED WHICH RAISE NEW ISSUES NOT BEFORE THE COMMITTEE IN THEIR DECISION MAKING; AND**
- ii. 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: NTBS3540 T15/WLC/108

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.

Calthorpe Street West Short Stay Car Park
Calthorpe Street
Banbury
OX16 5EX



21/04037/F

Calthorpe Street West Short Stay Car Park
Calthorpe Street
Banbury
OX16 5EX

Car Park

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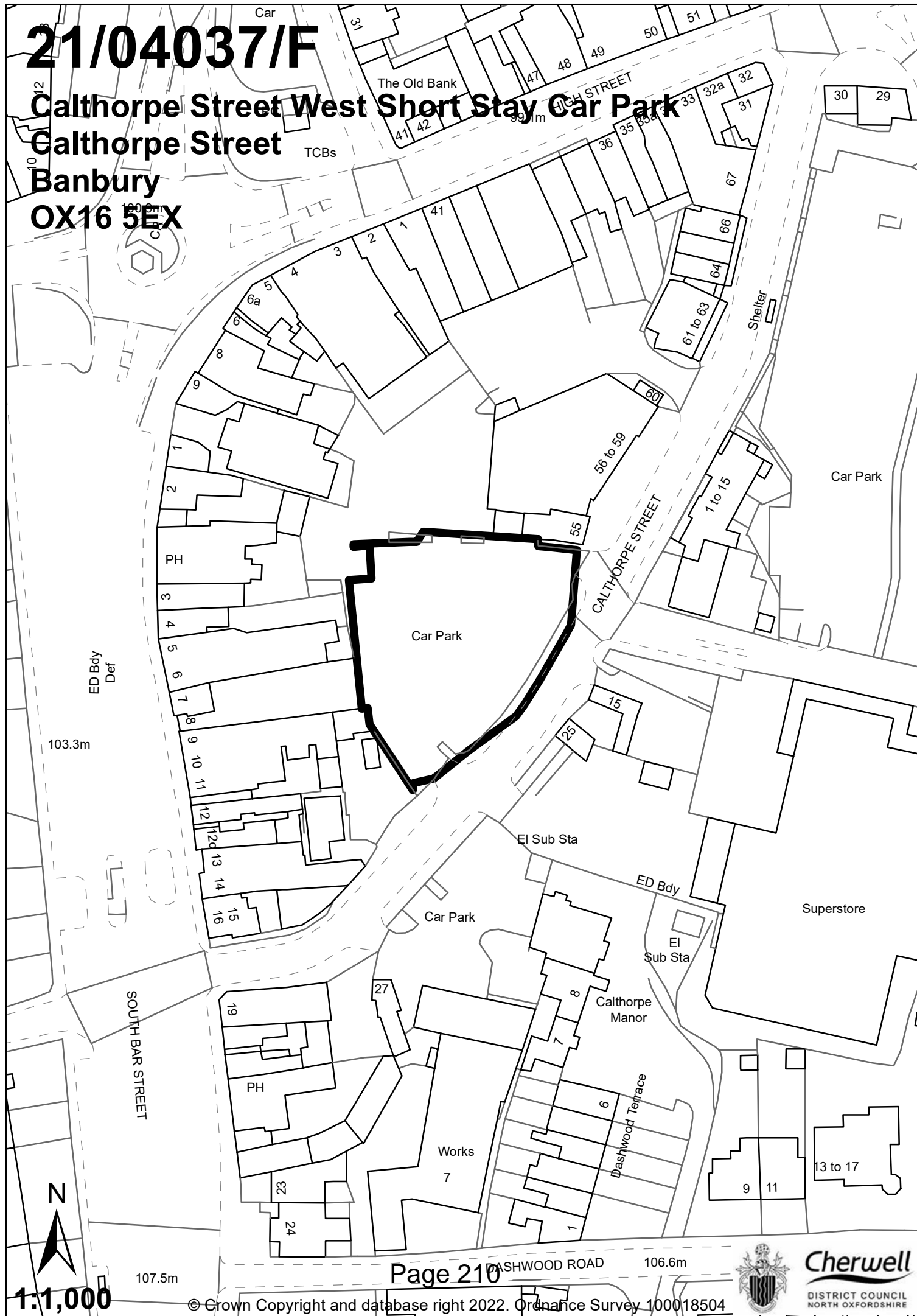
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/04037/F

Calthorpe Street West Short Stay Car Park
Calthorpe Street
Banbury
OX16 5EX



Case Officer: Sarah Greenall

Applicant: EZ Charge Ltd

Proposal: Electricity kiosk and 6no charging stations for Electric Vehicle Charging

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

Reason for Referral: Application affects Council's own land

Expiry Date: 27 January 2022

Committee Date: 13 January 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION
SUBJECT TO CONDITIONS FOLLOWING EXPIRY OF CONSULTATION PERIOD**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located centrally within Banbury, to the south west of the main High Street and forming part of a public car park accessed from Calthorpe Street. The application site is a small part of the car park to the north east close to the access of Calthorpe Road forming 12 car parking spaces.

2. CONSTRAINTS

- 2.1. The site is within the Banbury Conservation Area and within close proximity to some Grade II listed buildings, as well as having some potential for archaeology. It is also within an area of elevated radon levels and situated on potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the provision of an electrical kiosk to facilitate charging stations for electric vehicles. 6no charging posts are proposed (serving the 12 spaces that sit within the application red line area).
- 3.2. The electrical kiosk is proposed to be 2.25m high, 2.7m wide and 0.6m deep with a black finish. The charging posts are proposed to be 1.74m high by 0.65m by 0.44m. The units are a light colour with black detailing.

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 nearby residential properties. The final date for comment is **13 January 2022**.
- 6.2. No comments have been raised by third parties at the time of writing this report; however, it is noted that the consultation period is due to end after the committee date and any comments submitted up to this date will still be considered.
- 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. BANBURY TOWN COUNCIL: **Fully support** the conversion of some Local Authority managed parking spaces to EV charging spaces and consider that this is a good location and does not cause undue harm to the character and appearance of the area.

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objection**.
- 7.4. CDC CONSERVATION: No comments received at the time of writing this report
- 7.4. CDC ENVIRONMENTAL HEALTH: No comments received at the time of writing this report.

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

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

- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- 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
- ENV12 – Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Council's 2020 Climate Action Framework
- Connecting Oxfordshire: Local Transport Plan 2015-2031

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 including heritage impact
- Transport Impact
- Residential amenity

Principle of Development

- 9.2. The application relates to the provision of an electrical kiosk and EV charging points. The application documentation provides the background to this proposal describing that the Government has accelerated the transition to electric vehicles to 2030 and by 2025, it is estimated that there will be 25,000 battery electric vehicles driven on the roads of Oxfordshire. As part of Cherwell District Council's Climate Emergency declaration, it has prepared a Climate Action Framework which, amongst other measures shows support for electric and active travel as the new normal as a measure to contribute towards the District achieving net zero emissions by 2050.
- 9.3. Park and Charge Oxfordshire is a partnership project between Oxfordshire County Council, SSE, Zeta, Urban Integrated and the University of Oxford who are leading the way to help local District Council's across Oxfordshire provide electric charging hubs to accommodate this growth. The project is funded by Innovate UK and is proposed to provide hubs to meet demand as take-up grows. The locations of the initial car parks for the hubs have been chosen so that the charging points are close to residential areas with little off-street parking. The charging points are bookable overnight so they can be used by local residents who might otherwise have difficulties charging their electric vehicle and which are available to visitors otherwise.
- 9.4. This particular site is within Banbury Town Centre and located within the Banbury Policy 7 area identified in the CLP 2015. The Development Plan aims to strengthen town centres which is highlighted in Banbury Policy 7 stating *Shopping, Leisure and other 'Main Town Centre Uses' will be supported within the boundary of Banbury town centre*. The site is part of an existing car park and the plan is to set aside 12 parking spaces for EV use, with a kiosk to link to the charging points. The existing car park already supports the use of the town centre and it is considered that the provision of charging points will not only help to accommodate the growing use of electric vehicles, but also contribute to the regeneration of the town centre by providing infrastructure that allows local residents with little off-street parking to use more sustainable modes of transport when visiting the town centre.
- 9.5. Policy SLE4 of the CLP 2015 states that *All development where reasonable to do so, should facilitate the use of sustainable modes of transport and that encouragement will be given to solutions which support reductions in greenhouse gas emissions*. Policy ESD1 of the CLP 2015 also states that *measures will be*

taken to mitigate the impact of development within the district on climate change which would include delivering developments that *encourages sustainable transport options*. The proposals are considered to support the expected 25,000 battery electric vehicles that will be driven on the roads of Oxfordshire by 2025. The principle of providing EV charging points in existing car parks is therefore considered acceptable as it would facilitate infrastructure to support visitors and residents move to a more sustainable form of transport and this would contribute to mitigating the impacts of climate change, reducing air pollution and to help the Council achieve its targets for a net zero carbon District by 2050. The proposal therefore complies with Policies SLE4 and ESD1 of the CLP 2015.

Design and Impact upon the character of the area including heritage impacts

- 9.6. Policy ESD15 sets out the expectation that development should complement and enhance the character of its context and meet high design standards.
- 9.7. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF states that: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*. Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.8. The kiosk would be positioned adjacent to existing car parking spaces which would be upgraded and advertised appropriately as being for EV use. The position of the EV charging points would be accessible centrally to the 12 spaces. The proposals would be visible within the context of an existing town centre car park and surrounding urban area. The infrastructure items proposed are modest in size and would therefore not appear prominent or out of keeping with its context.
- 9.9. The site is located within the Banbury Conservation Area, as well being within close proximity to a number of Grade II listed buildings. While the Conservation Officer has not provided comments at the time of writing this report, it is considered that given the context for the development the new proposed structure would represent a low level of less than substantial harm to the surrounding designated heritage assets. This harm would however be outweighed by the public benefits represented by the proposal that facilitates the provision of EV infrastructure.
- 9.10. On this basis, Officers consider that the proposal would be acceptable in design terms and therefore complies with Policy ESD15 of the CLP 2015.

Transport Impact

- 9.11. The proposal would remove 12 parking spaces from general use and dedicate them for EV vehicles. However, as ownership rates of EV vehicles increase, the demand for them will increase. The Local Highway Authority (LHA) advise that the conversion of some Local Authority managed parking spaces to EV charging spaces is fully supported by policies within the Oxfordshire Electric Vehicle Infrastructure Strategy (2021).
- 9.12. The LHA also advise that the proposals are unlikely to have any adverse impact upon the local highway network in traffic and safety terms, OCC therefore do not object to the granting of planning permission.

Residential amenity

- 9.13. Policy ESD15 sets out that development should consider the amenity of both existing and future development. In this case, there are residential properties to the north and west of the position of the infrastructure. It is understood that the kiosks and charging points do not create noise nuisance and the use of the parking spaces by electric vehicles is unlikely to be any more disruptive than their use by non-electric vehicles. The kiosk and charging points are also unlikely to cause impacts to residential amenity otherwise. As such, the proposal complies with Policy ESD15 in this respect.

Other matters

- 9.14. The site is in an area with the potential for archaeology and contaminated land; however, given the minor scale and urban environment of the development and the fact it is unlikely to be significantly intrusive, Officers do not consider that the proposed development would cause unacceptable impacts upon these constraints. A condition has been recommended to ensure a remediation strategy is submitted to and approved by the Local Planning Authority should any contamination found to be present on site.

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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

- i. **THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, IF THERE ARE NO FURTHER COMMENTS RECEIVED WHICH RAISE NEW ISSUES NOT BEFORE THE COMMITTEE IN THEIR DECISION MAKING; AND**
- ii. **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 numbers OPAC-SSE-CM-XX-DR-E-0001 Rev 06, ACR-O-VOWH-LE-1400_01 D, ACR-O-VOWH-LE-1400_02 D, ACR-O-VOWH-LE-1400_03 D, ACR-O-VOWH-LE-1400_04 D and ACR-O-VOWH-LE-1400_05 D, and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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.

Contaminated Land

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Informative Note

1. Oxfordshire County Council Highways Team have previously advised that you may wish to consider the inclusion of a Vehicular Restraint System to prevent accidental damage to the apparatus (kiosk and charging points) as they could be vulnerable to damage.

21/04039/F

**Claremont Car Park
Land At Victoria Road
Bicester
OX26 6PH**



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21/04039/F

Claremont Car Park
Land At Victoria Road
Bicester
OX26 6PH

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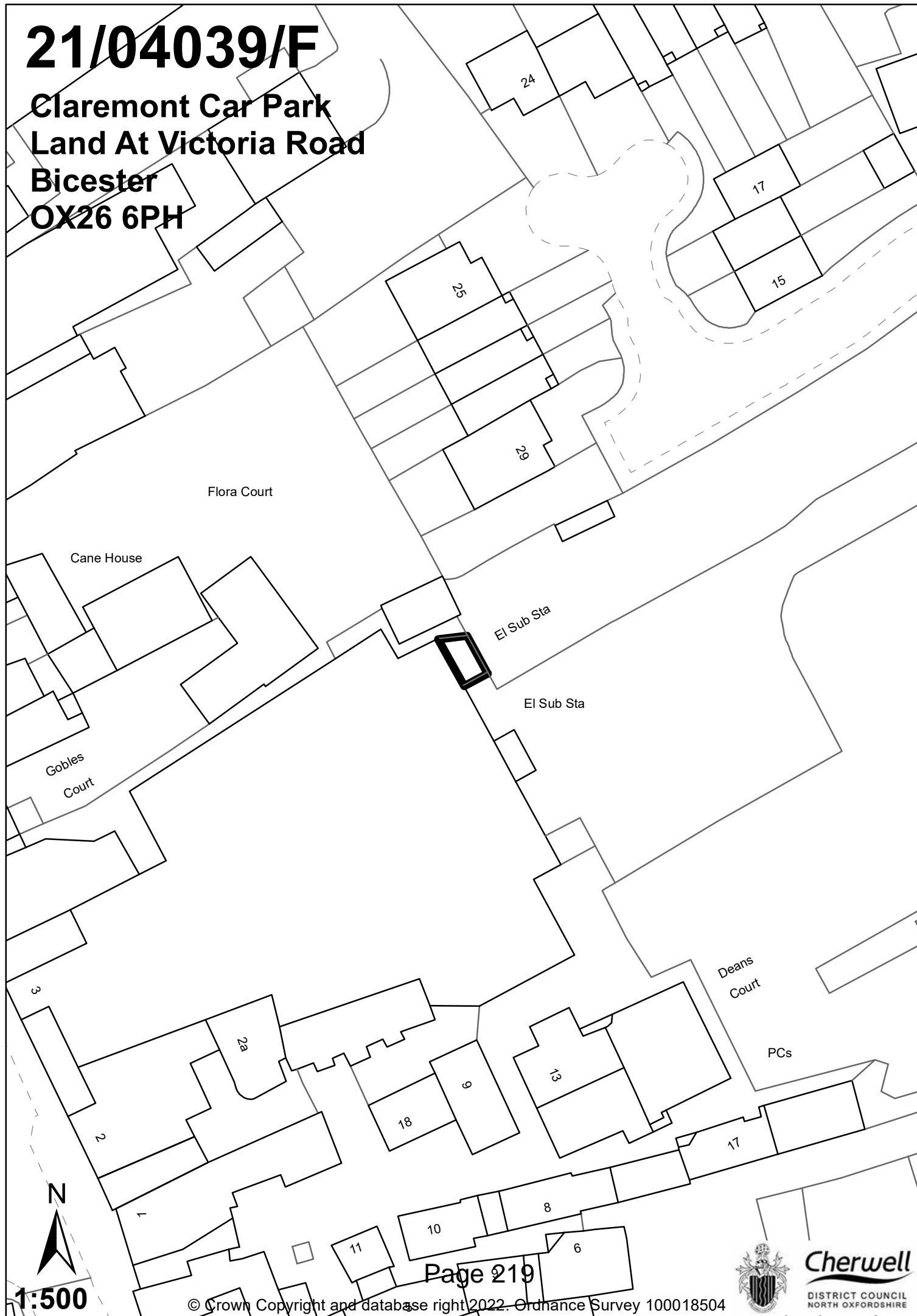
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/04039/F

Claremont Car Park
Land At Victoria Road
Bicester
OX26 6PH



Case Officer: Sarah Greenall

Applicant: EZ Charging Ltd

Proposal: Electricity kiosk and 8no charging stations for Electric Vehicle Charging

Ward: Bicester East

Councillors: Councillor Dallimore, Councillor Mould and Councillor Wallis

Reason for Referral: Application affects Council's own land

Expiry Date: 27 January 2022

Committee Date: 13 January 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION
SUBJECT TO CONDITIONS FOLLOWING EXPIRY OF CONSULTATION PERIOD**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located centrally within Bicester, just to the east of the Town Centre and forms part of a public car park accessed from Victoria Road. The application site is a small part of the car park to its western side closest to the entrance to the town centre forming 16 car parking spaces. Planning permission was previously granted to provide 12 car parking spaces (ref: 21/00986/F).

2. CONSTRAINTS

- 2.1. The application site is within proximity to the Bicester Conservation Area which is to the west.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the provision of an electrical kiosk to facilitate charging stations for electric vehicles to be positioned on the central kerb'd feature within the car park (separating spaces). 8no charging posts are proposed (serving the 16 spaces that sit within the application red line area). Planning permission was granted in May 2021 (reference: 21/00986/F); the current application seeks to add an additional 2 kiosks providing 4 more spaces over that approved.
- 3.2. The electrical kiosk is proposed to be 2.25m high, 2.7m wide and 0.6m deep with a black finish. The charging posts are proposed to be 1.74m high by 0.65m by 0.44m. The units are a light colour with black detailing.

4. RELEVANT PLANNING HISTORY

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

21/00986/F:

Electricity Kiosk and 6 no. charging stations for Electric Vehicle Charging.

Permitted 19.05.2021

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, and by letters to nearby residential properties. The final date for comments is **13 January 2022**.

- 6.2. No comments have been raised by third parties at the time of writing this report; however, it is noted that the consultation period is due to end after the committee date and any comments submitted up to this date will still be considered.

- 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. BICESTER TOWN COUNCIL: No comments received at the time of writing this report

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objection**

- 7.4. CDC ENVIRONMENTAL HEALTH: No comments received at the time of writing this report

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 ('CLP 2015') was formally adopted by Cherwell District Council in July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment
- Bicester 5 – Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Council's 2020 Climate Action Framework

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 including conservation area setting
- Transport impact
- Residential amenity

Principle of Development

- 9.2. The application relates to the provision of an electrical kiosk and EV Charging points. The principle of the development has previously been considered acceptable (ref: 21/00986/F) and it is not considered that the addition of 2 kiosks to provide 4 more spaces would result in the principle of the development being unacceptable. The application documentation provides the background to this proposal describing that the Government has accelerated the transition to electric vehicles to 2030 and by 2025, it is estimated that there will be 25,000 battery electric vehicles driven on the roads of Oxfordshire. As part of Cherwell District Council's Climate Emergency declaration, it has prepared a Climate Action Framework which, amongst other measures shows support for electric and active travel as the new normal as a measure to contribute towards the District achieving net zero emissions by 2050.
- 9.3. Park and Charge Oxfordshire is a partnership project between Oxfordshire County Council, SSE, Zeta, Urban Integrated and the University of Oxford who are leading the way to help local District Council's across Oxfordshire provide electric charging hubs to accommodate this growth. The project is funded by Innovate UK and is proposed to provide hubs to meet demand as take up grows. The location of the initial car parks for the hubs have been chosen so that the charging points are close to residential areas with little off-street parking. The charging points are bookable overnight so they can be used by local residents who might otherwise have difficulties charging their electric vehicle and which are available to visitors otherwise.
- 9.4. This particular site is within Bicester Town Centre; the Development Plan aims to strengthen the town centre by supporting shopping, leisure and main town centre uses. The site is part of an existing car park and the plan is to set aside 16 parking spaces for EV use, with a kiosk to link to the charging points.
- 9.5. The principle of providing EV charging points in existing car parks is considered acceptable as it would facilitate infrastructure to support visitors and residents move to a more sustainable form of transport and this would contribute to mitigating the

impacts of climate change, reducing air pollution and to help the Council achieve its targets for a net zero carbon District by 2050. The proposal therefore complies with Policies SLE4 and ESD1 of the CLP 2015.

Design and Impact upon the character of the area including conservation area setting

- 9.6. Policy ESD15 sets out the expectation that development should complement and enhance the character of its context and meet high design standards.
- 9.7. The kiosk is to be positioned adjacent to existing car parking spaces which would be upgraded and advertised appropriately as being for EV use. The position of the EV charging points would be accessible centrally to the 16 spaces. The proposals would be visible within the context of an existing town centre car park and surrounding urban area. The infrastructure items proposed are modest in size and would therefore not appear prominent or out of keeping with its context. It is not considered that the addition of 2 kiosks would result in any additional harm to the character or appearance of the area.
- 9.8. The site is outside of but close to the boundary of the Bicester Conservation Area. However, given the context for the development, it is considered that the proposal would conserve the character and appearance of the Conservation Area.
- 9.9. On this basis, Officers consider that the proposal would be acceptable in design terms and therefore complies with Policy ESD15 of the CLP 2015.

Transport Impact

- 9.10. The proposal would remove 16 parking spaces from general use and dedicate them for EV vehicles; however, as ownership rates of EV vehicles increase, the demand for them will increase. The Local Highway Authority (LHA) advise that the conversion of some Local Authority managed parking spaces to EV charging spaces is fully supported by policies within the Oxfordshire Electric Vehicle Infrastructure Strategy (2021).
- 9.11. The LHA also advise that the proposals are unlikely to have any adverse impact upon the local highway network in traffic and safety terms, OCC therefore do not object to the granting of planning permission.

Residential amenity

- 9.12. Policy ESD15 sets out that development should consider the amenity of both existing and future development. In this case, there is some distance to nearby residential properties and given their nature and the aforesaid spatial relationship the proposals are unlikely to cause impacts to residential amenity. As such, the proposal complies with Policy ESD15 in this respect.

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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

- i. **THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, IF THERE ARE NO FURTHER COMMENTS RECEIVED WHICH RAISE NEW ISSUES NOT BEFORE THE COMMITTEE IN THEIR DECISION MAKING; AND**
- ii. **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 numbers OPAC-SSE-CM-XX-DR-E-0001 Rev 06, ACR-O-VOWH-LE-1400_01 D, ACR-O-VOWH-LE-1400_02 D, ACR-O-VOWH-LE-1400_03 D, ACR-O-VOWH-LE-1400_04 D and ACR-O-VOWH-LE-1400_05 D, and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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.

21/04040/F

Kidlington Centre Car Park
High Street
Kidlington
OX5 2DL



21/04040/F

**Kidlington Centre Car Park
High Street
Kidlington
OX5 2DL**

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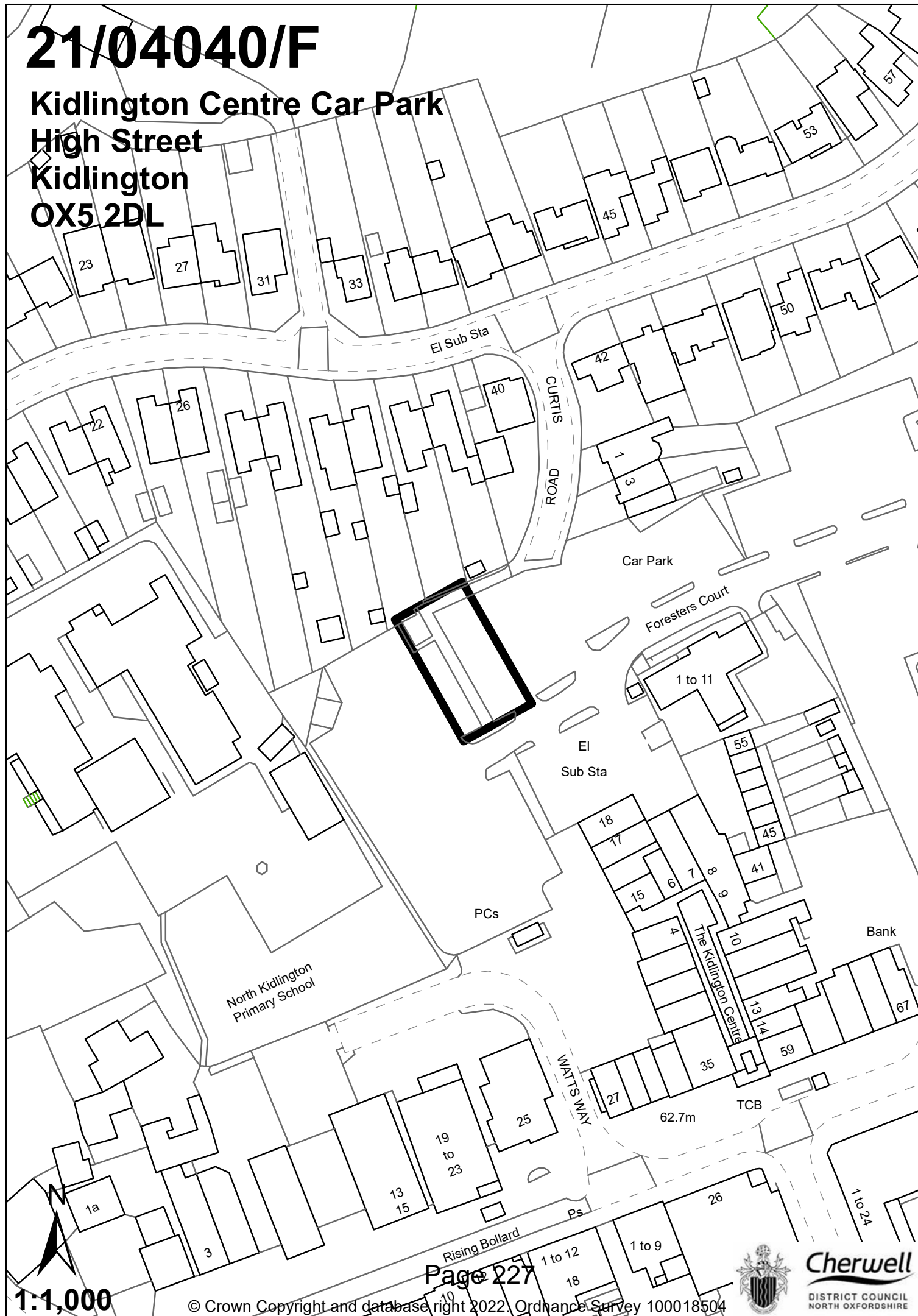
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/04040/F

Kidlington Centre Car Park
High Street
Kidlington
OX5 2DL



Case Officer: Sarah Greenall

Applicant: EZ Charge Ltd

Proposal: Electricity kiosk and 6no charging stations for Electric Vehicle Charging

Ward: Kidlington West

Councillors: Councillor Copeland, Councillor Tyson and Councillor Walker

Reason for Referral: Application affects Council's own land

Expiry Date: 27 January 2022

Committee Date: 13 January 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION
SUBJECT TO CONDITIONS FOLLOWING EXPIRY OF CONSULTATION PERIOD**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located centrally within Kidlington, to the north of the Village Centre and forms part of a public car park accessed from the High Street. The application site is a small part of the car park mid-way along the northern boundary of the car park forming 12 car parking spaces.

2. CONSTRAINTS

- 2.1. The application site has some potential for archaeology and ecologically important sites are recorded within the area, but the site is otherwise relatively unconstrained.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the provision of an electrical kiosk to facilitate charging stations for electric vehicles. 6no charging posts are proposed (serving the 12 spaces that sit within the application red line area). Planning permission was granted in May 2021 (21/00957/F); however, this application seeks to move the proposed kiosk to the north western side of the car park, close to the Curtis Road entrance, with the charging points based on the existing parking layout. The number and size of units would remain unchanged.
- 3.2. The electrical kiosk is proposed to be 2.25m high, 2.7m wide and 0.6m deep with a black finish. The charging posts are proposed to be 1.74m high by 0.65m by 0.44m. The units are a light colour with black detailing.

4. RELEVANT PLANNING HISTORY

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

21/00957/F

Electricity Kiosk and 6 no. charging stations for Electric Vehicle Charging.

Permitted 19.05.2021

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, and by letters to nearby residential properties. The final date for comment is **13 January 2022**.
- 6.2. No comments have been raised by third parties at the time of writing this report, however it is noted that the consultation period is due to end after the committee date and any comments submitted up to this date will still be considered.
- 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. KIDLINGTON PARISH COUNCIL: No comments received at the time of writing this report

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objection**
- 7.4. CDC ENVIRONMENTAL HEALTH: No comments received at the time of writing this report

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

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

- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment
- Kidlington 2 – Strengthening Kidlington Village Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell District Council's 2020 Climate Action Framework

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
- Transport impact
- Residential amenity

Principle of Development

- 9.2. The application relates to the provision of an electrical kiosk and EV Charging points. The principle of the development has previously been considered acceptable under the application referenced 21/00957/F with the only change in this proposal seeking to move the kiosk to the north west of the site to allow for sufficient manoeuvring distances between cars. The application documentation provides the background to this proposal describing that the Government has accelerated the transition to electric vehicles to 2030 and by 2025, it is estimated that there will be 25,000 battery electric vehicles driven on the roads of Oxfordshire. As part of Cherwell District Council's Climate Emergency declaration, it has prepared a Climate Action Framework which, amongst other measures shows support for electric and active travel as the new normal as a measure to contribute towards the District achieving net zero emissions by 2050.
- 9.3. Park and Charge Oxfordshire is a partnership project between Oxfordshire County Council, SSE, Zeta, Urban Integrated and the University of Oxford who are leading the way to help local District Council's across Oxfordshire provide electric charging hubs to accommodate this growth. The project is funded by Innovate UK and is proposed to provide hubs to meet demand as take up grows. The locations of the initial car parks for the hubs have been chosen so that the charging points are close to residential areas with little off-street parking. The charging points are bookable overnight so they can be used by local residents who might otherwise have difficulties charging their electric vehicle and which are available to visitors otherwise.
- 9.4. This particular site is within Kidlington Village Centre covered by Policy Kidlington 2. The Policy aims to strengthen the town centre by supporting shopping, leisure and other main town centre uses and is a core centre for the village. The application site is part of an existing car park and the plan is to set aside 12 parking spaces for EV use, with a kiosk to link to the charging points.
- 9.5. The principle of providing EV charging points in existing car parks is considered acceptable as it would facilitate infrastructure to support visitors and residents move to a more sustainable form of transport and this would contribute to mitigating the impacts of climate change, reducing air pollution and to help the Council achieve its targets for a net zero carbon District by 2050. The proposal therefore complies with Policies SLE4 and ESD1 of the CLP 2015.

Design and Impact upon the character of the area including conservation area setting

- 9.6. Policy ESD15 sets out the expectation that development should complement and enhance the character of its context and meet high design standards.
- 9.7. The proposed amendments seek to move the position of the kiosk to the north west side of the site, and do not proposed to change the size, number or design of the associated infrastructure required for the development. The kiosk and charging points would be positioned adjacent to existing car parking spaces which would be upgraded and advertised appropriately as being for EV use. The proposal would be visible within the car park and this would be within the context of an existing public car park and the surrounding urban environment. The infrastructure items proposed are modest in size and would therefore not appear prominent or out of keeping with its context.
- 9.8. On this basis, Officers consider that the proposal would be acceptable in design terms and therefore complies with Policy ESD15 of the CLP 2015.

Transport Impact

- 9.9. The proposal would remove 12 parking spaces from general use and dedicate them for EV vehicles; however, as ownership rates of EV vehicles increase, the demand for them will increase. The Local Highway Authority (LHA) advise that the conversion of some Local Authority managed parking spaces to EV charging spaces is fully supported by policies within the Oxfordshire Electric Vehicle Infrastructure Strategy (2021).
- 9.10. The LHA also advise that the proposals are unlikely to have any adverse impact upon the local highway network in traffic and safety terms, OCC therefore do not object to the granting of planning permission.

Residential amenity

- 9.11. Policy ESD15 sets out that development should consider the amenity of both existing and future development. In this case, there are residential properties to the north and south of the position of the infrastructure. It is understood that the kiosks and charging points do not create noise nuisance and the use of the parking spaces by electric vehicles is unlikely to be any more disruptive than their use by non-electric vehicles. The kiosk and charging points are also unlikely to cause impacts to residential amenity otherwise. As such, the proposal complies with Policy ESD15 in this respect.

Other matters

- 9.12. The site is in an area with the potential for archaeology and ecology; however, given the minor scale and urban environment of the development and the fact it is unlikely to be significantly intrusive, Officers do not consider that the development would cause unacceptable impacts upon these constraints.

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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

- i. **THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, IF THERE ARE NO FURTHER COMMENTS RECEIVED WHICH RAISE NEW ISSUES NOT BEFORE THE COMMITTEE IN THEIR DECISION MAKING; AND**
- ii. **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.

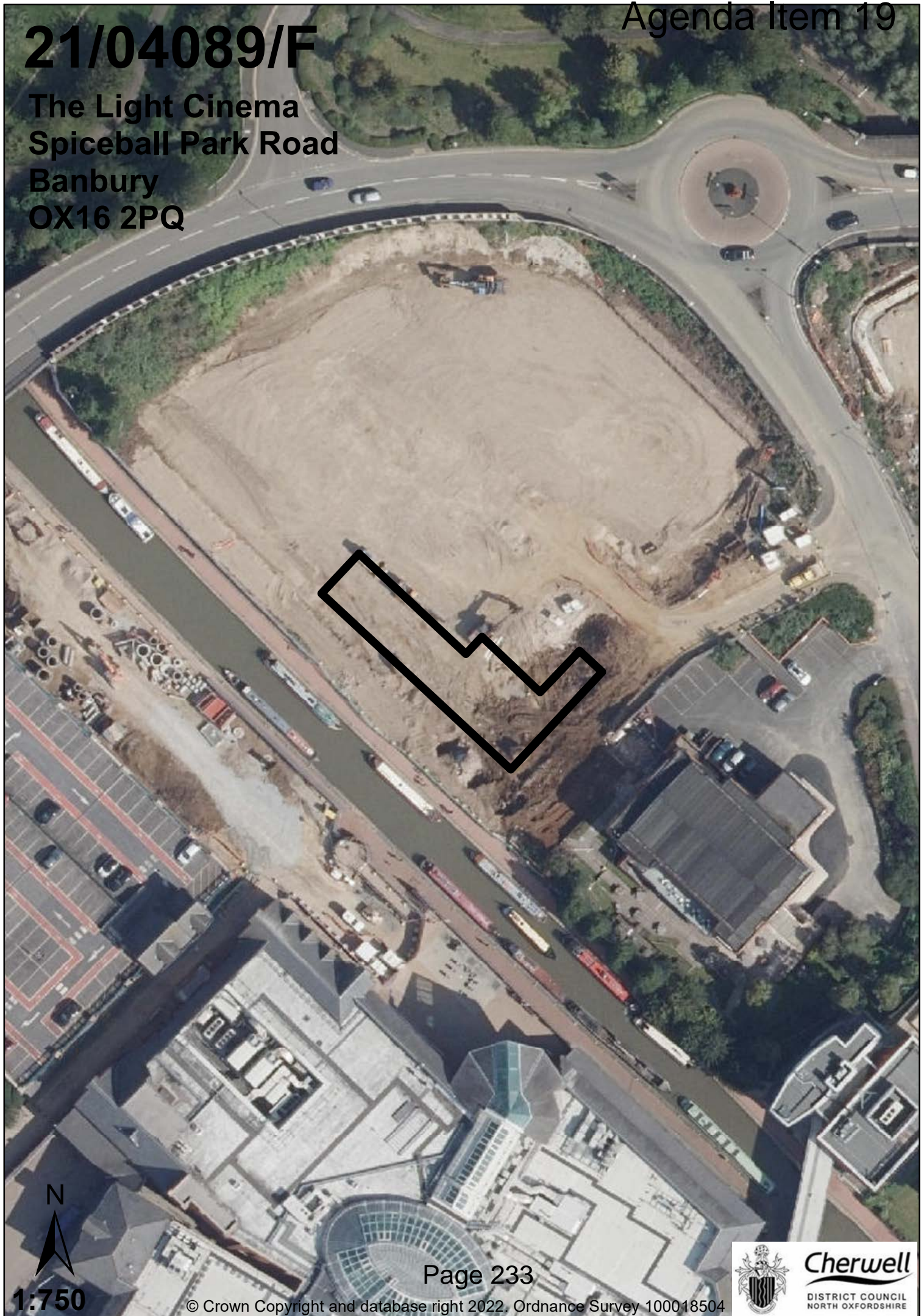
Compliance with Plans

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 numbers ACR-O-CTPC-LE-1300_01 C, ACR-O-VOWH-LE-1400_01 D, ACR-O-VOWH-LE-1400_02 D, ACR-O-VOWH-LE-1400_03 D, ACR-O-VOWH-LE-1400_04 D and ACR-O-VOWH-LE-1400_05 D, and image showing the 'EZC-_CPC1_SYSTEM_SPECIFICATION'.

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.

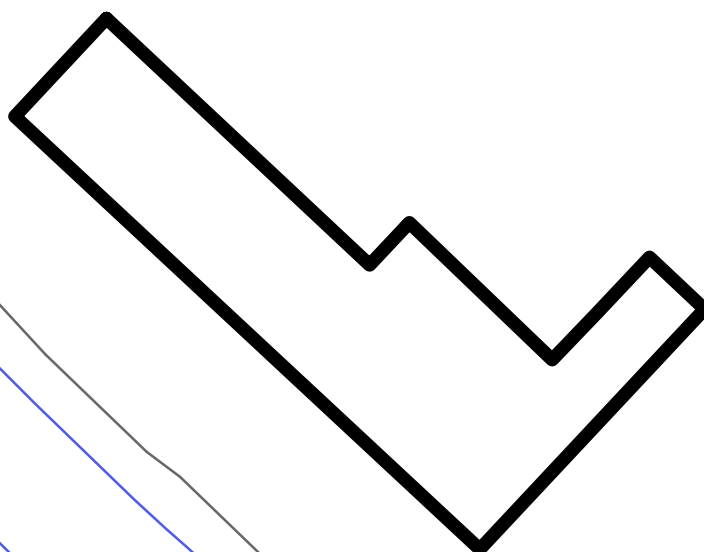
21/04089/F

**The Light Cinema
Spiceball Park Road
Banbury
OX16 2PQ**



21/04089/F

The Light Cinema
Spiceball Park Road
Banbury
OX16 2PQ

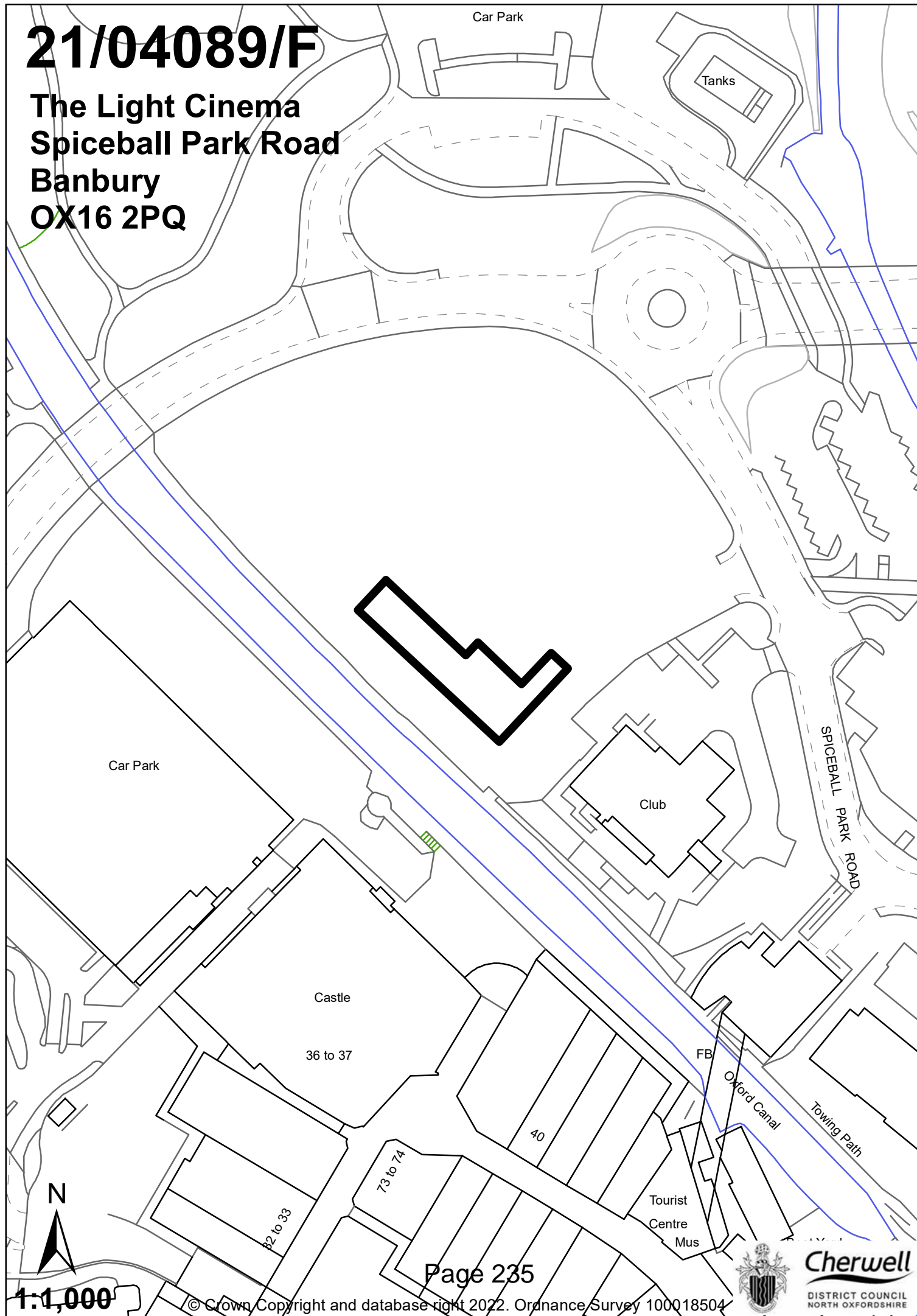


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21/04089/F

**The Light Cinema
Spiceball Park Road
Banbury
OX16 2PQ**



Case Officer: Samantha Taylor

Applicant: The Light Cinemas

Proposal: CQ2 Block B Terrace Area - Erection of enclosure area including full height glazed windows and retractable fabric roof and two green wall features

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

Reason for Referral: Application affects Council's own land

Expiry Date: 2 February 2022

Committee Date: 13 January 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within Banbury town centre, forming part of the Castle Quay 2 development, which is currently under construction. The application relates to the Cinema (Block 2), specifically the first floor terrace area.

2. CONSTRAINTS

- 2.1. The application site is within flood zones 2 and 3 alongside the Oxford Canal, lies within the Oxford Canal Conservation Area and in the Spiceball Development Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for the provision of an enclosure across about half of the approved terrace to effectively extend the cinema's café/restaurant area, to erect two green walls to the currently under construction cinema block, alongside the external staircase entrance, and to erect an external cinema screen on the back wall of the cinema block facing out across the retained part of the terrace of the Castle Quay 2 development.
- 3.2. Castle Quay 2 consists of 3 mixed-use blocks, a hotel, cinema/leisure facility and supermarket. The development on site has commenced and is substantially constructed with the supermarket having opened.

4. RELEVANT PLANNING HISTORY

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

21/01407/OUT

Amendment to the Approved Plans (Condition 4) and Removal of condition 24 (use of units) of 16/02366/OUT.

Approved

19/02937/CDC

New access stair from cinema roof terrace

Approved

17/00284/REM

Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance, materials and landscaping.

Approved

16/02366/OUT

Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified.

Approved

13/01601/OUT

Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road.

Approved.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Discussions have taken place on whether the proposed development would constitute a non-material amendment to the earlier applications. Given the scale and permanence of the enclosure creating new floorspace and its prominence in the street scene, the Council advised that the proposed works required full planning permission.

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 **31 December 2021**.
- 6.2. At the time of writing, no third-party comments had been received.

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. BANBURY TOWN COUNCIL: **No objections** to the application.

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** to the application. The proposals are unlikely to have any adverse impact on the local highway network in traffic and safety terms.
- 7.4. CDC ENVIRONMENTAL PROTECTION: **No comments** on the application.
- 7.5. CDC BUILDING CONTROL: Commented that the louvres on the external wall of the cinema block and in proximity to the external stair, appeared at the time of writing, to be of a timber material and may hence need to be treated to ensure they have low combustibility. It is assumed that there are two safe alternative escape routes from the proposed terrace are, i.e., through the café area and via the external stair.

Officer Comment: The assumption made in respect to two alternative safe escape routes is correct. In respect to the louvres, they do not form part of this application. They have in fact already been permitted and conditioned under reserved matters and materials discharge planning permissions 17/00284/REM and 20/01203/DISC, dated 26 September 2018 and 22 July 2020, respectively.

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)

- BANBURY 9 – Spiceball Development Area
- ESD15 - The Character of the Built and Historic Environment ESD16 – Protection and enhancement of the Oxford Canal corridor

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal

- 8.3. Other Material Planning Considerations:
- National Planning Policy Framework (NPPF) 2021
 - Planning Practice Guidance (PPG)

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:
- Principle of development
 - Design, and impact on the character of the area

- Heritage impact
- Traffic and Highways

Principle of Development

- 9.2. The application seeks to provide an enclosure to part of the outdoor terrace area of the Cinema Block, the provision of two green walls beside the external staircase and the erection of an external cinema screen on the back wall of the cinema to be viewed from the terrace. The enclosure to the terrace would consist of a permanent structure with fixed glazing to the sides and a retractable roof. Whilst it is noted the roof is retractable, given the scale of the enclosure to 200m² of floorspace, and the permanence of the max 4m-high supporting structure with fixed glazing, Officers consider the proposal would essentially result in an extension to the cinema. The enclosed outdoor terrace would create additional floorspace to be used as an extended café/restaurant/bar area. The remaining unenclosed area of terrace would provide space used for ad-hoc outdoor cinema screenings.
- 9.3. The principle of providing leisure-based development in this location has been established through the grant of planning permission for the mixed use Castle Quay 2 scheme and Policy Banbury 9 Spiceball Development Area of the Cherwell Local Plan 2031. Much of the development is constructed with some aspects of the wider scheme having been occupied. As such the principle of providing leisure space has been established. The enclosure of a portion of the terrace area within a structure that extends the cinema remains supportive of the approved uses is considered compatible with the approved and surrounding uses.
- 9.4. Specifically, plans that have been approved as part of the earlier applications for the wider development scheme have included reference to the use of the terrace for an ad-hoc outdoor cinema and a lightweight roof structure on the terrace. This has established the principle of using the outdoor terrace on an irregular basis. However, the current proposal is for a permanent structure which is not considered to be lightweight and would allow the continued use of the outdoor terrace for leisure purpose, resulting in an extension to the building.

Design and Impact on the Character of the Area

- 9.5. Policy ESD15 of the Cherwell Local Plan seeks to ensure that developments are of an appropriate design, which is compatible with the local context in which they are situated.
- 9.6. The development seeks to construct full height glazed structure with retractable canopy. Previous applications have included a lightweight roof structure (pergola). However, the current design seeks planning permission for full height guillotine windows with a retractable fabric roof to create an enclosed indoor space, maximising the use of the space in all weathers.
- 9.7. The use of glazing and steel would complement the approved glazing balustrades, help to break up the large brick wall elevations whilst ensuring that the active frontage on to the canal remains.
- 9.8. In addition, previous approved designs have included the provision of a steel frame to accommodate an outdoor cinema screen. However, the applicant has amended the layout of the cinema terrace such that cinema screenings will be projected from an external screen on an existing rear wall of the cinema block. This element does not require planning permission. However, given the progress on construction, the steel frame has been constructed. As such, the current application seeks to erect green walls to the frame, and extending alongside the external stair with various plantings and timber cladding. The green walls suspended from the metal frames and

additional plantings and sections of timber cladding will all help to soften and break up the somewhat harsh appearance of the brick walls, thereby improving the design appearance of this part of the structure, in accordance with saved policy C29 in the 1996 Local Plan and ESD16 of the CLP 2031 Part 1.

Heritage Impact

- 9.9. The application site lies within the Oxford Canal Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.11. The application site forms part of the Block B Cinema outdoor terrace, which is currently under construction at the Castle Quay 2 development. The earlier grant of consents for a large-scale mixed-use development was considered to result in less than substantial harm to the significance of the Conservation Area that was outweighed by the public benefits of the scheme.
- 9.12. It is acknowledged that there has been substantial change within the Oxford Canal Conservation Area as a result of the Castle Quay 2 development. However, this has also increased the usage of this area, which is considered to be of public benefit, increasing the understanding of the history of the wider site. The application proposes to construct an enclosure to the terrace and provide 2 green walls.
- 9.13. This would serve as an attraction to the public, with vantage points from the first floor terrace over the canal. The materials to be used include large areas of metal and glazing, which are materials recommended by the earlier Conservation Officer when considering the earlier application and have been introduced where possible in the wider development. As such, the materials to be used are considered to be compatible with the Castle Quay 2 development and the Conservation Area and would serve to improve the overall appearance of the Cinema Block when viewed from the canal and road bridge, in accordance with saved policy C29 in the 1996 Local Plan and policies ESD15 and ESD16 of the CLP 2031 Part 1.
- 9.14. Whilst there may be some less than substantial harm arising from the provision of the enclosed terrace and green walls, this is considered to be limited given the context in which the development sits, as part of the wider Castle Quay development and would represent an improvement on the approved elevational appearance. The public benefits of providing an additional leisure attraction is considered to outweigh any less than substantial harm caused to the significance of the Conservation Area.
- 9.15. Overall, the proposal is considered to comply with both National and Local Planning policies in respect of the impact the proposal would have on the significance of the Oxford Canal Conservation Area.

Traffic and Highways

- 9.16. Policy SLE4 of the CLP 2031 Part 1 seeks to ensure that development proposals are acceptable for the local highway network and do not have a severe traffic impact.
- 9.17. The Oxfordshire County Council Officer has confirmed that they have no objections to the proposed development as it is unlikely that the proposals would have any impact to the local highway network in safety and traffic terms.
- 9.18. As such, the proposal is considered to comply with Policy SLE4 of the CLP 2031 Part 1.

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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:

Terrace boundary plan	1049-LDA-B0-02-DR-A-08001
Existing Terrace Floor Plan	1049-LDA-B0-02-DR-A-08050
Proposed Terrace Floor Plan	1049-LDA-B0-02-DR-A-08002
Green Wall Feature	1049-LDA-B0-02-DR-A-08006
Terrace Roof Plan	1049-LDA-B0-XX-DR-A-08003
Existing Terrace Sections	1049-LDA-B0-02-DR-A-08052
Proposed Terrace Sections	1049-LDA-B0-XX-DR-A-08004
Existing Terrace Elevations	1049-LDA-B0-02-DR-A-08051
Proposed Terrace Elevations	1049-LDA-B0-XX-DR-A-08005
View 1	1049-LDA-B0-XX-DR-A-08010
View 2	1049-LDA-B0-XX-DR-A-08011
View 3	1049-LDA-B0-XX-DR-A-08012
View 4	1049-LDA-B0-XX-DR-A-08013

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.

Agenda Item 20

Cherwell District Council

Planning Committee

13 January 2022

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public

Purpose of report

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

1.0 Recommendations

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

2.0 Introduction

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

3.0 Report Details

3.1 New Appeals

a) **21/01180/F - OS Parcel 2172 SE Of Vicarage Lane, Piddington**

Siting of timber cabin for occupation by a rural worker

Officer Recommendation – Refused (Delegated)

Method of determination: Hearing – date to be confirmed

Start Date: 09.12.2021

Statement due: 113.01.2022

Decision: Awaited

Appeal reference 21/00045/REF

b) **20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS**

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)

Method of determination: Hearing – date to be confirmed

Start Date: 30.11.2021

Statement due: 19.02.2022

Decision: Awaited

c) 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)
Method of determination: Hearing – date to be confirmed
Start Date: 30.11.2021
Statement due: 19.02.2022
Decision: Awaited
Appeal reference 21/00036/REF

d) 20/02446/F – Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD

Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake - re-submission of 18/00904/F

Officer Recommendation – Approval (Committee)
Method of determination: Written Representations
Start Date: 09.12.2021
Statement due: 13.01.2022
Decision: Awaited
Appeal reference 21/00046/REF

e) 20/03406/F – The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA

Erection of a two-bedroom bungalow (C3) to the rear of the existing public house (Sui Generis), with a new access created off Westlands Avenue following the partial demolition of the boundary wall, and associated parking and landscaping.

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Start Date: 02.12.2021
Statement due: 06.01.2022
Decision: Awaited
Appeal reference 21/00038/REF

f) 20/03407/LB - The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA

Partial demolition of the boundary wall to create access for new dwelling proposed under 20/03406/F

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Start Date: 02.12.2021
Statement due: 06.01.2022
Decision: Awaited
Appeal reference 21/00039/REF

g) 20/03635/F – Land Adjacent to 1 Coleridge Close, Bicester, OX26 2XR

Erection of one bedroom bungalow and associated works

Officer Recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 07.12.2021

Statement due: 11.01.2022

Decision: Awaited

Appeal reference 21/00043/REF

h) 21/00500/OUT – Land North of Railway House, Station Road, Hook Norton

Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond

Officer Recommendation – Approval (Committee)

Method of determination: Hearing – date to be confirmed

Start Date: 09.12.2021

Statement due: 13.01.2022

Decision: Awaited

Appeal reference 21/00044/REF

i) 21/01056/F – Mayford, Brick Hill, Hook Norton, OX15 5QA

RETROSPECTIVE - Erection of 1m high fence adjacent to the highway

Officer Recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 03.12.2021

Statement due: N/A

Decision: Awaited

Appeal reference 21/00041/REF

j) 21/02173/F – The Old Cottage, Wigginton, OX15 4JZ

Insertion of new window to front elevation at ground floor and two number conservation type rooflights to the rear roof slope. Addition of two hipped dormers to rear roof slope to provide additional bedroom at first floor and new window and patio doors at ground floor to rear elevation. Flat rooflight added to area of flat roof above kitchen at rear - re-submission of 20/03299/F

Officer Recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 02.12.2021

Statement due: N/A

Decision: Awaited

Appeal reference 21/00040/REF

k) 21/02883/F – The Bungalow, White Post Road, Bodicote, OX15 4BN

Flat roofed single garage

Officer Recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)
Start Date: 04.12.2021
Statement due: N/A
Decision: Awaited
Appeal reference 21/00042/REF

I) 20/01984/F – 98 Hazel Crescent, Kidlington, OX5 1EL

Single storey extension to the front and side (resubmission of 19/02605/F)

Officer Recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 04.01.2022
Statement due: N/A
Decision: Awaited
Appeal reference 22/00001/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

a) 20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, Widnell Lane, Piddington

Material Change of Use of land to use as a residential caravan site for 12no. gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant.

Officer recommendation – Refused (Committee)
Method of determination: Hearing – date to be confirmed
Start Date: 08.10.2021
Statement Due: 26.11.2021
Decision: Awaited
Appeal reference – 21/00033/REF

b) 20/01747/F - Land south side of Widnell Lane, Piddington

Change of Use of land to a 6no. pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing.

Officer recommendation – Refused (Committee)
Method of determination: Written Representations
Start Date: 12.02.2021
Statement Due: 19.03.2021
Decision: Awaited
Appeal reference – 21/00003/REF

c) 21/02075/F – 50 Spruce Drive, Bicester, OX26 3YN

First floor extension and partial garage conversion

Officer recommendation - Refused (Delegated)

Method of determination: Householder (Fast Track)
Start Date: 25.10.2021
Statement Due: N/A
Decision: Awaited
Appeal reference – 21/00035/REF

3.4 Enforcement Appeals in Progress

None

3.5 Forthcoming Public Inquiries and Hearings between 13th January 2022 and 10th February 2022

None

3.6 Appeal Results

Inspectors appointed by the Secretary of State have issued the following decisions:

- a) 21/01199/HPA – Dismissed the appeal by Mr N Singh against refusal of householder prior approval for Proposed demolition of existing extension and rebuild extension with a dual pitched roof - height to eaves 2.75m, overall height 3.79m, length 4.1m. 43 Kingsway, Banbury, OX16 9NX**

Officer recommendation - Refused (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference – 21/00032/REF

The Inspector noted the main issue to be the effect of the development upon the living conditions of the occupiers of 45 Kingsway, with particular reference to outlook and light. He noted that the appeal dwelling projected further into the rear garden than the rear elevation of the neighbouring dwelling, and that the appeal proposal would result in an increase in built form in proximity to the shared boundary between the appellant's property and the neighbour.

The Inspector found that the positioning of the proposed extension combined with its height / depth "would result in a significant enclosing effect upon the rear elevation windows and garden of the neighbouring dwelling. This would result in a diminished level of outlook to the occupiers of No. 45". He also concluded that the loss of outlook to the outlook of the neighbouring properties "would result in a notable erosion of living conditions" and that the proposal would result in a loss of light to No. 45 and that although this would only be for a part of the day the loss would be so significant during this time that the neighbour's living conditions would be substantially eroded. Accordingly he dismissed the appeal.

- b) 21/01756/F – Allowed the appeal by Mr S Bannister against refusal of planning permission for Single storey side and rear extension including demolition of existing conservatory. 25 Broad Close, Barford St Michael, OX15 0RW**

Officer recommendation - Refused (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference – 21/00031/REF

The Inspector identified the main issue of the appeal to be the effect of the development upon the character and appearance of the surrounding area.

It was concluded that whilst the side extension was large, it would not result in an overdevelopment of the site, particularly given that it would require the removal of an existing outbuilding and conservatory. Broad Close, the Inspector also decided, does not have a particularly open feel and as such the extension would not erode the existing character of the area. It was also noted that other similar developments are visible within the vicinity of the site.

Based on this assessment, the appeal was allowed.

- c) 20/00419/ENF – Quashed the enforcement notice and planning permission in regards the appeal made by Mr P Doran against the enforcement notice served at The Stables, Main Street, Great Bourton, Cropredy, OX17 1QU for Without planning permission the change of use of the land to use as a caravan site currently accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and trailer, storage of touring caravans and associated domestic paraphernalia.**

Method of determination: Hearing

Appeal reference: 21/00008/ENF

The Inspector considered the main issues to be: (1) the effect on the character and appearance of the area/natural environment; (2) whether there would be any unacceptable noise disturbance to occupiers of the site; (3) whether there would be an unacceptable risk of flooding; (4) whether the site is sustainably located; and (5) the provision of and need for gypsy and traveller sites in the area.

In respect of the first issue, the Inspector noted that while the site and its surrounds had a rural character, the proposal was at the smallest scale of traveller site provision and the position of the caravans could be controlled through planning condition and that as such there would only be a limited degree of harm to the character and appearance of the area and that the harm would not be significant.

The Inspector found there would “no unacceptable noise disturbance to occupiers of the caravans” and that the proposal “would not result in any significant harm in terms of flood risk” subject to an appropriately worded condition requiring approval of the site layout including caravan positions.

On the fourth issue the Inspector held that the site was not away from existing settlements and “very close” in distance to Cropredy with a public footpath running along the northern side of Main Street into the village.

Lastly, the Inspector noted the current under-supply of sites for gypsies and travellers. The Council contended the shortfall was 7 pitches, while the appellant contended a greater shortfall. The Inspector held that it was unnecessary for him to examine the conflicting views on the available evidence given his view that a shortfall of 7 pitches represented “an urgent and pressing current need for further pitches to be delivered” and neither party could identify alternative available sites.

Accordingly, and subject to various conditions, the Inspector allowed the appeal.

Although finding against the Council on the appeal, the Inspector allowed the Council’s application for costs against the appellant. The appellant had withdrawn part of his case at the start of the hearing. The Inspector found that the appellant’s

evidence to be inconsistent, contradictory and 'lacking in credibility' and that the Council's PCN evidence had given a "torpedo blow" to the appellant's case. The Inspector concluded that, "Submission of information in an appeal that is manifestly inaccurate or untrue amounts to unreasonable behaviour and in the circumstances of this case it resulted in unnecessary expense to the Council in preparing their case" and awarded costs to the Council in respect of the appellant's ground (d) appeal.

d) 20/02826/F – Allowed the appeal by Mr K Wright against non-determination of the planning application for Erection of gates, pillars and boundary wall with railings above. Southcroft House, Southrop Road, Hook Norton, OX15 5PP

Officer recommendation – No decision. Appeal against non-determination

Method of determination: Written Representations

Appeal reference – 21/00030/NON

The Inspector identified the main issues of the proposal on the character and appearance of the area, including the Hook Norton Conservation Area and the setting of the listed South Hill House.

The Inspector found that the proposed wall and railings, to one side of South Hill House, would not impinge on its setting. Equally the proposal would not detract from its character and concluded that the development would be an appropriate boundary treatment which defines the extent of the garden. The Inspector further reasoned that the variety of boundary treatments, within this part of the Conservation Area, meant that the proposal would not appear to be particularly incongruous.

The Inspector therefore concluded that the development would not cause harm to the character and appearance of the area, the character of Hook Norton Conservation Area or the setting of the listed South Hill House and so the appeal was allowed.

e) 20/01387/F – Dismissed the appeal by Mr A Allen against refusal of planning permission for Increase dropped kerb outside of residential property (6 kerb stones to be replaced)

Officer recommendation - Refused (Delegated)

Method of determination: Written Representations

Appeal reference – 21/00034/REF

The Inspector for this case identified the main issue to be the impact on highway safety.

The Inspector considered that the forecourt would be of inadequate depth and thus result in a parked vehicle projecting at least 1 metre over the pavement. The Inspector therefore concluded that the proposed development would compromise the safety of both drivers and pedestrians.

The Inspector dismissed the appeal.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The report provides the current position on planning appeals which Members are invited to note.

5.0 Consultation

5.1 None.

6.0 Alternative Options and Reasons for Rejection

6.1 None. The report is presented for information.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:

Janet Du Preez, Service Accountant, 01295 221606

janet.du-preez@cherwell-dc.gov.uk

Legal Implications

7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Matthew Barrett, Planning Solicitor, 01295 753798

matthew.barrett@cherwell-dc.gov.uk

Risk Implications

7.3 This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786

louise.tustian@cherwell-dc.gov.uk

Equality & Diversity Implications

7.4 This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:

Emily Schofield, Acting Head of Strategy, 07881 311707

Emily.Schofield@oxfordshire.gov.uk

8.0 Decision Information

Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2021-2022:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient, and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

Report Author and contact details

Matthew Swinford, Appeals Administrator
Matthew.Swinford@cherwell-DC.gov.uk

Alex Chrusciak, Interim Senior Manager, Development Management
Alex.Chrusciak@cherwell-dc.gov.uk