



Appeal Decision

Inquiry Held on 29 June 2021 to 2 July 2021 & 13 July 2021

Site visits made on 25 June 2021 & 12 July 2021

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 27th August 2021

Appeal Ref: APP/C3105/W/20/3265278

The Tudor Jones Building, Bicester Sports Association, Akeman Street, Chesterton OX26 1TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bicester Sports Association against the decision of Cherwell District Council.
 - The application Ref 19/00934/F, dated 14 May 2019, was refused by notice dated 18 June 2020.
 - The development proposed is described as '*Change of use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 no. training pitches with floodlighting, 2 no. match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works*'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as '*Change of use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 no. training pitches with floodlighting, 2 no. match pitches, new flexible sports pitch, new rugby training grids,, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works*' at The Tudor Jones Building, Bicester Sports Association, Akeman Street, Chesterton OX26 1TH in accordance with the terms of the application, Ref 19/00934/F, dated 14 May 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The parties were provided with an opportunity to comment on the revised National Planning Policy Framework ('the Framework') that came into force on 20 July 2021. I have had regard to these comments in my determination of this appeal. The Council has commenced work on a new local plan to 2040, but it is in the very early stages and the parties accept that in accordance with Paragraph 48 of the Framework it carries little weight in this appeal.

3. I carried out unaccompanied site visits, following agreed itineraries to specific and representative viewpoints on 2 occasions as set out above. Due to a necessary change in the programme and the order in which the evidence was presented, the Inquiry was adjourned on 2 July 2021 and then resumed and closed on 13 July 2021.

Preliminary Matter

4. A number of appeal and other decisions were put before me by the parties but most relevant are a recent appeal decision at land to the east of the M40 and south of A4095 directly to the north of the appeal site¹ ('the Great Wolf scheme') and an appeal for a similar form of development, dismissed on the appeal site in 1990² ('the 1990 decision').
5. At Great Wolf planning permission was granted on appeal on 11 May 2021 for a substantial new leisure resort incorporating a waterpark, a family entertainment centre, a hotel, conferencing facilities and restaurants with associated works. Whilst each case must be determined on its own merits I have had regard to these decisions and all other decisions put before me, as necessary below.

Main Issues

6. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, with particular regard to the extent to which the site is accessible by a range of modes of transport and reliance on private vehicle journeys.
 - The effect of the proposal on the character and appearance of the appeal site and surrounding area.
 - If harm and conflict with the development plan is identified whether this would be outweighed by other material considerations.

Reasons

Suitable location

7. The appeal site is an existing sporting facility with buildings, car parking and playing fields, operated by Bicester Sports Association ('the BSA'), a private trust providing sports pitches and facilities for nearly 100 years at a subsidised rate for the benefit of amateur and grassroots sport in the Bicester area.
8. The appeal site is already home to a variety of affiliate sports clubs including Bicester and North Oxford Cricket Club, Bicester Archers, Bicester Town and District Rifle and Pistol Club and Alchester Runners. The site is not floodlit, and the timing of sporting sessions ranges from the morning to the evening, with the summer months at its busiest with various training sessions and matches for both Adults and Juniors.
9. The site sits in a countryside location beyond the western periphery of Chesterton, a medium sized village assessed as being one of the Districts more

¹ APP/C3105/W/20/3259189.

² T/APP/C3105/A/90/147430.

sustainable villages because of the range of services available. In turn, Chesterton lies to the expanding western edge of Bicester and the M40 motorway runs north south immediately to the west of the appeal site. The site lies approximately 2.5 kilometres from the now closed Oxford Road site, a former facility in the town jointly used with the appeal site by rugby, football and shooting clubs and once owned and operated by the BSA. The proposal includes provision for those facilities previously located at Oxford Road.

10. There is no principal objection to the appeal scheme being developed on the appeal site, but the parties disagree as to the extent to which the site is accessible by a range of modes of transport. All aspects of sustainability should be considered in planning decisions, including local circumstances. The Framework is clear that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Although the Council maintained the proposal does not require a countryside location, it is also not in dispute that there are no other single sites in the Bicester built-up area to accommodate the proposal.
11. Actively managing patterns of growth, includes locating significant development in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Ultimately, this is to reduce the effects of congestion and emissions, mitigate and adapt to climate change and ensure air quality and public health is improved.
12. The Transport Assessment and overall methodologies are agreed and predict 263 2-way vehicle trips in a single hour on a Saturday, double the 98 trips for the equivalent period for the existing activities on the site. Trips would be slightly greater of an evening and Sunday morning, with 109 and 102 2-way trips estimated respectively.
13. The majority of users (70%³) of the proposal would originate from the Bicester urban area and surrounding countryside and vehicle trips would therefore be short. The Sports Consultancy May 2019 Sporting Need report, referencing its March 2018 online travel survey, states 76% of respondents at the BSA's existing Oxford Road facilities confirmed that they currently also use the facilities at Chesterton. Therefore many of the trips to the appeal site already take place as also evidenced in third party representations and by those club representatives that appeared at the Inquiry.
14. However, there is currently no public transport to or near the site in the form of a bus service and no suggestion from the Council that one could be provided. It is agreed however that, if or when implemented, the measures to be delivered as part of the Great Wolf scheme, including a bus service, will significantly improve the accessibility of Chesterton village by public transport.
15. Reliance on private vehicle trips would be significant and it is of no surprise that 97% of journeys to the appeal site for its existing provision are carried out by car given its location, lack of alternatives, the prevalence of car sharing, junior sports provision and other factors such as carrying of firearms and other heavy or unwieldy sports equipment.

³ Mr Nichol's estimate based on postcode plan D11.1.

16. Consequently, the appellant proposes the following measures to seek to promote more sustainable modes of transport:
- A Travel Plan, including further enhancement of car sharing.
 - Provision of minibus service for 5 or 10 years.
 - Improved signage on A4095/Vendee Drive and A41/Little Chesterton junction.
 - A proposed footway along the eastern side of The Hale between its junction with Penrose Gardens to the north and its junction with Akeman Street/Green Lane.
 - Tactile crossings over Green Lane and Little Chesterton Road and tactile crossings on A4095 at 2 additional locations.
17. The draft targets (based on a predicted baseline modal share) in the Travel Plan are to achieve a 5% reduction in car driver trips; a 2% reduction in car passenger trips; a 3% increase in walking trips; a 3% increase in cycling trips; and a 1% increase in public transport trips.
18. Significant car sharing already takes place and is defined as a sustainable mode of transport by the Framework. The figures were somewhat muddled by a failure to distinguish between parents driving their own children and genuine car sharing which reduces overall vehicle journeys. It is also predominantly a friend/parent arrangement, shared between friendly parents as opposed to any member of a club and clubs will have established players with circles of parents who are able to offer alternative lifts.
19. Approximately 35% of journeys to the appeal site are made by car drivers and passengers who are not parents and children. Car sharing would be particularly useful and effective among members of the same teams that use the facilities or for parents providing lifts for groups of children. I see no reason why the BSA, a long-standing association with a track record of delivering sports pitches and facilities, could not further promote, encourage and enhance car sharing beyond these existing levels. This would be secured in the GP which commits the appellant to achieving modal shift over a proposed 5-year Travel Plan period. Monitoring of this would further enable a review of effectiveness to take place and implement any further recommendations.
20. Provision for the purchase, operational and management of a single 15 seat minibus is also proposed for a period of 5 or 10 years⁴. The Council were critical of this measure's effectiveness, but such a service could be based on a regular and well-advertised timetable with pick up and drops off from established locations within the town, a short drive. This service could reasonably include those who cannot access the site due to age or disability.
21. The service would be shared by up to 16 clubs, although not all may find it necessary, and it would be run by volunteers and with disability and sporting equipment space requirements perhaps reducing its capacity. Whilst a challenging and complex task no doubt to administrate the experience and resources of the BSA means they should be well placed to make this a success

⁴ The appellant requested this was left to my discretion.

- and such a scheme would represent a genuine alternative mode of transport for future users and could encourage modal shift.
22. There are some limited opportunities for pedestrians to access this site, more so for cyclists via the existing and accessible network of public rights of way and Bicester's expanding periphery is not far. Having observed the routes, although there is some disconnection in the route to Bicester around the junction with Vendee Drive, the centre and eastern side of town could still be reached in a short and leisurely 10–15 minute cycle by a reasonably proficient cyclist on generally flat cycle routes. Such a journey would not appeal to all, especially in inclement weather and would also not be an option with anything other than a backpack.
23. Only experienced and enthusiastic cyclists would take the route from the south through Little Chesterton, but nonetheless, it is still an option and links up with other local and national routes to the south. Chesterton, and therefore the site could also be accessed via the Park and Ride site adjacent to the A41/Vendee Drive junction with, more direct, commercial public transport available for Oxford, Bicester Town Centre and other destinations. I note this was also accepted by a colleague in a recent appeal granting permission for 51 dwellings in The Hale, Chesterton⁵.
24. Overall, the quality and accessibility of cycling routes I observed in combination with the measures proposed would offer choice to users to cycle to the site and it must be borne in mind that this is a sporting facility, its users used to physical exertion and activity. On site, 2 locations would provide 64 cycle spaces and access to changing facilities would be secured in the proposed travel plan. I therefore consider that cycling has some opportunities here to encourage modal shift.
25. Signage proposals would enhance highway safety and the improvements to The Hale would primarily benefit residents of Chesterton but nonetheless, serving a larger residential area it would improve the safety of the walking route between the site and PROW 161/1, with onward connection to Bicester.
26. Whilst no improvements are proposed to Green Lane, my observations were that residents would probably walk and cycle along it anyway, being an entirely safe route to take with low traffic speeds on the approach into the southern part to the village. Tactile crossings would also enhance highway safety and whilst I accept that only a small number of users would be pedestrians, highway safety would still be improved overall.
27. The car park would, on opening, provide a material number of spaces dedicated for electric vehicles and constructed in a way that the number of charging points could be increased as the switch to low and ultra-low emission vehicles increases. This would allow greater flexibility to use low emission and ultra-low emission vehicles, defined as sustainable transport modes in the Framework. There would also be some small but unquantifiable at this stage, improvements to the accessibility of the site for existing users.
28. There would be an increase in trips to this location and associated vehicle emissions here and I acknowledge that Paragraph 105 of the Framework refers

⁵ APP/C3105/W/15/3130576.

to improving public health by reducing emissions to improve air quality and public health. Paragraph 98 of the Framework is now also clear however that access to a network of high-quality opportunities for sport and physical activity is important for the health and well-being of communities. Further, this can also support efforts to address climate change and ultimately a balance of such considerations has to be carried out.

29. The Council refer to the minibus and car sharing measures as being entirely dependent on the willingness of members to adapt their behaviour. That may be true, but the scheme should be viewed as a positive opportunity to seek to amend behaviour, otherwise travel behaviour is unlikely to ever change and existing trips will continue to be not as sustainable as they could be.
30. Whilst some visitors and users may be unable to take advantage of the sustainable transport measures proposed with reliance on the private car, appropriate opportunities to maximise and promote sustainable transport modes have been or can be taken up in this proposal, having regard to type and location. Subject to these measures being secured by condition the proposal would be in a suitable location, with particular regard to the extent to which the site is accessible by a range of modes of transport and reliance on private vehicle journeys.
31. Accordingly, it would not be in conflict with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011 – 2031 Part 1 ('the LP'). When taken as a whole these require all development where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Furthermore, that measures are taken to mitigate the impact of development within the district on climate change, delivering development that seeks to reduce the need to travel and which encourages sustainable travel options.
32. I return to Policy BSC10 of the LP in other considerations below as on my reading it is not relevant to my consideration of this particular issue. These policies are consistent with the Framework and there would be no conflict with the relevant objectives of national planning policy as referred to above.

Character and appearance

Landscape character

33. The site straddles the boundary of 2 National Character Areas ('NCA'): NCA 107 Cotswolds to the north and overlies the majority of the northern part of the site and the north-western corner of the agricultural field to the south. To the south and overlying the majority of the southern part of the site and a small portion of the south-eastern corner of the existing BSA playing fields is the NCA 108 Upper Thames Clay Vales.
34. The Oxfordshire Local Wildlife and Landscape Study ('OWLS') and the Council's Countryside Design Summary ('CDS') are also relevant. The OWLS study defines the site as almost entirely within Area 19, which is described as Wooded Estate lands Landscape Type and Middleton Stoney Local Character Area. The CDS locates it in the Ploughley Limestone Plateau Character Area described as containing, amongst other things, the extensive remains of 19th century parklands. Here, development should avoid exposed and prominent locations.

35. Although the appeal site is covered by these published assessments, they are of varying degrees of relevance to the appeal site in its immediate vicinity and I rely more on my observations on the ground. It is accepted by the parties, for the purposes of Framework paragraph 170, the site does not form part of a valued landscape. Whilst the site and its surroundings may be valued locally, there is nothing out of the ordinary to elevate the site to be a valued landscape.

Character and feature effects

36. It is agreed that the submitted Landscape and Visual Assessment is robust and in accordance with relevant guidance. There was some disagreement as to the methodology used by the Council, who offered their own assessment, but this was very limited and is not determinative.
37. The currently developed northern part of the appeal site includes 2 county level Cricket pitches and an associated pavilion, 12 rugby pitches of various sizes, 8 football pitches of various sizes, an outdoor shooting range, changing rooms and associated parking. Other ancillary structures, and equipment were evident within the northern part of the site, including a shipping container used for storage, a scorer's box, storage sheds, rugby posts, football goals, cricket screens, wicket covers on rollers and cricket practice nets.
38. The northern boundary is formed by a substantial hedgerow with the only access onto Akeman Street. To the immediate north I observed significant development in the form of substantial buildings, other structures and lighting centred around and in the grounds of Bicester Hotel Golf and Spa. This included a floodlit driving range, tennis courts and parking, an indoor gymnasium, assault course and other outdoor pursuit related structures, clearly evident from Viewpoint 15, the overbridge of the M40 on Akeman Street. There is also associated vehicular and other activity which I observed both during the day and evening.
39. Opposite the appeal site lies a rural industrial unit occupied by Wig Engineering Ltd, a structural steel fabrication operation. The appeal site and its immediate surroundings are tightly enclosed by the M40 to the west, the A41 to the south and the settlements of Chesterton and Little Chesterton. Dense boundary planting in the form of mature trees and understorey planting was a prevailing characteristic of the narrow lanes that criss-cross this area of countryside, with dense foliage only affording glimpses of the fields they surround.
40. The southern part of the site contains the existing irregular shaped but apparently remnant agricultural field. Although visually it is appreciated as part of the countryside, any positive contribution is highly localised. Clearly there are elements of rurality here, but I also found a clear and marked distinction with the much less altered and more agrarian landscape to the west of the appeal site immediately beyond the M40. Traffic noise from the M40 has a material effect on tranquillity of the area, as I experienced on both visits.
41. To the east the site is bordered by a narrow lane, which provides access to Little Chesterton, a hamlet of residential, agricultural fields and former agricultural turned industrial diversification developments. As one travels down the lane to Little Chesterton, dense boundary planting encloses it before giving way to the partly open eastern boundary of the appeal site, before returning to a dense overhanging canopy, paddocks, agricultural barns, field shelters and

rural industrial buildings along with a scattering of residential dwellings and associated outbuildings in Little Chesterton. Residential dwellings of Vespasian Way are also evident from the lane to the east.

42. The NCA profile is a high-level landscape character assessment covering an extensive area, including the Cotswolds Area of Outstanding Natural Beauty. Located on the eastern edge I share the view of my colleague in the Great Wolf appeal that this is an area of transition where many of the key characteristics of the NCA are either absent or heavily diluted. The appeal site and its locality are materially influenced by a substantial variety and type of buildings, uses, activity and lighting. These affect the physical fabric and character of the LCAs and locality and on both of my visits I did not find the field or surrounding area to be '*deeply rural*' as the Council contend.
43. The change from an open field to a sports facility development, even allowing for landscaping and planting, would have a permanent effect on character and a consequent change in the appreciation of the immediate landscape. This would include through the introduction of buildings, associated structures, floodlighting and vehicles both parked and moving.
44. The clubhouse would also be located in the most open part of the undeveloped southern part of the site. There are clearly operational matters to address in terms of distances from changing rooms and facilities to pitches but it would be close to the partially retained mature boundary that runs across the middle of the site. The layout would not encroach beyond the track and natural western boundary set by Grange Farm to the south, with the adjoining open field retaining a buffer with the M40. There would still be a significant perception of openness and spaciousness across the southern part of the site.
45. This is not a building which given its function and purpose should be expected to be hidden in the corner of the site. Nevertheless, the use of the building, the large first floor terrace and bar would introduce comings and goings, additional activity from vehicles and lighting that would be perceived from the lane and in limited areas from private land to the south.
46. A large square building with a barn style structure atop a considerable flat roof ground floor, the design approach has taken elements of the rural vernacular and the shallow roof was evident in the locality on the Wig engineering building. With its timber cladding, Kingspan panels and blockwork the building would be reflective of the rural vernacular of its context and the scale and mass of built form I observed within the locality of the appeal site. The combination and juxtaposition of materials would also reduce its prominence, an approach I observed had been successful at Whitelands Sports Centre, a large similar sports building located in an open location off Vendee Drive.
47. There are also further opportunities for soft landscaping along the eastern side of the car park and clubhouse and around the events space, perhaps reflecting the appellant's contention that a hedgerow broadly in this location previously existed⁶. Subject to appropriate conditions relating to materials, hard surfacing, and such additional landscaping the proposed clubhouse could contribute positively, by creating its own local distinctiveness and would not be inconsistent with local character.

⁶ Paragraph 3.10 of PC PoE – 1945 aerial image of appeal site.

48. Whilst a significant section of the eastern boundary of the site does not contain a hedge or boundary planting it is the enclosure of lanes and roads by mature landscaping, with glimpses and intermittent views across fields which prevails. I did not find in the context of the dark, overhanging tree canopies that loom over the highway such modest sections of openness to be an important characteristic.
49. In this context the introduction of such a buffer would not be harmfully out of place, even if an element is to provide year-round screening and at a depth of approximately 10 metres, this would not be perceived as being overly or harmfully deep or incongruous. The landscaped buffers would reinforce key characteristics of the LCA, and it would have a dual function of enhancing in general biodiversity terms. It would almost entirely contain the influences of the sports infrastructure within the appeal site by Year 15.
50. There would be an associated loss of approximately 500 metres of Category B and C hedgerows in and around the site. Where practicable the trees should be a mixture of size and standard of specimens to allow for some instant effects. Success would be dependent on soil conditions, future management, and maintenance, but given the existing verdant boundaries in the area, existing soil conditions would be unlikely to hinder the successful establishment and growth.
51. In line with the appellant's assessment the character of the appeal site and vicinity has a 'Low-Medium' value, with a 'Low-Medium' susceptibility. Highly localised and not as adverse as the Council contends, the magnitude of change to the character of the appeal site and vicinity across all landscape character areas, would range from 'Small' to 'Medium-Adverse'. This would result in effects that are more in line with the appellant's assessment as being no greater than 'Moderate-Adverse' for the southern part of the site, including at Year 15. By Year 15 and from approximately years 3-5 onwards the proposed planting and mitigation would result in 'Neutral' effects for all other character and landscape features.
52. In accordance with published landscape character guidance, the proposed vegetation would create green infrastructure; contribute to local distinctiveness and provide new structural planting including woodland, strengthening a prevailing characteristic. It would not be out of keeping with the character of the area its well-defined pattern of hedgerows and hedgerow trees, woodlands and tree-lined watercourses would be safeguarded and enhanced. As appropriate development and although the soil structure would be altered, there would be no material conflict with the Key Statements of Environmental Opportunity. Overall, there would not be unacceptable harm to the key characteristics of the landscape at a national, county or local level.
53. Future effects from growth were raised by the Council and on the evidence before me whilst this should not be ruled out, any such proposal would need to be determined on its own merits at that time, including any consideration of the accumulation of effects.

Visual effects

54. Given established and mature boundary vegetation, the existing facilities are visually contained although some white posts are glimpsed from the lane and through the access on Akeman Street. Even then views are terminated by and

in the context of dense planting interspersed with glimpses of lorry bodies traveling along the M40.

55. The most important and relevant viewpoints were narrowed down to be Viewpoints ('VPs') 5, 8, 9, 10, 13 and 15. There are virtually no views of the site from the wider undeveloped countryside, and I agree with the parties that all other VPs (1-4, 6, 7, 12 and 16 and 17) would experience 'Negligible to Negligible-Adverse' effects due to location, existing topography and intervening landscaping.
56. The greatest visual effects would be experienced by those from travelling up and down the lane (VPs 8, 9 and 10) where for a significant section there would be a deterioration in existing open views in the short to medium term as the clubhouse reveals itself beyond the existing dense vegetated corridors to the south and north and sited centrally within the site. I agree they would be 'Moderate Adverse' initially, but the proposed landscaping and retention of trees would, over time, largely obscure, views of the building and car park.
57. The upper storey and terrace of the clubhouse along with the floodlighting would be visible locally, across an open field from Vespasian Way (VP13) and from some of its residential dwellings. Seen in the context of dense existing planting and additional planting, which would significantly mature over time, it would not be overly prominent or unduly dominant to an unacceptably harmful extent. The effects would be no more than 'Minor-Moderate' Adverse.
58. For drivers and their passengers from VP15 the upper storey of the clubhouse and lighting would come into view at the overbridge, but this would be a fleeting glimpse, perceived more of an evening in the winter. This would also be at speed on a road with few pedestrians and the proposal would be seen in the context of the prominent hotel and spa complex and facilities to the north. There would be some 'Minor-Adverse' visual effects.
59. A private industrial estate centred around a former farmyard and with mature vegetated boundaries, I do not agree Grange Farm (VP5) should be treated with the same sensitivity same as direct views from the lane. Any limited views, in the context of intervening landscaping with the presence of buildings and paddocks would result in no more than 'Moderate Adverse' effects and not 'Substantial-Adverse', reducing significantly over time as the southern boundary planting of the scheme matures.
60. Overall, there would be some highly localised adverse changes more in line with the appellant's assessment at Year 1. These would significantly reduce over time subject to an appropriate landscaping scheme being agreed, implemented and managed along with conditions relating to materials and lighting so that at Years c.10-15 the visual effects would be 'Minor-Adverse' but at no point unacceptably harmful or detrimental to the visual interests of the site's surroundings.

Nighttime skies

61. I observed the appeal site and its surroundings during the hours of darkness and experienced that the appeal site is subject to a number of sources of lighting influence⁷ predominantly from the south, east and the M40.

⁷ Nighttime Light Sources Plan – Figure Pc-6 PC PoE.

62. The football pitch columns would be set behind the clubhouse building in views from the lane and those in the north eastern corner are closer to the significant lighting influences of the hotel and spa opposite. From the east and north they would also be screened by existing mature trees. Nonetheless, the introduction of 18 lighting columns would result in a change to the character of the night sky when in use. There would also be illumination from the car park lighting, the clubhouse and its outdoor terrace and events space, although this could be mitigated by additional landscaping.
63. Effects from lighting would be most noticeable during the winter months and during the spring and summer months as the evenings begin to shorten, or on overcast days. During this time the lighting would be perceived in the twilight and not total darkness and the suggested conditions refers to a cut-off time of 2200 hours. Despite their submissions, the Council's main concern appeared to dilute to whether the suggested condition was strong enough, without reference to Guidance Note 01/21⁸. The rebuttal for the Council suggests that compliance with this would ensure '*obtrusive light would be limited*'⁹ and by the close of the Inquiry this requirement was included in the suggested lighting condition.
64. Any new lighting should be capable of being delivered on 12 metre columns; with no substantive evidence they should require 15-metre-tall columns. The changes to the proposed design and use of ever advancing LED technology would also result in the effects being approximately halved, a point not disputed by the Council. Fittings would be positioned parallel to the ground and no upward light other than those reflected off surfaces would be spilled.
65. Views would be largely contained, and the combination of the lighting technology and planting would not result in unduly prominent levels of light spill or direct glare. Whilst no final Illumination Impact Profile was submitted the Council's assessment of a 'High Adverse' magnitude of change in the vicinity of the site at Day 1 is somewhat overstated. The effects would not be unacceptably harmful in terms of the character of the night time sky in the area.

Character and appearance conclusion

66. Overall, there would be some short to medium term and moderate adverse character changes and visual effects. Highly localised and experienced from a limited number of viewpoints and areas. The effects would be significantly reduced in the longer term by the proposed landscaping, tree protection, lighting and biodiversity mitigation and enhancements, which I find to be well considered, sensitive and appropriate in this context.
67. Even in the early years I do not categorise any visual effects as being unwarranted or inappropriate because they would be excessive or disproportionate. Such effects should not therefore be classed as '*undue*' visual intrusion for the purposes of Policy ESD13 of the LP.
68. Accordingly, the proposal would not result in such landscape character or visual harm that it would be in conflict with Policies ESD13 and ESD15 of the LP, Saved Policy C28 of the Cherwell Local Plan 1996 ('the CLP') or relevant

⁸ Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light (GN01:2020).

⁹ DFL rebuttal for Cherwell DC.

landscape guidance. When taken as a whole, these policies require development to seek opportunities to secure the enhancement of the character and appearance of the landscape, to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Further, that there is no undue visual intrusion, be sensitive in its siting, layout, of a high-quality design, creating and reinforcing local distinctiveness and that regard should be had to guidance and relevant landscape studies.

69. The appeal site is an existing facility and should not be considered as sporadic given it is not isolated, so Policy C8 of the CLP is not relevant and there is no objection in principle. It is also not located in a '*sensitive area*' for the purposes of Policy C28, so the second part is also not relevant. In Framework terms, the proposal recognises the intrinsic character of the countryside at this point and proposes suitable mitigation for any adverse effects. There would be no conflict with Paragraph 174 of the Framework or its other objectives for the natural environment or design quality.

Other considerations

Sporting need and benefits

70. In this appeal the applicant is not required to demonstrate a need for their proposal and neither the Framework at paragraph 99 or Policy BSC10 of the LP contain an explicit or implicit reference to demonstrating need. It is the appellant's contention that sporting provision and facilities would be improved with a substantial investment into the appeal site and that there are issues with existing sporting provision in the district that this proposal would address. This view was strongly supported by all of the representatives from the Cricket, Football¹⁰, Bicester Archers and Bicester Town and District Rifle and Pistol Clubs I heard from on the first day of the Inquiry and the round table discussion.
71. It is agreed the proposal would add to the quantum of sporting pitch provision in the Bicester area and that there are no single sites within the town's built-up area that could accommodate all of the proposed development. Further, that multi sports venues such as this proposal are supported and that Sport England raised no statutory objections, to which I give considerable weight.
72. Whilst not a comparison exercise the evidence that the age of the Oxford Road site had led to a deterioration in the quality of facilities and lack of compliance with National Governing Body standards. Further, that consolidation at a single site was preferred for a number of operational reasons and benefits¹¹, which in my experience seem reasonable to me for such a provider.
73. The Council's position is that the only need is that occasioned by the Oxford Road site. Further, that the appeal site is not the only solution, based on The Cherwell Playing Pitch Strategy commissioned in 2018 to forecast future needs for sport and recreation up to 2031 and to inform development management decisions. The Council is looking to make provision for sports facilities through its site allocations, but ultimately that provision is required to meet the needs of those allocations and would not address any need arising from the loss of the Oxford Road site.

¹⁰ Bicester Town Colts FC.

¹¹ Simon Molden's Statement on Sporting Need Pages 25-29 and appendix A.

74. There is a clear and pressing need for a replacement indoor rifle range following the closure of a similar facility at Oxford Road. It was also evident that neither the club nor Council had been particularly proactive in looking for alternative sites, but the proposal would enable replacement and enhanced sporting provision including offering greater opportunities for shooting for the disabled, the visually impaired and across a wider array of ages.
75. I was left in no doubt that the proposal was a long-term goal of Bicester Town Colts Football Club to enable greater pathways from Junior to Adult football. I also heard of current operational issues of incorrect pitch sizes, capacity and overcrowding issues, litter, dog fouling and parking at both Coopers School and Whitelands. I was left in no doubt the club were 'making do' with current arrangements because of the situation but there had also been booking errors and the club have had to undertake additional funding as a result. Their objectives of providing enhanced high-quality facilities to aid both individual player, team and club development/expansion for all users would be met by the proposal and are unlikely to be met by their current arrangements. Bicester Town United would also benefit from operating from a single site and have also had issues with finding suitable pitches.
76. The Council's strategy highlights the long-term objective of Bicester Rugby Football Club to operate from a single site (the club's Junior teams play at Chesterton and the Adults at the former Oxford Road). There remained a big question mark over their position by the close of the Inquiry but given the circumstances I would expect discussions to be ongoing and options kept open by all clubs.
77. Whilst there is no guarantee that the club, or any other, would move to the Chesterton site if permission were to be granted, there is a present need for the club and the important point is that the proposal does now meet their requirements. They would no longer need to operate across 2 sites as the whole club could be accommodated and previous obstacles in terms of revenue creation no longer exists. It is agreed that the facilities would be consistent with their requirements in a similar way to their operation at Oxford Road. The proposal would fulfil their requirements as set out in the strategy.
78. Bicester and North Oxford Cricket Club were not affected by the closure of Oxford Road, but the upgrade of facilities and replacement with more modern infrastructure at the appeal site would be a significant benefit to them. It would allow for more training and match wickets and in turn, allow for future growth and expansion of the club and game for all ages, including by those with a disability. The proposal would also assist Bicester Archers in expanding their club, allowing greater participation and I heard this was particular needed due to the ongoing effects of the COVID-19 Pandemic on membership.
79. The BSA is also willing to grant the clubs more formal security of tenure via a lease which, in turn, will enable them to apply for other funding for their activities. Entirely self-funding it would be at no cost to the public purse with the value realised from the sale of Oxford Road funding the proposal and its long-term maintenance.
80. There would also be the wider general benefits for residents and existing users from a significant enhancement of a sporting facility and pitch provision with modern, purpose-built pitches and facilities. Further, economic benefits would accrue from the investment in sports provision in the short-term during

construction and from its use in the future. In the midst of an ongoing global pandemic the need for such facilities takes on a greater significance and overall there would be demonstrably significant social and economic benefits.

81. The Council referred me to 3 sites as being credible alternatives to the appeal site. For the Wretchwick Green site the Council could not provide me with any definitive timescales other than a projection in the Annual Monitoring Report of 2027 when the artificial grass pitches and an Adult sized pitch would be provided. Required by the 800th dwelling there was, as put by the Council '*no good visibility*' on the timescale¹². Further, this would only meet the growth from the 1500 dwelling housing allocation and not directly address the loss of the Oxford Road site.
82. I visited Graven Hill a self-build housing scheme where 4 pitches are proposed and due to be delivered by the 1000th dwelling. This appeared to be some way off with 200 in place and nothing substantive put before me concerning legal agreement re-negotiations bringing pitches forward, leaving significant uncertainty as to what and when any sports pitches may be delivered.
83. At North West Bicester, an extension of 5,000 dwellings there are to be 15.2 hectares of sports pitches. The type of provision has yet to be agreed however and by the Council's own admission when these will be delivered is unknown. The ongoing review of the development plan creates opportunities for the allocation of more appropriately located sports pitches, but no material weight can be given to it due to the stage it is at.
84. I understand that the Council object in the context of trying to secure sports facilities for Bicester that are suitably located for the long term, but no other sites exist in the town for such a facility. There is both a quantitative and qualitative identified and pressing need for additional sports pitch and facility provision and enhancement apart from that occasioned by the closure of the Oxford Road site.
85. There are plans in place but interested persons and the round table discussion only served to emphasise the clear uncertainty as to when any of the sites would deliver sports facilities by 2031, let alone whether they would provide suitable appropriate facilities that the town's main and established sporting clubs require. They are not credible plans for the purposes of demonstrating there are suitable alternative and available sites to the one before me at this point and in the medium to longer term.
86. There would be no conflict with Policy BSC10 of the LP insofar as it seeks to ensure that sufficient quantity and quality of, and convenient access to outdoor sport and recreation provision is secured through, amongst other things, protecting existing sites, addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities and securing sport and recreation provision commensurate to the need generated by the proposals.
87. The Council refer to paragraph 99 (b) of the Framework being '*not strictly relevant since we are not dealing with the loss of the Oxford Road site*' but then goes onto state its theme of sustainability is relevant. I consider the

¹² Mr Lowin in response to an Inspector question at the RTD.

proposal would make better provision in a suitable location for the development proposed. As set out above, I have identified a sporting need and enhancement of provision and there would be no conflict with the aims and objectives of paragraph 99.

88. Moreover, the 3 overarching objectives of the Framework for sustainable development at paragraph 8 are interdependent and need to be pursued in mutually supportive ways, they are not criteria against which every decision can or should be judged. The presumption in favour of sustainable development in Paragraph 11 of the Framework is not invoked and I return to whether it would be sustainable development in those terms below. Having regard to the 3 dimensions and taking local circumstances into account to reflect the character, needs and opportunities of this area, the proposal would contribute to significantly more of those overarching objectives than it would fail to fulfil.

The Public Sector Equality Duty

89. In reaching my decision I have had due regard to the Public Sector Equality Duty contained in s.149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The duty does not compel a particular outcome however and due regard is the regard which is appropriate in consideration of the circumstances of the particular case.
90. At my request the Council provided a 'PSED note'¹³ setting out concerns regarding the site's location and access by those who cannot by law drive, and disability albeit with no accompanying or substantive evidence of any negative effects. There is also no evidence to suggest that the existing site is accessible to all and that an individual has guaranteed access to it, or indeed that was the case for the Oxford Road site. It is also clear that individuals with a disability currently access and use the facilities at the appeal site¹⁴.
91. There could realistically be a case where an individual wishes to partake in sport at the appeal site but does not have a car or access to one, or indeed cannot drive due to age or disability. This is the very type of instance however that to my mind the measures in the TP, in particular the minibus and car sharing scheme here should identify and seek to address if set up and operated as it should be. It is therefore important that any scheme agreed by condition includes provision of access for the disabled and promotion of the measures to residents and users.
92. It is also highly likely that a member of any of the clubs wishing to use the site or indeed try out the sport would, via that club, be able to seek assistance in obtaining access. I see no reason why such accessibility matters could not be addressed so that any agreed plan and schemes operate successfully for anyone who may not be able to access the site, including by more sustainable modes of transport. The proposal would also be 'DDA compliant'¹⁵ an outdated term but as a new build would provide improved and high-quality disabled

¹³ Inquiry Document 23.

¹⁴ OCB Disability Cricket and Archery for the Blind.

¹⁵ As required by The Equality Act 2010.

access and facilities for outdoor and indoor participatory sport advancing equality of opportunity. Accessibility would also be improved further if the Great Wolf scheme were to go ahead although there is clearly no guarantee at this point.

93. The current situation is also far from ideal or sustainable for the town's clubs. Any allocations of facilities by the Council will predominantly address their own needs, and even if the clubs were offered those pitches this would be at some unspecified point in the future significantly reducing opportunities and access to sport for the next 5, 10 and maybe more years.
94. To my mind, it is a far more acceptable situation for there to be some form of sports provision, in this case in a purpose-built facility in a suitable location, than to allow the current status quo to continue where there would likely be a significant deterioration in the quality and quantity of sports pitches and facilities and an associated decline in the health and wellbeing of residents including those with protected characteristics the Council refers to. At a time when the COVID-19 Pandemic demonstrates the importance of such facilities from a public health perspective, the benefits this proposal would bring at this point would clearly outweigh any potential negative impacts on those protected characteristics.

Other Matters

95. In reaching this view I have had regard to the 1990 decision as a material consideration. Notwithstanding it is of some vintage being made 31 years ago, its significance lies in that Inspector's considerations and conclusions on character and appearance. However, that scheme proposed a larger pavilion¹⁶ and at 20 metres, much taller albeit fewer floodlighting columns. No doubt different mitigation would have been proposed and in this case, I have also identified a dual screening and enhancement from the proposed planting and no policy conflicts.
96. That appeal was decided under a materially different local and national planning policy context and the site and area that Inspector observed 31 years ago would also have been materially different from the one I observed, in particular because the site was not developed for sporting facilities as it is now. I have also found no objections in terms of scale or character to a much-altered transitional area of countryside and there are no concerns here about the scale or other amenity effects in relation to nearby villages. Although only the decision notice is before me it would appear to not be a directly comparable form of development to the proposal before me.
97. That Inspector appeared to also find that outline proposal '*extremely difficult*' to assess in the absence of certain details. Based on the evidence as solely put to me by the parties and my own observations in this Inquiry, I have used my own judgement on the bespoke issues and considerations before me. The 1990 decision does not therefore alter my views on the second main issue or my decision to allow the appeal.

¹⁶ 3060sqm in that appeal and 20m floodlight columns compared to 12m.

98. Clearly this is a proposal which divides opinion in the town, and I have had regard to the many representations both in support and objection. The fact that the facilities at Oxford Road are no longer available is ultimately a commercial decision and the circumstances surrounding that closure or the possible future use of that site have no bearing on the planning merits of the proposal before me. Neither does the way in which the BSA is set up or operates or the fact it has been a long-standing desire of the BSA to redevelop and expand the appeal site. Each case must be determined on its own merits as accepted by the Council in cross examination¹⁷ and that this is not a comparison exercise with that former facility.
99. Other representations from interested persons included highway safety, and drainage. No substantive evidence of any drainage or protected species matters was put before me that could not be adequately resolved by the proposed surface water and protected species conditions. I also have no technical highways evidence before me to support either the suggestion that the surrounding roads have a capacity problem or that highway safety would be compromised as a result of the proposal, also mindful of the mitigation measures proposed including improved signage. There is also no objection in such terms, subject to conditions from Oxfordshire County Council as highway authority.
100. I have considered all of the other matters raised in the representations, but do not find that they alter my conclusions above, or my decision to allow the appeal.
101. Following a matter I raised with regard to a suggested protected species condition, it was clarified that an extended Phase 1 Habitat Survey was submitted with the application dated December 2016 and updated in March 2018 which the Council were satisfied allowed an assessment to be made. The presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat.
102. The Council confirmed the surveys were adequate but as set out in a further note to the Inquiry¹⁸ the Council's Ecologist also requested a re-survey for badgers because they '*seem active in the environs of the site*'. That officer also acknowledged a '*marginal net gain in biodiversity*'. I am satisfied that this would be a final survey check where the presence, or lack of in this case, of a protected species has already been established and given the timings involved a final survey check is therefore necessary. Subject to the suggested conditions the proposal would not result in loss or harm to protected species and there would be some modest biodiversity enhancements in the longer term once planting is established and from additional enhancement measures such as bat, invertebrate and bird boxes.

Conditions

103. Following a round table discussion at the Inquiry a list of conditions was agreed by the parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such

¹⁷ Mr Lowin for the Council in XX.

¹⁸ Ecology note ID20.

amendments as necessary to comply with those documents and in the interests of clarity, precision and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions.

104. To ensure the proposal is delivered to meet an identified and pressing need the commencement condition is amended to 2 years (1). A condition is required to ensure compliance with the approved plans for the avoidance of doubt as this provides certainty (2). Conditions are also necessary for a written scheme of archaeological investigation and mitigation, to ensure that features of historic interest are properly examined and recorded (3 and 4).
105. To prevent surface water flooding, a condition is necessary to require the approval and implementation of a Sustainable Urban Drainage System (5). A Construction Traffic Management Plan is also necessary to be agreed in the interests of highway safety although I have amended this as a number of the requirements appear to me to be unnecessary and are not matters for the local planning authority (6). A condition is necessary for access and off-site highway improvements to be provided prior to first use in order to enhance accessibility to the site and for highway safety (7). Secured by Design compliance is also required to protect public safety and prevent crime (8).
106. A condition for compliance with the Ecological Appraisal by LDA Design dated December 2016, as updated (14) is necessary to protect biodiversity along with a separate condition for a final badger survey as set out above (9), along with bat, invertebrate and bird box provision (15). A Construction Environmental Management Plan (10) is also required to protect biodiversity along with a condition for a lighting scheme, to be agreed in the interests of character and appearance (16), albeit there is no requirement to list all of the associated evidence documents put before the Inquiry.
107. Despite a scheme being submitted for the hard and soft landscaping of the site, the success of this is key to mitigating the effects and therefore it is necessary for these matters to be reviewed and agreed between the parties in the interests of the character and appearance of the area (19). For the same reason, development in accordance with the agreed Arboricultural Assessment is also necessary, albeit amended to reflect condition 19 (20).
108. To ensure the proposed parking and access areas are satisfactorily provided and thereafter permanently retained in the interests of highway safety, a condition is necessary for these to be provided and laid out prior to first use and to not be used for any other purpose (11). A condition requiring details of cycle storage and a scheme of electric charging points is also required in the interests of promoting more sustainable modes of transport (12 and 13).
109. A condition requiring details of the formation of the sports and playing pitches is necessary to ensure the pitches are of an appropriate standard and do not pollute the natural environment (17). A condition requiring a scheme for the provision of a Minibus to be made available for clubs and individuals using the site for a minimum period of 10 years in order to promote more sustainable forms of transport and enhance accessibility (18) is also necessary. Such a scheme shall include provision for those users without access to a vehicle and with a disability.
110. A condition requiring compliance of all buildings with The Building Research Establishment's Environmental Assessment Method ('BREEAM') 'Very Good'

standard is also necessary in the interests of sustainability and energy efficiency (21). A condition is required to restrict use of the site and its buildings for sports events hosted by the BSA and constituent clubs only, in the interests of rural amenity (22). Further details of previously agreed signage and implementation is required in the interests of highway safety (23) and a Travel Plan is required for the promotion of more sustainable modes of travel (24). Although shown in the original application submissions, material schedules are still required to be agreed in the interests of the character and appearance of the area (25).

111. Conditions 3, 6, 8, 9, 10 and 17 are conditions precedent. They are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interest of heritage assets, flood risk and prevention of pollution, satisfactory standard of sports pitch provision, highway safety and Biodiversity.

Planning balance and conclusion

112. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case I have found accordance with Policies SLE4, ESD1 and BSC10 of the LP and the Framework relating to the site's suitability in terms of its location for the development proposed and outdoor sport and recreation provision.
113. Although I have identified some adverse effects in terms of the second main issue, for the reasons given the harm would not amount to conflict with Policies ESD13 and ESD15 of the LP or the saved policies of the CLP, when read as a whole. The proposal should therefore be regarded as being in accordance with the development plan, when read as a whole and national policy, when taken as a whole.
114. Even if I were to agree with the Council that the effects resulted in harm sufficient to bring the proposal into some conflict with Policy ESD13 and ESD15, a proposal could cause some harm without breaching those policies. The proposal would still accord with many of the requirements and those of the other policies before me and in that instance there would still be compliance with the development plan, when read as a whole.
115. There is no suggestion that the policies are not consistent with the Framework and accordance with an up-to-date plan means the proposal would also be the sustainable development for which Policy PSD1 of the LP and Paragraph 11 c) of the Framework indicate should be approved without delay. The latter is a material consideration which, along with the benefits of the proposal weigh significantly in its favour.
116. There are no other material considerations that indicate permission should be withheld. I therefore conclude that the appeal should be allowed, and planning permission should be granted subject to the conditions set out in the attached Schedule.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Robert Walton, of Queens Counsel	instructed by Bicester Sports Association
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He called

Mr Paul Newton BA (Hons) MRTPI	Barton Willmore LLP
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Mr Stephen Evans BA (Hons) MA CMILT MCIHT MTPS	Pell Frischmann
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Mr Patrick Clark BA MA Lsc. Arch. CMLI	Barton Willmore LLP
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Also present for the appellant:

Mr. Simon Molden Susie Stephen/James Hill	The Sports Consultancy Barton Willmore LLP
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FOR THE COUNCIL:

Ms. Annabel Graham-Paul, of Counsel	instructed by Cherwell District Council
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She called

Mr David Lowin BA MA MRTPI	Principal Officer, Major Developments Officer, Cherwell District Council
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Mr David Webster BSc MSc MA CMLI	Huskisson Brown Associates
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Mr Chris Nichols	Transport Development Control Officer, Oxfordshire County Council
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Also present for the Council:

Mr Thomas Darlington	Senior Community Infrastructure Officer, Cherwell District Council
Mr Simon Aley	Solicitor, Cherwell District Council
Mr Mathew Swinford/Ms Joy White	Cherwell District Council

INTERESTED PERSONS:

Chesterton Parish Council – Fiona Rowe
Jenny Hodges
Sarah Kearney
Caroline Chipperfield-Twiddy.

Alex Robertson Len Payne
Roger Wise Gary Sansome
James Kirkham Chris Wales
Jock Murray Timothy Peart
Williams Malins.

DOCUMENTS SUBMITTED AT AND AFTER THE INQUIRY

Document Number	Document name	Submitted by
Document 1	Hoare Lea Lighting Rebuttal	Appellant
Document 2	Council's rebuttal on Lighting	Council
Document 3	Appellant's comments on LPA's LVIA methodology	Appellant
Document 4	Travel Survey Data	Appellant
Document 5	Appellant's opening	Appellant
Document 6	Council's opening	Council
Document 7	Statement of Gary Sansome	North Oxford and Bicester CC
Document 8	<i>Left blank</i>	
Document 9	Email attachments	Appellant
Document 10	Statement of Mr. C Wales	Bicester Colts FC
Document 11	Statement of Mr. J Murray	Bicester Archers
Document 12	Statement of Mr. A Robertson	Bicester Rifle and Pistol Club
Document 13	Great Wolf operator correspondence	Appellant
Document 14	<i>Left blank</i>	
Document 15	Travel, s106 beneficiaries	Appellant
Document 16	Grange Farm decision notices	Council
Document 17	BSA Chesterton current summer/winter programme	Appellant
Document 18	Inspector's amended conditions	Inspector
Document 19	Amended conditions	Appellant/Council
Document 20	Note on Ecology	Appellant
Document 21	Council's closing submissions	Council
Document 22	Appellant's opening submissions	Appellant
Document 23	Council's PSED note	Council

SCHEDULE

CONDITIONS

1. The development hereby permitted shall be begun within 2 years of the date of this permission.
2. The proposed development shall be built in accordance with the following approved plans unless the prior written approval has been obtained from the local planning authority:

Site Location Plan (Existing)	32172-STL-XX-XX-DR-A-6020-PLO1 Rev PL01
Existing Site Plan	32172-STL-XX-XX-DR-A-6020-PLO2 Rev PL01
Proposed Site Plan	32172-STL-XX-XX-DR-A-6020-PLO3 Rev P07
Existing Site Sections	32172-STL-XX-XX-DR-A-6020-PLO4 Rev PL01
Proposed Site Sections	32172-STL-XX-XX-DR-A-6020-PLO5 Rev P07
Proposed Clubhouse Floor Plans	32172-STL-XX-XX-DR-A-6020-PLO6 Rev PL01
Proposed Clubhouse Elevations	32172-STL-XX-XX-DR-A-6020-PLO7 Rev PL01
Proposed Clubhouse Sections	32172-STL-XX-XX-DR-A-6020-PLO8 Rev PL01
Proposed Clubhouse 3D Views	32172-STL-XX-XX-DR-A-6020-PLO9 Rev PL01
Proposed Pistol & Rifle Club Drawings	32172-STL-XX-XX-DR-A-6020-PL10 Rev PL01
Proposed Maintenance Shed & Garage Storage & Shelter Drawings	32172-STL-XX-XX-DR-A-6020-PL11 Rev PL07
Proposed Cricket Scorebox Drawings	32172-STL-XX-XX-DR-A-6020-PL12 Rev PL02
Proposed Pitch Provision	32172-STL-XX-XX-DR-A-6020-PL13 Rev P07
Proposed Site Layout	32172-STL-XX-XX-DR-A-6020-PL14 Rev P07

Landscape Section	LN-LP-110
Landscape Plan	32172-STL-XX-XX-DR-L-ZZ-SK105 Rev PL12

3. Prior to the commencement of development a professional archaeological organisation shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the local planning authority.
4. Following the approval of the Written Scheme of Investigation referred to in Condition 3, and prior to the commencement of development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority.
5. A detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods (which shall be based on the submitted Flood Risk and Drainage Statement (Ref: 2281-STED-ICS-RP-C-07.012)) shall be submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved design prior to the first use of the new playing fields and sports buildings and shall thereafter be managed and maintained in accordance with the agreed plan.
6. No development shall take place until a Construction Traffic Management Plan, to include, but not be limited to the following details:
 - Routing of construction traffic and delivery vehicles including means of access into the site.
 - Details of any proposed road closures needed during construction.
 - Details of any proposed traffic management measures needed during construction.
 - Details of measures to prevent mud etc, in vehicle tyres/wheels, from migrating onto the highway.
 - Details of appropriate signing for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A highway condition survey of roads to be used by construction traffic in the vicinity of the appeal site (pre-condition survey).
 - Details of times for construction traffic and delivery vehicles.

has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period for the development.

7. The development hereby approved shall not be used or occupied until the following works have been carried out and completed in accordance with details which shall be submitted to and approved in writing by the local planning authority, and retained as such thereafter:
 - (i) Widening of site access road and radii clearance of any vegetation required in order to achieve visibility splays as shown in Drawing No: A13419-TA-102 (as included in the Pell Frischmann Transport Statement (ref A13419/VAA) dated 7 May 2019).
 - (ii) Provision of a new footway link with a typical width of no less than 1.5m (localised narrowing can be permitted at pinch points) on the eastern side of The Hale between its junction with Green Lane and the footway north of Penrose Gardens. Tactile crossings over Green Lane and Little Chesterton road arms of the junction. As indicated in Drawing No: A13419-TA-103 Rev A (included in Pell Frischmann technical note dated 29/11/2019).
 - (iii) Tactile crossing on A4095 approximately 50-60m south of junction with Alchester Road. As indicated in Drawing No: A13419-TA-016 Rev A (included in Pell Frischmann technical note dated 29/11/2019).
 - (iv) Tactile crossing on A4095 north of the point where PROW 161/1 emerges on to the road including short sections of connecting footway as indicated in Drawing No: A13419-TA-016 Rev A (included in Pell Frischmann technical note dated 29/11/2019).
8. Prior to the commencement of development details of measures to be incorporated into the proposals demonstrating how Secured by Design principles and standards on physical security will be integrated shall be submitted to and approved in writing by the local planning authority. The approved measures shall be carried out prior to the first use of the new playing fields and sports buildings and maintained in the approved form thereafter.
9. Prior to the commencement of development hereby approved, including any demolition and any works of site clearance, a final survey for Badgers (no older than 6 months) shall be carried out and a detailed mitigation strategy, if necessary, including details of whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes as required, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
10. 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 plan shall include:
 - 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 any ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity Plan shall be adhered to throughout the construction period for the development.

11. 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. Prior to the first use or occupation of the new playing fields and sports buildings hereby permitted, 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.
12. Prior to the first use of the new playing fields and sports pitches hereby permitted, a total of 64 covered cycle parking spaces shall be provided on the site in accordance with details which shall be submitted to and approved in writing by the local planning authority. Thereafter, the covered cycle parking spaces shall be permanently retained and maintained for the parking of cycles in connection with the development.
13. Prior to the first use or occupation of the development hereby permitted, a scheme for the provision of 10 active vehicular electric charging spaces (equal to 5% of new spaces) and points of passive provision for the integration of future charging points for 102 spaces (equal to 50% of new spaces) to serve the development shall be submitted to and approved in writing by the local planning authority. The vehicular electric charging spaces shall be provided in accordance with the approved details prior to the first use or occupation of the development hereby permitted and retained as such thereafter.
14. Notwithstanding conditions 9 and 15, the development hereby permitted shall be carried out in accordance with the recommendations set out in Section 5 of the Ecological Appraisal by LDA Design dated December 2016, and the Landscape and Biodiversity Management Strategy dated June 2021, including any updated versions, unless otherwise agreed in writing with the local planning authority.
15. A scheme (including a method statement) to provide bat, bird and invertebrate boxes shall be submitted to and approved in writing by the local planning authority prior to the development reaching slab level. The approved scheme

shall be implemented prior to the first use or occupation of the new playing fields and sports buildings and retained and maintained as approved thereafter.

16. Details of any floodlighting and other external lighting shall be submitted to and approved in writing by the local planning authority prior to the first use of the new playing pitches and sports buildings hereby approved. The lighting shall comply with GN01/21 (Institution of Lighting Professionals' update to their Guidance Notes for the Reduction of Obtrusive Light) and the details shall include, but not be limited to, the positions and heights of lighting masts, luminaire specifications of all lighting to be installed, hours of operation and future maintenance. Development shall be carried out and maintained in accordance with the approved details thereafter.

17. Prior to the commencement of development, a scheme outlining a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment of the new sports pitches hereby permitted and a programme of implementation and management, shall be submitted to and approved in writing by the local planning authority, in consultation with Sport England. Development shall be carried out in accordance with the approved details and maintained as approved thereafter.

18. Prior to the first use of the development hereby permitted, a scheme for the provision of a minibus service to be available for use by the clubs and individuals using the site for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The details in the scheme shall include, but not be limited to:

- (i) the specification, size and seating capacity of the vehicle to be used (to include provision for the disabled and sporting equipment);
- (ii) details of the costs and availability to clubs/individuals;
- (iii) the arrangements for booking by sports clubs using the site;
- (iv) the availability of the service on all days when team activities are taking place at the site, including at the start and end of those time periods; and
- (v) how the service will be administered and co-ordinated by BSA personnel.

Following approval, the service shall be made available prior to the first use or occupation of the new sports pitches and sports buildings hereby approved and shall be operated, managed and maintained thereafter in accordance with the approved scheme.

19. Notwithstanding the landscaping plans at condition 2, prior to any works above slab level, a revised soft and hard landscaping scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the first use or occupation of the new playing fields and sports buildings. The scheme for landscaping the site shall include:-

- i. Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas.

- ii. 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.
- iii. Details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- iv. Details of all boundary fences or other treatments.
- v. Details of additional structural soft landscaping around the clubhouse and car park area.
- vi. Timing details of planting and a future management and maintenance plan.

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.

20. Other than in relation to additional works required by condition 19, the development hereby permitted shall be carried out in strict accordance with the SJ Stephen Associates Arboricultural Impact Assessment (Project no. 1086.2 date 22 March 2021). The tree protection and any other Arboricultural measures shall be put in place prior to the commencement of development and maintained for the duration of the construction period.
21. All buildings hereby permitted shall be constructed to at least a BREEAM 'Very Good' standard.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 4 Classes A & B as amended temporarily by the Town and Country Planning (General Permitted Development Order) Regulations 2020, the use of the site and any of its buildings in part for any non-sports events which are not directly hosted by constituent BSA clubs, is prohibited.
23. The new playing fields and sports buildings hereby permitted shall not be used or occupied until the following works have been implemented, the details of which shall be submitted to and approved in writing by the local planning authority, and retained as such thereafter:
- (i) Scheme of improved signage for drivers along the A4095 cycle route between Vendee Drive and Chesterton Village.
 - (ii) Road signage at A41 / Little Chesterton junction to deter visitors from accessing the development from that route.
24. Prior to the first use of the development hereby permitted, the applicant shall submit for the written approval of the local planning authority a Travel Plan, written in accordance with the aims and objectives of the Framework and Oxfordshire County Council's guidelines Transport for New Developments: Transport Assessments and Travel Plans (March 2014), which shall:

- (i) Raise awareness amongst staff and visitors of, and promote sustainable transport modes for accessing the site;
- (ii) Effectively manage on-site car parking;
- (iii) Reduce the numbers of trips generated by private motor vehicles;
- (iv) Improve air quality through the reduction of carbon emissions and other pollutants; and
- (v) Promote healthier and more active lifestyles to staff, players, parents and spectators.

The Travel Plan shall include, but not be limited to:

- a) A commitment to appoint and details of a site-wide Travel Plan Co-ordinator prior to first use or occupation of the new playing fields and sports buildings hereby permitted; and
- b) Details of a commitment to set up/operate a car sharing scheme for users of the site;

The development hereby permitted shall not be used or occupied until the approved Travel Plan has been implemented. Within 6 calendar months of the first use or occupation of the development hereby permitted, a baseline travel survey shall be carried out and the results submitted to the local planning authority in an updated version of the Travel Plan. Thereafter on an annual basis for a period of 5 years a monitoring travel survey shall be carried out and submitted to the local planning authority in a monitoring report. The survey shall confirm whether or not the objectives of the Travel Plan have been achieved and shall contain, where necessary, recommendations for amendments or improvements to the Travel Plan.

25.No development above slab level shall commence until details of the external materials to be used have been submitted to and approved in writing by the local planning authority. Materials to be agreed shall include roof and wall panels, cladding, blockwork, windows and other fenestration. Thereafter the development shall be carried out in accordance with the approved details and maintained as approved.

----- End of conditions -----