

Committee: Planning Committee
Date: Thursday 12 March 2020
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor James Macnamara (Chairman)	Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere	Councillor Hugo Brown
Councillor Phil Chapman	Councillor Colin Clarke
Councillor Conrad Copeland	Councillor Ian Corkin
Councillor Chris Heath	Councillor Simon Holland
Councillor David Hughes	Councillor Mike Kerford-Byrnes
Councillor Cassi Perry	Councillor Lynn Pratt
Councillor George Reynolds	Councillor Barry Richards
Councillor Les Sibley	Councillor Katherine Tyson

AGENDA

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

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

- 3. Requests to Address the Meeting**

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

- 4. Minutes (Pages 1 - 30)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 13 February 2020.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

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

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

Report of Assistant Director - Planning and Development

This will be circulated at the meeting.

Planning Applications

- | | | |
|-----|--|----------------------|
| 8. | Land to the east of M40 and south of A4095 Chesterton, Bicester, Oxon
(Pages 33 - 100) | 19/02550/F |
| 9. | Land Adjacent to the M40 South of Overthorpe Road, Banbury
(Pages 101 - 126) | 19/00771/F |
| 10. | Land at Deerfields Farm, Canal Lane, Bodicote
(Pages 127 - 142) | 19/02350/OUT |
| 11. | Car Park, Compton Road, Banbury
(Pages 143 - 150) | 19/02358/M106 |
| 12. | Land North of Park and Ride Adj to Vendee Drive, Bicester
(Pages 151 - 156) | 19/02973/DISC |
| 13. | Land to the South and Adj to South Side Steeple Aston
(Pages 157 - 182) | 19/02948/F |
| 14. | OS Parcel 4278 North West of Lessor Grange, Milcombe
(Pages 183 - 196) | 19/02992/F |
| 15. | Unit 2-4 Wildmere Park, Wildmere Road, Banbury, OX16 3JU
(Pages 197 - 214) | 19/01774/F |

Review and Monitoring Reports

16. **Appeals Progress Report**
(Pages 215 - 219)

Report of Assistant Director Planning and Development

Purpose of report

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221591 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

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.

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, Democratic and Elections
democracy@cherwellandsouthnorthants.gov.uk, 01295 221591

Yvonne Rees
Chief Executive

Published on Wednesday 4 March 2020

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 13 February 2020 at 4.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Chris Heath
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Les Sibley

Substitute Members: Councillor Douglas Webb (In place of Councillor Ian Corkin)

Apologies for absence: Councillor Maurice Billington
Councillor Ian Corkin
Councillor Cassi Perry
Councillor Katherine Tyson

Officers: Sarah Stevens, Interim Senior Manager – Development Management
Nat Stock, Minors Team Leader
Linda Griffiths, Principal Planning Officer
Matt Chadwick, Principal Planning Officer
George Smith, Planning Officer
David Mytton, Solicitor
Lesley Farrell, Democratic and Elections Officer

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Declarations of Interest

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

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

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

13. Holly Tree Cottages, Earls Lane, Deddington, OX15 0TQ.

Councillor Mike Kerford-Byrnes, Conflict of Interest, as the applicant was known to him and he would speak as local Ward Member and then leave the chamber for the duration of the debate and vote.

14. Windmill Nurseries, London Road, Bicester, OX26 6RA.

Councillor David Hughes, Disclosable Pecuniary Interest, as he was the applicant and would leave the chamber for the duration of the item.

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

15. Kirtlington Park House, East Wing Kirtlington Park, Kirtlington, OX5 3JN.

Councillor Simon Holland, Disclosable Pecuniary Interest, as he was the applicant and would leave the chamber for the duration of the item.

16. Kirtlington Park House, East Wing Kirtlington Park, Kirtlington, OX5 3JN.

Councillor Simon Holland, Disclosable Pecuniary Interest, as he was the applicant and would leave the chamber for the duration of the item.

17. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury.

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

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

Councillor Colin Clarke, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the Chamber for the duration of the item.

Councillor George Reynolds, Non-Statutory Interest, as a member of the Executive and would leave the Chamber for the duration of the item.

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

18. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury.

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

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

Councillor Colin Clarke, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the Chamber for the duration of the item.

Councillor George Reynolds, Non-Statutory Interest, as a member of the Executive and would leave the Chamber for the duration of the item.

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

134 **Requests to Address the Meeting**

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

135 **Minutes**

The Minutes of the meeting held on 16 January 2020 were agreed as a correct record and signed by the Chairman.

136 **Chairman's Announcements**

The Chairman made the following announcement:

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

137 **Urgent Business**

There were no items of urgent business.

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

The Assistant Director of Planning and Development submitted a report, which recommended that the Planning Committee agree to hold a pre-Committee site visits for the following applications. It was anticipated that these applications would be brought before the Committee for determination at its next meeting.

Application No. 19/02708/F

Proposal: To 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.

Location: Bicester Heritage, Buckingham Road, Bicester

Reason for the visit: Recommended by Planning Officers

Application No. 19/2550/F

Proposal: Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping

Location: Land to the east of M40 and south of A4095, Chesterton, Bicester

Reason for the visit: Recommended by Planning Officers

Members endorsed the recommendation for a site visit to application 19/02708/F.

It was proposed by Councillor Colin Clarke and seconded by Councillor George Reynolds that there not be a site visit for application 19/2550/F as members felt that a site visit would be of no benefit.

Resolved

- (1) That a pre-committee site visit take place for application 19/02708/F, Bicester Heritage, Buckingham Road, Bicester.
- (2) That there be no pre-committee site visit for application 19/2550/F, Land to the east of M40 and south of A4095, Chesterton, Bicester.

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

The Committee considered application 18/01721/OUT an outline application for permission for the development of up to 57 residential dwellings (C3 use class), other related infrastructure and associated works at Land West of Oxford Road and South of Newton Close, Bicester for Countryside Properties (Bicester) Limited.

It was proposed by Councillor Les Sibley and seconded by Councillor Lynn Pratt that consideration of application 18/01721/OUT be deferred for a period of up to 10 years until a suitable site for the Bicester Super Health Hub had been decided.

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

Mr Simon Ible, agent for the applicant, addressed the meeting in support of the application.

It was proposed by Councillor Les Sibley and seconded by Councillor John Broad that application 18/01721/OUT be refused, contrary to officer recommendation as it was against the S106 legal agreement and contrary to the local plan.

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

On reaching its decision the Committee considered the officers' report and presentation, the address of the public speaker and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 18/01721/OUT subject to the following conditions (and any amendments to those conditions as deemed necessary) and a Section 106 planning obligation (resolution (2) below):

CONDITIONS

1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and Town and Country Planning (General Development Procedure) Order 2015 (as amended)

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

Reason: The permission is in outline only.

3. The development to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason: this application is in outline.

4. Except where otherwise stipulated by condition, the development shall be carried out, strictly in accordance with the following plans and documents: (to be added)

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

5. That prior to the commencement of any development on the site, and prior to the submission of any reserved matters, notwithstanding the design code submitted with the application, a design code shall be submitted and approved in writing by the Local Planning Authority. The design code shall include: character area details; densities across the site, general scale, massing, height, design and form of buildings; street form and frontages; movement hierarchy and public realm strategy; public open space/play space/ landscaping and green infrastructure links, materials; servicing; parking strategies and sustainability features, including renewable energy. Thereafter, any reserved matters application shall be submitted in accordance with the approved design code.

Reason: To ensure a high quality development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

6. No development may be occupied until written confirmation is received by the Local Planning Authority that a six month extension to the existing bus service agreement (for services between south-west Bicester and the town centre) has been secured. Such confirmation must include the original and new dates of service expiration, and must be jointly signed by the applicant and service provider.

Reason: To ensure the development can be served effectively by sustainable transport as required by paragraph 108 of the National Planning Policy Framework.

7. Prior to first occupation, a Travel Plan Statement should be submitted to and approved in writing by the Local Planning Authority.

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

8. Prior to the commencement of the development hereby approved, full details of the means of access 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 interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, full details of the pedestrian and cycle access points linking the development with the adjacent highway and off highway pedestrian and cycle network, including a temporary route across the safeguarded

land, 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 interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, parking and turning areas to serve the dwellings, which shall include construction, layout surfacing, drainage and parking restrictions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to 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 within the National Planning Policy Framework.

11. The development shall be implemented in accordance with the approved residential travel plan for Kingsmere (to be added)

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

12. Prior to the commencement of the residential development hereby approved, full details of secure, covered cycle parking for residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each dwelling, the cycle parking shall be provided in accordance with the approved details.

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

13. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of construction access route, delivery hours avoiding network peak and school arrival/departure times, site compound including parking and turning, provision for making good any damage to the highway resulting from construction of the development, and wheel washing arrangements.

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

14. Development shall not begin until a detailed surface water drainage scheme for the site, which shall be provided as part of any reserved matters submission, in accordance with the approved Create Flood Risk Assessment TF/CS/P15-874/13/Revision D and Drainage Strategy drawing 02/703 Rev C, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- a compliance report to demonstrate how the scheme complies with the agreed drainage strategy for the site and the local and national surface water drainage standards
 - full micro drainage calculations for all events up to and including the 1 in 100 year plus climate change
 - a Flood Exceedance Conveyance Plan
 - Detailed drainage design layout drawings of the SUDs proposals including cross section details
 - detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
 - Details of how water quality will be maintained during construction

Reason: To ensure satisfactory drainage of the site and in accordance with Government guidance within the National Planning Policy Framework.

15. No properties shall be occupied until confirmation has been provided that either: a) that all water upgrades required to accommodate the additional flows from the development have been completed, or, b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing 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.

16. No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling in accordance with the following specification:
- one 240 litre blue wheeled bin for the collection of dry recyclable material
 - one 240 litre green wheeled bin for the collection of residual waste
 - one 240 litre brown bin for the collection of garden waste material

Reason: To ensure that new residents have access to waste storage facilities that encourage recycling and to reduce the risk of unsightly bin waste storage affecting street scenes in accordance with the requirements of Policy ESD1, ESD2 and ESD15 of the Cherwell Local

Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

17. All applications for approval of reserved matters shall include an energy statement demonstrating how all the dwellings will achieve a 19% reduction in carbon emissions above 2013 building regulations and a water efficiency of not more than 110 litres/person/day. The development shall be carried out in accordance with the approved statement.

Reason: In the interests of creating sustainable new development in accordance with the requirements of Policy ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. No development shall take place, nor shall any reserved matter be submitted until an arboricultural survey undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions is carried out, submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting any trees/hedges of importance in accordance with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development hereby permitted, a desk study and site walk over to identify all potential contamination on the site, and to inform the conceptual site model, to be carried out by a competent person and in accordance with DEFRA and Environment agency's Model Procedures for the Management of Land Contamination, CLR11, 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 the risks from contamination to future residents is minimised in accordance with Government guidance within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, A Landscape and Ecological Management Plan (LEMP) to include a full biodiversity enhancement scheme to demonstrate net biodiversity gain of 10%, 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: In the interests of biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

21. Prior to the commencement of any development and prior to the submission of any reserved matters, a noise assessment together with details of any necessary mitigation measures in respect of the adjacent Esso petrol station and activities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the findings and necessary agreed mitigation measures.

Reason: to protect the new residents from adverse noise and disturbance and to accord with Government guidance within the National Planning Policy Framework.

22. Prior to the commencement of any development on the site, full details of the existing and proposed site and floor levels shall be submitted to and approved in writing by the Local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure the satisfactory functioning and visual appearance of the development, in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby approved, a landscape and SUDS 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 of all landscaped 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 in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework

- (2) That 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, be agreed to secure the following (and any amendments as deemed necessary):

District Requirements

- 30% affordable housing provision on site
- Attenuation - £51.39 per square metre maintenance
- LAP provision on site plus £30, 702.02 future maintenance
- Public open space maintenance provision

- Safeguarding of 1ha of land as edged blue on the location plan for healthcare purposes for at least 10 years
- Sale/marketing value of healthcare land to be at a cost to reflect its safeguarded health use – not open market value
- Outdoor off-site sports facilities contribution of £2017.03 per dwelling towards improving the quality of outdoor hard courts at The Cooper School, Bicester
- Community safety and policing contribution (to be negotiated)
- Community hall contribution of £18,980
- Public art contribution (to be negotiated)
- Allotments contribution (to be negotiated)
- Burial ground contribution (to be negotiated)
- Indoor sports contribution of £335.32 per dwelling
- £111 per dwelling for bins and recycling
- Apprenticeships x 3 and EST Plan
- AQMA mitigation (to be negotiated)
- Secure access into reserved land along secondary street
- Monitoring cost - 5% of the total value of the S106 contributions (financial and in kind)

OCC Requirements

- Traffic Regulation Order - £3,120
- Off site highway works: provision of a crossing of Middleton Stoney Road and pedestrian/cycle facilities on Oxford road and Middleton Stoney road
- Extension of contract of existing Kingsmere bus service
- Monitoring fee (to be negotiated)
- Travel plan
- Education contribution of £482,434 primary education and £397,854 Secondary education

The Committee considered application 19/00465/F a retrospective application for 10 Recessed LED lights within soffit of the forecourt canopy at Motor Fuel Limited, Bloxham Service Station, South Newington Road, Bloxham, Banbury OX15 4QF for Motor Fuel Group.

Amanda Baxter, local resident, addressed the meeting in objection to the application.

It was proposed by Councillor Heath and seconded by Councillor Clarke that application 19/00465/F be approved subject to an additional condition that lights should not exceed 1.04 lux post curfew.

In reaching its decision the Committee considered the officers' report and presentation, and the address of the public speaker.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/00465/F subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Compliance with Plans

1. 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: Location and Block Plan (PA01).

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.

2. Notwithstanding the annotation shown on drawing number PA01, the two lights on the northernmost part of the canopy shall be turned off at 11pm and not turned back on again until 7am.

Reason - In order to safeguard the amenities of the area and the amenities of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- (2) That it be agreed that a further condition be added to restrict the lights to less than 1.04 lux post curfew, exact wording delegated to officers.

The Committee considered application 19/02444/OUT for outline planning permission for a residential development of up to 14 dwellings, with all matters save for the means of access reserved for subsequent approval at Land South of Home Farm House, Clifton Road, Deddington, OX15 0TP for Harcourt Rugby Limited. The application was a re-submission of the previously refused application 19/00831/OUT.

John Wilbraham, agent for the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report and presentation, the address of the public speaker and the written update.

Resolved

(1) That application 19/02444/OUT be refused for the following reasons:

1. By virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and its scale and location, the proposed development would cause significant and demonstrable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. For the same reasons the proposal would also result in 'less than substantial' harm to the setting of the nearby Scheduled Ancient Monument and Conservation Area and the harm stemming from the proposals is considered not to be outweighed by any public benefits. The impact on the character and appearance of the Conservation Area of the works required outside of the site to improve connections from the site to the village also weighs against the development. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28 and C33 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide SPD (2018) and Government guidance contained within the National Planning Policy Framework.
2. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure (including education, open space, sports facilities, community facilities, highway infrastructure and affordable housing) directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, mix and balanced communities, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

The Committee considered application 18/02160/F for the redevelopment of part of the site with new purpose-built buildings for B1 and B8 use including provision for access onto Cassington Road at Part of OS Parcel 0083 North of 89 Cassington Road, Yarnton, for Douglas Charlett Tyres Limited.

It was proposed by Councillor Macnamara and seconded by Councillor Clarke that application 18/02160/F be approved subject to additional conditions regarding hours of operation and Policy ESD 5: Renewable Energy of the Local Plan.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 18/02160/F subject to the following conditions (and any amendments to those conditions deemed necessary)(and two further conditions in resolution (2) 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: Planning and Design and Access Statement, Preliminary Ecological Appraisal Report and Bat Roost Assessment dated 27/04/2019, Sustainable drainage and Flood Risk Assessment version 3.1 dated 20/12/2019, and drawings: Site Plan, 3914/p001a, 3914/p100, 3914/p101, 3014/p102, 3914/sk04 March 18, and 15375-HOP-ZZ-GF-DR-C-DR01 rev P6

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.

Materials

3. Prior to the construction of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

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

Access and highway

4. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed, to the satisfaction of the local planning authority:
 - i) Reinstatement of PROW 420/8 on the south side of Cassington Road from a point adjacent to the existing bridge to the west of the site eastwards to the point where PROW 420/8 turns in a southerly direction away from Cassington Road.
 - ii) The site access and its junction with Cassington Road as approved pursuant to condition 5.

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

5. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays, footway connections and inter-visibility between the adjacent site access shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall not be constructed other than in accordance with the approved details and shall be retained and maintained as such thereafter.

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

Cycle Parking Provision

6. 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 Government guidance contained within the National Planning Policy Framework and the Local Transport Plan.

Construction Traffic Management Plan

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles, which must be outside of peak network hours. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Travel Plan Statement

8. Prior to the first occupation of the development hereby permitted the Travel Plan Statement shall be updated with details of the final occupier and the final occupier's measures to encourage sustainable travel and shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Drainage

9. The surface water drainage system to serve the development hereby permitted shall be constructed entirely in accordance with the detailed Flood Risk Assessment prepared by HOP (Ref: 15375/01/HOP/FRA v3.1 - 20/12/2019) and the details shown on drawing no. 15375-HOP-ZZ-GF-DR-C-DR01revP6 dated 20/12/2019 and hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing and phasing arrangements. The measures detailed shall be retained and maintained throughout the lifetime of the development.

Reason: To ensure the site is appropriately drained and to reduce off-site flood risk in accordance with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Waste water network

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

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. And to accord with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Water network

11. No premises shall be occupied until confirmation has been provided that either:
- all water network upgrades required to accommodate the additional flows from the development have been completed; or
 - a housing and infrastructure phasing plan had been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing 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. And to accord with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Arboricultural Method Statement

12. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority detailing how the existing trees on the site are to be protected during the development. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy 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 and implementation

13. 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.

The development shall not be carried out other than in accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be carried out prior to the first use or occupation of the development and shall be retained as such thereafter.

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

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

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

Ecology/Biodiversity

15. The development hereby approved shall be carried out in accordance with the recommendations set out in section 6 of the Preliminary Ecological Appraisal Report and Bat Roost Assessment carried out by Lizard Landscape Design and Ecology on 27 April 2019.

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

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

16. No construction beyond damp proof course level shall take place until details of a scheme for the location of bat, bird and owl and invertebrate boxes and hedgehog holes in the bases of fencing have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat, bird, owl and invertebrate boxes and hedgehog holes shall be installed on the site in accordance with the approved details and shall be retained as such thereafter.

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

17. No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be first submitted to and agreed in writing by the local Planning authority. The scheme shall include the following elements:

- Details of maintenance regimes
- Details of any new habitat created on-site and details of how habitat connectivity will be maintained and enhanced
- Details of treatment of site boundaries and/or buffers around water bodies, with native species planting of UK provenance
- Details of management responsibilities

Reason – To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value in order to comply with government guidance set out in the National Planning Policy Framework. and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. No development shall take place until a plan detailing the protection of water voles and otters and mitigation for any damaged caused to their associated habitats has been submitted to the local Planning authority. The plan must consider the whole duration of the development from the construction phase through to development completion. Any change to operation responsibilities, including management, shall be first submitted to and approved in writing by the local planning authority. The water voles and otters protection plan shall be carried out in accordance with a timetable for the implementation as approved. The scheme shall include the following elements:

- Appropriate design changes incorporated into the methodology of the development
- Details of how protected species present are to be protected during construction works
- A scheme for the long-term management and protection of any protected species population and its habitat
- Details of mitigation for the disturbances caused by the development including loss of habitat used by protected species
- Details of how the existing habitat will be enhanced so as to protect and promote protected species populations.

Reason – To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site’s nature conservation value in order to comply with government guidance set out in the National Planning Policy Framework. and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Contamination

19. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21. If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Noise

24. Prior to the first occupation of the development a noise report produced to BS4142:2014 shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required by the report shall be in place prior to the first occupation of the units and shall be retained as such thereafter.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Lighting

25. Prior to the first occupation of the development details of the lighting scheme shall be submitted to and approved by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of light and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Electric vehicle charging ducting

26. Prior to the first occupation of the development details of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The ducting shall be installed in accordance with the approved scheme prior to the occupation of the development and shall be retained as such thereafter.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

- (2) That the following two additional conditions be agreed (The exact wording to be delegated to officers):
- i) that the operating hours be restricted.
 - ii) that Policy ESD5 of the local plan- renewable energy be included

143

Portway Cottage, Ardley Road, Somerton, OX25 6NN

The Committee considered application 19/02279/F for the change of use from garage/workshop to a two bedroom cottage, at Portway Cottage, Ardley Road, Somerton, OX25 6NN for Mrs Carol Black. The application was a re-submission of application 19/01670/F.

Having declared an interest in the application, Councillor Mike Kerford-Byrnes, addressed the Committee in his capacity as local ward councillor in support of the application. Councillor Kerford-Byrnes subsequently left the Chamber and did not debate or vote on the application.

Mrs Carole Black, the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Hugo Brown and seconded by Councillor Chris Heath that application 19/02279/F be approved subject to suitable conditions (the exact wording to be delegated to officers), contrary to officer recommendation as the renovation of a building that was already there would not be adverse, and the Committee should not impose its views on how this person should run their business.

In reaching its decision the Committee considered the officers' report and presentation, the addresses of the Local Ward Councillor and the public speaker, and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02279/F subject to:
 - a) Consultation with Mid Cherwell Neighbourhood Plan Forum
 - b) Suitable conditions (the exact wording of those conditions to be delegated to the Assistant Director for Planning and Development in consultation with the Chairman).

144

Holly Tree Cottages, Earls Lane, Deddington, OX15 0TQ

The Committee considered application 19/02668/F for the erection of two dwellings at Holly Tree Cottages Earls Lane, Deddington, OX15 0TQ for Deddington Housing Association. The application was a re-submission of the previously withdrawn application 19/01308/F.

Councillor Bryn Williams addressed the Committee as Local Ward Member in support of the application.

Andrew Bird of Deddington Housing Association and David Rogers of Deddington Parish Council address the Committee in support of the application.

It was proposed by Councillor Mike Kerford-Byrnes and seconded by Councillor Hugo Brown that application 19/02668/F be approved contrary to

officer recommendations, subject to suitable conditions (the exact wording to be delegated to officers) as the public benefit of the proposal outweighed any potential harm.

In reaching its decision the Committee considered the officers' report and presentation, and the addresses of the Local Ward Councillor and public speakers.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02668/F subject to suitable conditions (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning and Development).

145

Windmill Nurseries, London Road, Bicester, OX26 6RA

The Committee considered application 19/01289/F for the change of use of land to a Camping and Caravan Site together with access and amenity areas at Windmill Nurseries, London Road, Bicester, OX26 6RA for Mr D Hughes.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/01289/F subject to the following conditions:

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 – 6218CAMP-04
- Tree Retention and Loss Plan – LAS101-02

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.

Landscaping Scheme

3. 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 hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The hard landscape elements shall be carried out in accordance with the approved details and prior to the first use of the development.

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

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

Details of amenity buildings

4. Prior to the commencement of development, and notwithstanding the details submitted, full details of the buildings proposed (amenity hub, site store and office), including floor plans and elevations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - In the interests of the visual amenities 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.

The Committee considered application 19/02772/F for alterations to a detached outbuilding to create living accommodation ancillary to East Wing, Kirtlington Park House at Kirtlington Park House, East Wing Kirtlington Park Kirtlington OX5 3JN for Mr Simon Holland.

In reaching its decision the Committee considered the officers' report and presentation and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02772/F subject to the following conditions (and any amendments to those conditions 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: Design and Access Statement, Structural Report, Preliminary Bat Assessment carried out by Astute Ecology Ltd dated November 2019 and drawing Nos: 100/03 rev A, 200/01, 300/01 rev A, 300/02 rev C and 500/02,

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.

Materials

3. Any remedial stonework necessary for the repair or making good of the elevations shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to safeguard the significance of the heritage asset 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.

4. Prior to the insertion of the doors, rooflights and windows, full details of the doors, rooflights and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the building other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the significance of the heritage asset 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.

Ecology

5. The development hereby approved shall be carried out in accordance with the recommendations set out in sections 5.2, 5.3 and 5.4 of the Preliminary Bat Assessment carried out by Astute Ecology Ltd dated November 2019.

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

Occupancy

6. The residential accommodation hereby permitted shall be used solely as ancillary accommodation to the existing dwellinghouse currently known as East Wing Kirtlington Park and as such shall not be sold leased, sub-let or used as an independent dwelling unit.

Reason - The site is in an area where permission for development unrelated to the essential needs of agriculture or forestry would not normally be granted, in addition, the site is unsuitable to accommodate a separate dwelling without it being cramped and would not provide a satisfactory level of living amenity for the occupants on a permanent basis and in order to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies H18, C28 and C30 of the Cherwell Local Plan 1996.

147

Kirtlington Park House, East Wing, Kirtlington Park, Kirtlington, OX5 3JN

The Committee considered application 19/02774/LB a listed building consent for external and internal alterations to a detached outbuilding to facilitate its conversion to living accommodation ancillary to East Wing, Kirtlington Park House at Kirtlington Park House, East Wing, Kirtlington Park, Kirtlington, OX5 3JN for Mr Simon Holland.

In reaching its decision the Committee considered the officers' report and presentation and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02774/LB subject to the following conditions (and any amendments to those conditions 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement, Structural Report and drawing Nos: 100/03 rev A, 200/01, 300/01 rev A, 300/02 rev C and 500/02,

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.

Materials

3. Any remedial stonework necessary for the repair or making good of the elevations shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to safeguard the significance of the heritage asset 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.

4. Prior to the insertion of the doors, rooflights and windows, full details of the doors, rooflights and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the

building other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the significance of the heritage asset 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.

148 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 19/02936/NMA for a non-material amendment to the previously approved application 17/00284/REM at land adjacent to The Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

Resolved

- (1) That the proposed non-material amendment be granted in accordance with the following wording:

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described in application ref.no.19/02936/NMA in accordance with the application form and drawing numbers set out in the agent's letter dated 20 November 2019. The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of reserved matters consent 17/00284/REM. These conditions must be adhered to so as to ensure that the development is lawful.

149 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 19/02937/CDC for a new access stair from cinema roof terrace land adjacent to The Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

Resolved

- (1) That planning permission be granted subject to the conditions:

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 Plan CQ2/407 RM/D-SP-500

Proposed Cinema Terrace Floor Plan CQ2/407 RM/D-P-520

Proposed Elevations CQ2-407/RM/D-E-521

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.

150 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.50 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

12 March 2020

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

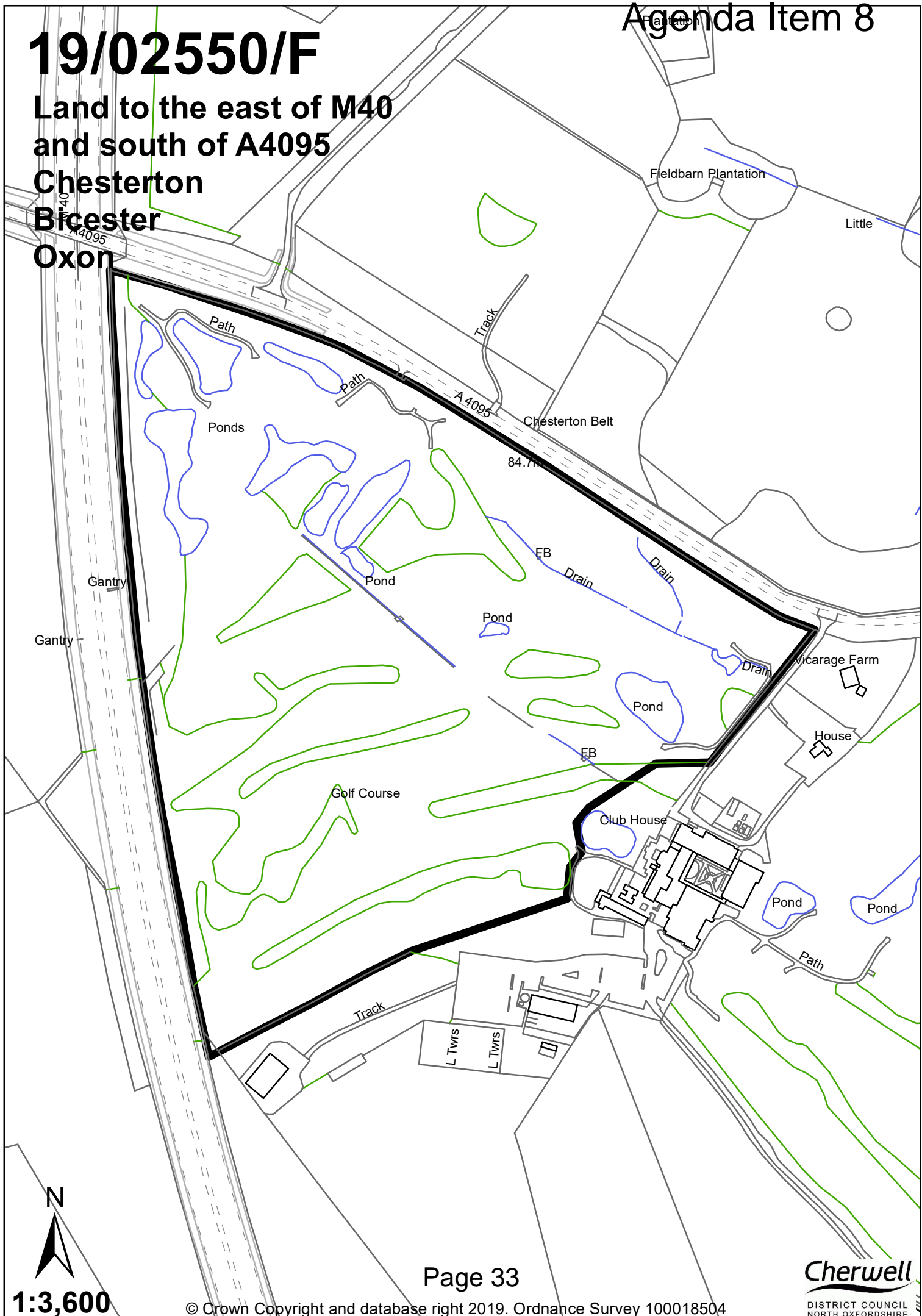
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

	Site	Application No.	Ward	Recommendation	Contact Officer
8	Land to the east of M40 and south of A4095 Chesterton, Bicester, Oxon	19/02550/F	Fringford and Heyfords	Refusal	Clare Whitehead
9	Land Adjacent to the M40 South of Overthorpe Road, Banbury	19/00771/F	Banbury Grimsbury and Hightown	Approval	Samantha Taylor
10	Land at Deerfields Farm, Canal Lane, Bodicote	19/02350/OUT	Adderbury, Bloxham and Bodicote	Approval	Samantha Taylor
11	Car Park, Compton Road, Banbury	19/02358/M106	Banbury Cross and Neithrop	Refusal	Samantha Taylor
12	Land North of Park and Ride Adj to Vendee Drive, Bicester	19/02973/DISC	Fringford and Heyfords	Approval	Linda Griffiths
13	Land to the South and Adj to South Side Steeple Aston	19/02948/F	Deddington	Refusal	Bob Neville
14	OS Parcel 4278 North West of Lessor Grange, Milcombe	19/02992/F	Deddington	Approval	Bob Neville
15	Unit 2-4 Wildmere Park, Wildmere Road, Banbury, OX16 3JU	19/01774/F	Grimsbury and Hightown	Approval	Bob Neville

19/02550/F

Land to the east of M40
and south of A4095

Chesterton
Bicester
Oxon

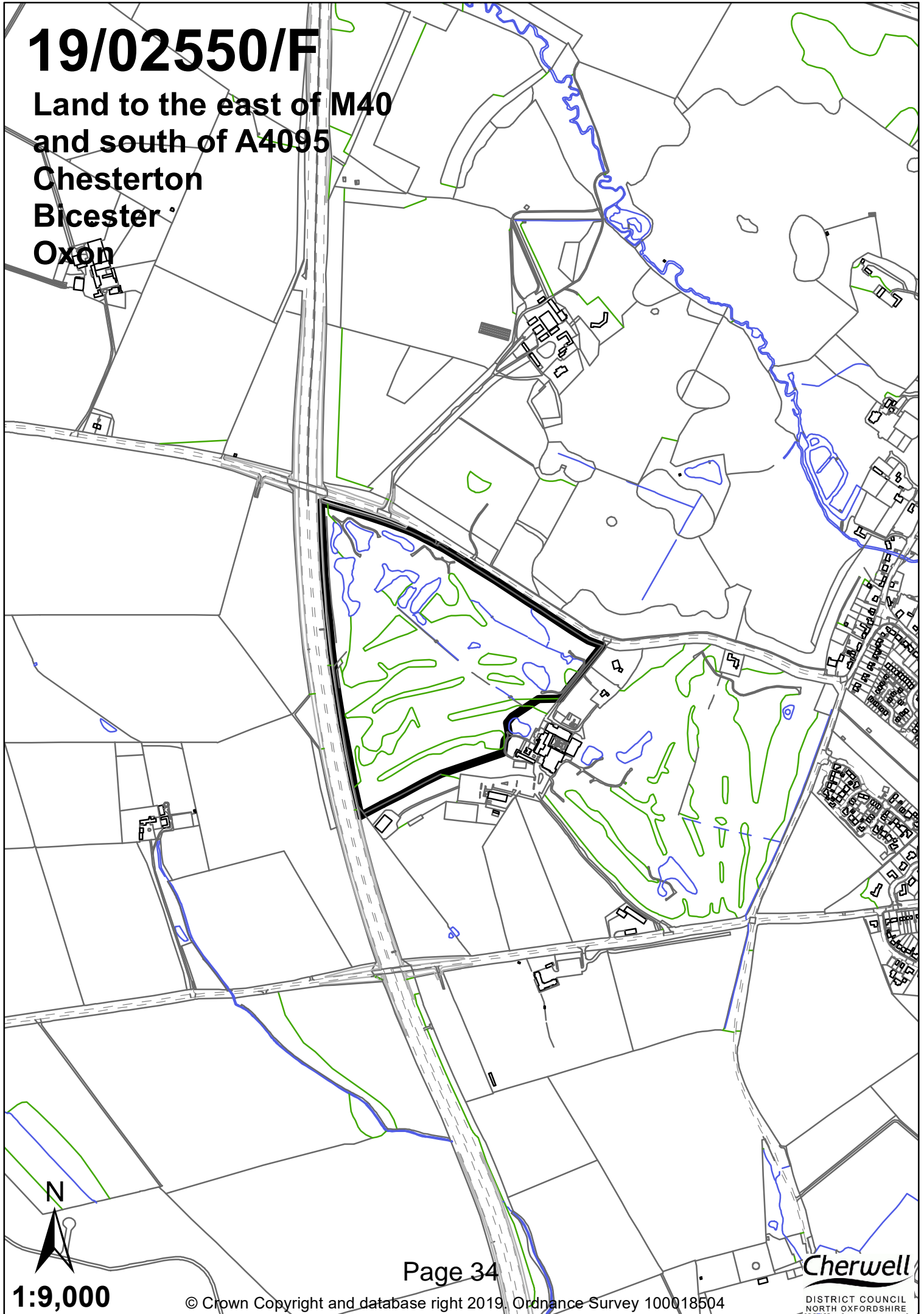


1:3,600

19/02550/F

Land to the east of M40
and south of A4095

Chesterton
Bicester
Oxon



Case Officer: Clare Whitehead

Applicant: Great Lakes UK Ltd

Proposal: Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping

Ward: Fringford And Heyfords

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

Reason for Referral: Major development

Expiry Date: 16 March 2020

Committee Date: 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks full planning consent for the redevelopment of part of a golf course to provide a new leisure resort incorporating a waterpark with external slide tower, family entertainment centre, 498 room hotel, conferencing facilities and restaurants with associated access, parking and landscaping. To the north of the built section of the development publicly accessible open space is proposed with nature trails, play space and picnic areas. The water park and hotel proposed is the first of its kind in the UK and Europe proposed by Great Wolf Resorts; an American company who own and operate a chain of indoor waterparks in United States and Canada.

Consultations

The following consultees have raised **objections or concerns** about the application:

- Bicester Parish Council, Bletchington Parish Council, Chesterton Parish Council, Fritwell Parish Council, Godington Parish Council, Kirtlington Parish Council, Launton Parish Council, Lower Heyford Parish Council, Middleton Stoney Parish Council, Somerton Parish Council, Wendlebury Parish Council, Weston on the Green Parish Council, Mid-Cherwell Neighbourhood Plan Forum, Bicester Local History Society Campaign for the Protection of Rural England, CDC Bicester Delivery Team, CDC Landscape Services, CDC Planning Policy, CDC Recreation and Leisure, OCC Highways, OCC Local Lead Flood Authority, Ramblers Association

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

- CDC Arboriculture, CDC Building Control, CDC Ecology, CDC Economic Development, CDC Environmental Protection, CDC Licensing, CDC Public Art, Environment Agency, Highways England, Legal Services Rights of Way Officer, Natural England, OCC Archaeology, Thames Valley Police, Thames Water

In the region of 820 letters of objection have been received and 43 letters of support have been received.

Planning Policy and Constraints

The site is outside of any built up area and is in the open countryside. The site is not allocated within the Local Plan for development. The site is devoid of buildings and is a largely managed landscape as part of a golf course. A public right of way crosses the site and there are several ditches (some dry some not) and ponds present.

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

Conclusion

The key issues arising from the application details are:

- Environmental Statement
- Principle of development
- Transport assessment and highways
- Landscape character impact
- Heritage impact
- Design and impact on the character of the area
- Landscaping and trees
- Residential amenity (incl. noise, air and light pollution)
- Flood risk and drainage
- Sustainability and Mitigating Climate Change
- Ecology Impact
- Crime Prevention
- Mitigating Infrastructure Impacts

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. The loss of an 18 hole golf course without appropriate mitigation.
2. Significant development in a geographically unsustainable location accessed via minor rural roads and which will be reliant on the private motor vehicle.
3. The proposed development fails to robustly demonstrate that traffic impacts of the development are, or can be made acceptable, particularly in relation to the Middleton Stoney signalised junction.
4. The proposed building, by virtue of its size, scale and massing will have a detrimental visual impact by significant urbanisation within a rural context close to the historic village of Chesterton. This would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness.
5. The submitted drainage information is inadequate and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage.
6. Absence of a satisfactory S106 of unilateral undertaking.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site extends to 18.6 hectares and comprises the western nine holes of the existing 18-hole golf course which forms part of the Bicester Hotel Golf and Spa (BHGS). It is situated on the western edge of the village of Chesterton (approximately 0.5km from the village centre). Little Chesterton is situated approximately 1.3 km to the south of the application site. Bicester is 1.3km from the application site to the east.
- 1.2. The site is located immediately to the east of the M40 which runs north to south along the boundary of the site. Large parts of this boundary are buffered with existing trees, woodland and established shrubs and vegetation. Junction 9 is 2.2km to the south of the site and serves Oxford via the A34 and Bicester via the A41. To the north of the site runs the A4095 which runs east to west and to the south of the site is land and buildings associated with BHGS. To the east of the site are buildings associated with BHGS and two residential properties being Stableford House and Vicarage Farm. Further east and along the A4095 is another residential property; Tanora Cottage.
- 1.3. If the development is permitted, then as part of a course-wide reconfiguration, the eastern nine holes and the hotel and spa facilities associated with BHGS will remain in situ and continue to operate alongside the proposed development.
- 1.4. In terms of the surrounding area, to the north of the site, north of the A4095, is a mix of agricultural land and Bignell Park Barns (which provides office accommodation) and a residential property. There are a number of accesses off the A4095 to serve these uses. Beyond the M40 to the west is agricultural land with associated agricultural and residential properties. The next nearest village to the north west is Middleton Stoney approximately 1.8km away.
- 1.5. The site contains a variety of habitat types of ecological value including ponds, plantation and semi-natural woodland and species rich hedgerow. There are also a variety of grasslands, dense scrub and tall wasteland plants throughout the site. The ponds are mostly located in a cluster to the northern part of the site and have been engineered as part of the design of the golf course landscape. A narrow and shallow ditch runs southeast from the central woodland block towards the Hotel and Spa roughly lying parallel to the A4095. A dry ditch crosses the central part of the site.
- 1.6. The vegetation on site mainly comprises trees, shrubs and grassland. The larger scale and more dense areas of vegetation include plantations, woodland, areas of scrub and hedgerows – largely located along the boundaries but with some areas of plantation toward the centre of the site – with many mature trees scattered across the site individually or in small groups. Most of the groups of trees are established as part of the golf course and whose purpose is to delineate fairways or to provide a degree of low level screening within and around the site. There is well established boundary vegetation in the form of a woodland belt along the M40 and another along the A4095.

1.7. The landform of the site is characterised by the engineered undulations of the golf course. Overall, the site has a gentle fall from the north-western corner towards the south-eastern boundary, generating a change in level of approximately 7m. The topography of the site is set within the wider context of a transition between broadly undulating but gently rising valley slopes to the northwest and a relatively level and flat landscape to the southeast.

2. CONSTRAINTS

2.1. The application site is not within the confines of a built up area being outside of both Chesterton and Bicester and therefore lies in the open countryside. It is not in land designated as Green Belt.

2.2. There are no buildings on the site and it is not located in a Conservation Area. Chesterton Conservation Area is located to the east of the application site and is approximately 475m at its closest point. The Conservation Area occupies much of the original historic village core that was established by the middle of the 18th Century. Bicester Conservation Area is some 2.9km to the north east of the site. Weston-on-the-Green Conservation Area is located to the southwest of the site approximately 3.3km away at its closest point.

2.3. The site is not located in a designated Archaeological Priority Area however, Alchester Roman Site is approximately 2km from the site. There are two Registered Park and Gardens within 5km of the site; Middleton Park (Grade II) located circa 1.4km to the northwest and Kirtlington Park (Grade II) circa 2.8km to the southwest. In addition, whilst there are no scheduled ancient monuments within the application site there are three within 5km. Those being:

- Middleton Stoney Castle located 1.85km to the northwest;
- Saxon Barrow located 1.43km to the west; and
- Alchester Roman Site located 2km to the southeast.

2.4. There are a number of listed buildings contained within the surrounding Conservation Areas and Registered Park and Gardens as mentioned above. Other notable listed buildings include:

- Barn approximately 40m northwest of Chesterton Fields Farmhouse (Grade II) which is 500m to the northwest of the application site; and
- Bridge approximately 200m northeast of Lodge Farmhouse (Grade II) which is 1.65km to the southeast of the application site.

2.5. A Public Right of Way (PROW) (ref 161/6/10) runs through the site entering off the golf course off the A4095 to the north and crossing the site in a south-easterly direction before exiting through BHGS car park and land. The actual alignment of the PROW is not clearly signed and difficult to locate.

2.6. There are no statutory or non statutory designated nature conservation sites within 2km of the application site. Low amounts of ancient woodland are present within 2km of the application site limited to three small parcels, the closest of which is approximately 1.5km southwest of the site beyond the M40 at Middleleys Spinney. There are a number of waterbodies within 500 metres of the application site including Gagle Brook which is part of the Langford Brook catchment.

- 2.7. Protected and notable species have been recorded within 2km of the site including bats, badger, nine notable bird species, slow worm and grass snake, amphibians including smooth newt, common frog and common toad and a number of invertebrates (moth and butterfly).
- 2.8. The site is located wholly within Flood Zone 1 and as such has a low probability of flooding. There are a number of watercourses and ponds across the existing site which are managed within the context of the golf course.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposed leisure resort at Chesterton includes:

- 498 bed hotel (27,250sq.m)
- Indoor water park (8,340sq.m) with external slide tower (height 22.5m)
- Family entertainment centre including an adventure park, food and beverage and merchandise retail, Conferencing and back of house (12,350sq.m)
- The adventure park will provide activities including ropes course, climbing wall, miniature golf, family bowling, arcade games and an interactive role playing game
- Associated access and landscaping
- 902 new parking spaces
- Public parkland (6 hectares) including nature trails and play spaces

3.2. The hotel comprises of 498 bedrooms typically ranging from 2 to 6 bed spaces. This, along with the amount of parking proposed, indicates that the number of guests on site at any one time is likely to be between 1 to 2 thousand at peak periods. The applicant has indicated that the average length of stay for a family is 1 to 2 nights.

3.3. The back of house floorspace is contained within the hotel and Family Entertainment Centre with the majority of plant space being at roof level over the Family Entertainment Centre. Laundry facilities will be provided on site for both the hotel and waterpark. There is a dedicated servicing area to the side/east of the proposed building, behind the eastern hotel wing. This space includes room for vehicle turning and allows for multiple delivery vehicles to be arriving, unloading and departing at the same time.

3.4. The indoor waterpark is the anchor of a great Wolf Lodge. It will include a range of waterpark attractions including slides, rides, lazy rivers, toddler pools and wave machines. It is designed for use by the target audience of families with children between the ages of 2 and 12 years old.

3.5. Approximately 550sqm of conference space is provided within a conference centre to provide flexible meeting and conference rooms to accommodate different sized groups. The conference facilities are designed and presented to operate closely with the wider resort and often relate to stays in the hotel. The conference centre is supported by a small outdoor terrace looking west beyond which is the public nature trails area.

- 3.6. The proposed nature area will cover approximately 6 hectares and is provided for public use including nature trails and areas for both hotel guests, conference delegates and members of the public.
- 3.7. In terms of the operating hours for various parts of the proposed development, this is summarised below.

Hotel (including guest services)	24 hours
Waterpark	Hotel guests: 9am – 9pm Day visitors: 10am – 9pm
Family Entertainment Centre	Hotel guests: 8am – 9pm* Day visitors: 10am – 9pm*
Food and beverage	Hotel guests: 7am – 11pm** Day visitors: 10am – 11pm
Nature trail	6am – 9pm***

* *specific activities may open later and close earlier*

** *24-hour F&B offer provided in one grab and go outlet*

*** *Variation during winter periods expected*

- 3.8. In terms of the timescales for delivery, it is anticipated that the construction phase of the development would last approximately 2 years. If consent was granted for the proposed development, enabling works on site would start in mid June 2020 which would include: obtaining the relevant licences and approvals, undertaking temporary utilities connections, creation of temporary works accesses, concluding site contamination surveys, commencing the EIA requirements to safeguard the habitat and local ecology, installing hoarding and fencing as appropriate to secure the site, creation of new ponds and making safe the PRow by re-routing the path around the working areas. It is anticipated that the commencement of development would be in early September 2020 aiming for completion and a soft opening in September 2022.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
19/01255/SCOP	Scoping opinion - Redevelopment of existing 9 holes of the wider 18 hole course at Bicester Hotel Golf and Spa to provide a new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping.	ISSUED
13/01102/F	Bicester Hotel, Golf and Spa - Two storey extension to existing hotel with roof	APPROVED

	accommodation to form 51 new bedrooms	
03/01050/F	Reapplication of partially implemented permission CHS.344/90 to show redesigned extension to existing golf clubhouse inc. fitness gym, swimming pool, health and beauty suite, 52 No. bedrooms. Ancillary service yard, access road, alterations to existing golf course and landscaping. Amendments to 02/00182/F (as amended by plans received 12.06.03 also plans received 04.07.03)	APPROVED

4.2. There are a number of other applications which relate to the Hotel, Golf and Spa but are not directly relevant or of interest here.

5. PRE-APPLICATION DISCUSSIONS

5.1. Extensive and detailed pre-application discussions took place throughout late 2018 and 2019 (reference: 18/00058/PREAPP). The Council confirmed that it was not in a position to support a planning application for the proposal. In summary, the Council made the following comments:

5.2. “The scheme would bring some economic benefits, which would weigh in favour of the development. However, the three overarching objectives of the planning system to achieve sustainable development as outlined in the NPPF (economic, social and environmental) are required to be pursued in mutually supportive ways, and in my opinion the proposals result in other impacts (social and environmental) which outweigh those benefits.”

5.3. It was considered that the proposal would not comply with Policy SLE3 of the CLPP1 which requires new tourism development to be located in sustainable locations. Officers expressed concerns about the lack of public transport and suitable cycling or pedestrian links and the resultant high reliance on the private car to access the facility. In addition, issues regarding the landscape and visual impacts of the development, and the design and scale of the proposal in this open countryside setting were raised. The pre-application proposal would also result in social harm through the loss of an existing area of recreation land for which there appeared to be no justification.

5.4. Officers concluded that the significant harm caused by the development would not be outweighed by the perceived benefits.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **19 December 2019**, although comments received after this date and before finalising this report have also been taken into account.

6.2. In the region of 820 comments have been received objecting to the proposal. The comments raised by third parties are summarised as follows:

Principle of Development

- The development is not needed nor required
- Lack of consultation from the developer with CDC and failure to engage in the process to find a suitable site through land allocation in the local plan process
- The development will not bring benefits to the local population
- Unsustainable location for such a development on the edge of a small historic village
- Lack of evidence that Great Wolf have looked seriously into assessing other potential sites and concern and criticism given regards the submitted sequential assessment
- Concern regarding the viability of the project and whether it will function long term
- Sufficient hotel rooms and conference space in the area and more under construction or planned
- Greenbelt under threat – loss of countryside
- The comparison to developments in the USA in terms of traffic numbers, walking and cycling numbers is not useful and is a false comparison
- No accommodation on site for staff

Loss of Golf Course

- Loss of a highly acclaimed and financially viable golf course, the only one close to Bicester, concern about the future viability and survival of the golf club only having 9 holes. Open spaces for sports provision should be protected
- Doubt over the reliance and accuracy of the planning statement in terms of its assessment of the existing Golf Club and the impact of the development on the facility
- Loss of the golf course as physical health, mental health and wellbeing facility

Economic Impacts

- Low employment opportunities locally in poorly paid service jobs and be transient in nature. Contradicts Cherwell Employment Strategy which supports increase in knowledge based jobs.
- The application refers to employment opportunities for Oxford Brookes students but this is likely unfeasible due to the poor public transport links. Students would travel 2.5 hours per day to get to and from the facility using public transport.
- Shortage of hospitality industry workers in the area already and few local residents are looking for this work.
- Limited access to the waterpark for local residents and only at low season or weekdays. Day passes scarcely available to purchase
- Day passes likely to be too expensive for local families
- The hotel will adversely affect the existing hotel and conference business at the golf club and the future viability of the Health Club and remaining golf facility to the detriment of residents of Cherwell District.
- No trickle down effect of visitors using local facilities as all contained in the resort
- The negative effects of the development outweigh the limited local economic benefit

Landscape and Visual Impact (incl. heritage impact)

- The development would have a significantly harmful effect on the setting of Chesterton and on the rural character and appearance of the area
- The development will have an irreversible impact on the landscape and views of the site
- Vast scale of the proposal is out of keeping with a rural location and the scale and size of the development will be a visual distraction to road users affecting local roads and motorway traffic
- No amount of screening will disguise the height of the proposed 4 storey buildings and water park detrimental to the visual amenity of the area
- The proposed building has no architectural merit
- Elevations are far too large and high for the site
- Sprawl of built form across the site has an urbanising impact
- Potentially harmful to heritage assets including archaeology. A full archaeological survey of the site should be carried out to determine whether any archaeology exists.

Transport and Traffic Impact

- Impact of extra traffic on an area which already suffers heavy traffic and congestion on the A41, A34 and M40. Concern over traffic delays
- Significant increase in traffic from visitors, buses, staff, deliveries and construction traffic through the local villages including Chesterton and Kirtlington and to the detriment of the amenity of existing residents in terms of noise and fumes
- The development will have a significant reliance on car travel which is contrary to the Cherwell Strategy of reducing car usage in the district
- Costly road improvements will be required as current infrastructure is not sufficient to cope with the increase in traffic
- Concern about the proposed protected right turn into the site and how that will affect access to and from the opposite agricultural accesses
- Concern about the tight roads in surrounding villages and rural area and how they will be accessible to coaches and construction traffic
- The proposal envisages guests arriving by train but this is unlikely as most will travel with children and a lot of luggage. The proposed shuttle buses running between the site and the train stations do not relate to the train timetable and people will not wait for extended periods of time for a bus and will opt to drive
- There is no space at Bicester Village Railway Station for a shuttle bus to operate from
- There is no pedestrian or cycle lane access to the site nor is there any street lighting

Neighbour and Amenity Impact

- Detrimental to neighbouring properties particularly Stableford House by light pollution at night, loss of privacy and overbearing building
- Light pollution in rural area
- Discrepancies in the lighting documentation compared to the application detail as the assessment only relates to a two storey structure when the hotel alone is four storey
- Increased air pollution from increased traffic numbers
- Noise from the motorway will affect the park users

- Unbearably intrusive development having a detrimental impact on local residents
- Disruption to local area during construction period (2 year programme)
- Ongoing noise and light pollution when resort is operational
- Detrimental impact upon air quality due to removal of trees and increased development in an already compromised area adjacent to the motorway as well as increased traffic numbers and traffic idling in queues for the facility

Ecology, Drainage, Flooding and Climate Change Impact

- Loss of natural habitat and trees as well as devastating impact on wildlife (hawks, frogs, hedgehogs and grass snakes on site)
- Concerns over surface water drainage and the increased risk of flooding
- Concern over capacity of the existing waste water and sewage systems
- Overuse of water by the water park facility and the hotel and where this water will be sourced from
- Concern regarding the absence of an environmental policy statement by Great Wolf Resorts Limited and this raises questions about the company's policies on plastic use, carbon footprint issues and carbon offset policy. Where is the corporate commitment to the environment?

6.3. Some 43 letters of support were received, and the comments are summarised as follows:

- The scheme will bring a variety of new jobs to the area with opportunities for young people to train in and foster careers in hospitality management, engineering, aquatics management
- It will provide a world class leisure facility for local residents and visitors
- Local construction professionals will benefit from the jobs created through the construction of the scheme
- The scheme will bring £200 million investment to the area and boost the local economy
- Businesses across Oxfordshire will benefit from an estimated £5.7million increase in expenditure from the resorts guests
- The area is currently lacking in this type of facility and it will assist in Bicester to continue to thrive as a town
- The resort will be a diverse and fun array of family orientated activities and indoor water park
- It will create a free, public nature trail
- Great Wolf Resorts is committed to supporting local and national charities like the Make-A-Wish Foundation

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

6.5. As well as the individual consultation response letters received from local residents, the Council has received petitions of objection totalling over 753 signatures. It is important to consider that many of these signatures will also have submitted their own individual letters of objection or concern.

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.**

- The site is not allocated in the Local Plan and is a contravention of transport and green open space policies.
- Significant concerns regarding anticipated traffic issues, the impact that users of Satnav will experience, impact of traffic on both Bicester and surrounding villages.
- In addition, the building footprint is large and excessive, overbearing and not in keeping with the size or scale of development locally.
- Concerns about the impact on water resources locally to facilitate such a development.
- Cumulative effect of development with other approved applications for hotels in the area is in excess of local demand and therefore overdevelopment.
- Location is unsuitable, being outside of the development envelope of local settlements and having an adverse impact on the open green areas.
- Guest turnover of 1.5 days with 900 car parking spaces in addition to other associated vehicle movements will result in an unacceptable number of vehicles using the road network which is already at capacity.

7.3. BLETCHINGDON PARISH COUNCIL: **Objection** on the following grounds:

- Major concerns about the increase in traffic which will have a major negative impact upon the already busy roads. Roads are in a poor state of repair and will be made worse, especially during the development stage.
- All surrounding villages (Chesterton, Little Chesterton, Middleton Stoney, Weston on the Green, Bucknell, Ardley with Fewcott, Bletchingdon, Kirtlington) will all be impacted on.
- Increased traffic through deliveries, laundry services, staff etc
- The proposal is not in keeping with Oxfordshire County Council plans of being carbon neutral by 2050.
- Such developments should be directed to brownfield sites.
- The design of the development is not in keeping with the Oxfordshire landscape, e.g. 80ft high indoor water park and a 4 storey hotel twice the size of the existing Bicester Golf Hotel.
- Concerns over disruption and pollution caused by a two year build programme and the impact this will have on the environment, local wildlife and the neighbouring farming communities.

- Noise pollution, light pollution during evening/night time, air pollution from extra vehicles and construction vehicles.

7.4. CHESTERTON PARISH COUNCIL: **Objection** on the grounds of lack of sustainability, unsustainable location and that the proposal is against both the adopted Local Plan and NPPF Guidelines.

7.5. Carter Jonas LLP has been instructed by Chesterton Parish Council to submit a formal objection to the application. This is supported by the adjoining Parish Councils of: Weston on the Green, Middleton Stoney, Ardley with Fewcott, Wendlebury, Piddington, Kirtlington, Bletchingdon, Bucknell, Fringford and Ambrosden. Carter Jonas submitted a 55 page document in response to the consultation and the objections of Chesterton Parish Council are summarised here:

- The application does not take proper account of development plan policies, nor national policy, and neither does it provide proper justification. Bicester and Banbury are the most sustainable locations for growth,
- Chesterton is suitable for minor development, infilling and conversions only
- Policy SLE4- development that is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported
- Significant negative traffic impacts on the surrounding areas. Despite the signage strategy, visitors will likely route via unsuitable roads, & the impact on local road network hasn't been mitigated
- It has also not been proven that safe & suitable access is achievable due to issues with the drawings & the lack of Road Safety Audit. Inadequate footways and cycle paths to Bicester.
- Trip generation calculations based on USA and have failed to consider several factors including impact & subsequent parking requirements of on-site conference facilities.
- Parish Councils note that objections have been submitted to the proposal from Highways England and the Local Highway Authority (Oxfordshire County Council).
- Out of character with the locality. 498-bedroom hotel with occupancy of up to 8 people per room in a small village without basic amenities.

Policy ESD13- The proposal is inconsistent with local character, the proposal would harm the setting of settlements, the proposal would harm the historic value of the landscape. Impact both visually & in terms of change to the landscape character, is considered significant & a development of such a scale, footprint and massing is not commensurate with a site of this nature in this location

- Chesterton Conservation Area encompasses most of the village (Policy ESD15- development should contribute positively to an area's character)
- Does not represent sustainable development. Policy ESD1- reiterates the importance of locating development in sustainable locations; promotes sustainable construction techniques; and, seeks the use of resources more efficiently, including water.
- Area of severe water stress, proposal expects use of 400,000 litres per day

- Environmental net gain calculation classifies the current golf course as 'poor' to enable their required result.
- In the open countryside where the prevailing character is if of agricultural fields and the landscaped 'Bignell Park' to the north. Policy C8 clarifies that sporadic development in the open countryside will generally be resisted.
- Loss of half of an existing and well-established golf club. Policy BSC10: Open Space, Outdoor Sport and Recreation Provision states that – access to open space, sport and recreation provision will be secured through protecting existing sites. 18-hole golf course users would have to travel further afield representing a further unsustainable result of the proposals and increase in car usage. Remaining 9 holes likely to be financially unviable with over 75% of members leaving if proposals go ahead.
- No evidential need for such a holiday resort in the area, and what benefits it would bring. Multiple new hotels in Bicester recently all within the area the local plan.
- Destination resort, guests are expected to stay onsite, so very limited benefit to the local economy and tourism. Employment of low paid, seasonal in nature not in line with the Oxford Local Industrial Strategy 2019.
- Day pass offering wholly inadequate for local communities during school holidays and weekends, 30 passes per day of nearly 3000 potential users.
- Business rates contributions should not outweigh harm to landscape, road networks and local communities.

7.6. Notwithstanding the Parish Council's objection to the proposal, if the planning committee were to support the proposal the Parish Council would expect significant Section 106 investment in the local infrastructure and road network both locally and sub-regionally. Including the following contributions to village improvement issues:

- Improving the energy efficiency of both the Community Centre and Village Hall along "low carbon" lines
- Electric charging points adjacent to the Community Centre
- Extension to the existing kitchen in the Community Centre
- An extension to the Sports Pavilion to house necessary equipment and an extension to the Car Park, necessitating land purchase
- The conversion of the Annex to create storage, an archival centre and an internet café
- Increased recreational activities to include a bowling green and tennis courts, necessitating land purchase
- The creation of a kitchen and toilet facilities in the Church
- Improved signage to village amenities
- A contribution to the management and maintenance costs of the above.

7.7. FRITWELL PARISH COUNCIL: **Objection** on the following grounds:

- Traffic and transport impacts upon the local roads causing hazardous conditions for residents.
- The development would compound the problems on an already overloaded network to an unacceptable degree.
- Increases and encourages the use of the private motor vehicle adding to greenhouse gas emissions.
- Loss of footfall to Bicester Town Centre, Bicester Village and Tesco Superstore because they would be too busy and difficult to access due to traffic problems.
- The proposed development in a historic village is unsustainable and inappropriate to the rural setting incurring irreparable loss of visual and recreational amenities.
- It is out of keeping with the surrounding area and involves building on a greenfield site destroying valuable habitats for wildlife.

7.8. GODLINGTON PARISH COUNCIL: **Objection.** The development does not take into account the Local Development Plan Policies and would have a significant negative impact to traffic on local roads in an area already struggling to cope with a massive increase due to recent ongoing developments. It would be highly visible and intrusive in what is a pleasant, rural area and out of character with Chesterton village and have a significant negative effect on the quality of life of people living in Chesterton and surrounding area. There are no apparent benefits to the local area as guests are encouraged to stay onsite throughout their stay ensuring local businesses do not benefit from the massive influx of visitors.

7.9. KIRTLINGTON PARISH COUNCIL: **Objection** on the following grounds:

- The transport and access analyses are deficient and the site is wholly inappropriate in terms of traffic impacts. A development of these proportions which is anticipated to generate large volumes of traffic movements should be accessed directly from a motorway junction and not via rural roads.
- Concern regarding the volume of traffic through Weston-on-the-Green; 62% of the total traffic will travel north on the B430 and 40% south on the B430 and all converge at the crossroads junction with the A4095. The transport assessment does not mention this. Prediction of no traffic travelling along the A4095 and passing through villages en route including Kirtlington. This is wrong and misleading.
- Traffic load through Kirtlington and neighbouring parishes on the A4095 is already unacceptably high and the existing increase in traffic at rush hour will coincide with projected peak arrival and departure times at the site.
- The site is contrary to the adopted Development Plan. The site is not situated within any settlement boundary and is within the open countryside. It is not allocated for any development in the adopted Development Plan. The site is also shown on the Green Infrastructure theme map (Local Plan) as an existing Outdoor Sports Facility and protection of existing sites falls under Policy BSC 10.
- The proposal would be contrary to Policy ESD 13 in as much as it would cause undue visual intrusion into the open countryside.
- There is no established need case for this development and the analysis of the economic need is deficient. The local area enjoys full employment particularly in

the leisure and service industry but struggles with housing shortages and transport networks. The need case for this development is ill considered.

7.10. LAUNTON PARISH COUNCIL: **Objection** on the following grounds:

- The development would cause considerable harm and would be of great detriment to local area amenity land
- The site is not specified for any form of development in the Local Plan
- Inappropriate siting of the development in a greenfield area with unsuitable road access which would compound already significant traffic issues
- Concerns about water usage and treatment
- The harm to the area would greatly outweigh any perceived local benefits.

7.11. LOWER HEYFORD PARISH COUNCIL: **Objection** on the following grounds:

- Speculative development in the open countryside which is not allocated for development in the Local Plan.
- It will result in the loss of a valued 18 hole golf course in an area where more golf courses are identified as a need within the period plan.
- The scale and design of the proposal will have a harmful impact on the rural character of the countryside and the village of Chesterton.
- The impact on wildlife and habitat will be significant.
- The impact of greenhouse gas emissions in relation to climate change has not been assessed.
- The site is unsustainable and encourages private car use. It will add a large volume of traffic onto a sensitive road network.
- The traffic will have a severe impact on the Middleton Stoney crossroads and neighbouring villages. Construction traffic should not be routed through the villages. The traffic forecasts are unreliable and the mitigation is insufficient.
- The proposal is contrary to the relevant policies in the Local Development Plan and there are no material considerations that warrant planning permission being granted.

7.12. MID-CHERWELL NEIGHBOURHOOD PLAN (MCNP) FORUM: **Objection** on the basis of inadequate analysis of traffic generation and resulting significant increase in traffic volumes on routes connecting to the M40 and elsewhere. The MCNP Forum supports the objections and concerns expressed by the other Parish Councils. In addition the proposed scheme does not conform with the NPPF and Local Plan Policies regarding sustainability, building in open countryside and loss of existing recreational facilities. Should the application be refused the MCNP Forum wish to see measures in a S106 legal agreement to calm traffic through the villages in the MCNP area.

7.13. MIDDLETON STONEY PARISH COUNCIL: **Objection** on the following grounds.

- The proposal is not in keeping with the local development plan or with any commitment to the environment.
- The traffic problems in Middleton Stoney are well known and would be made worse by the Great Wolf resort in conjunction with the traffic from the new Heyford Park development and other approved developments in the surrounding area.
- Existing air quality in Middleton Stoney is amongst the very worst in the County and the air and noise pollution would be made worse by the Great Wolf development due to the increase in traffic.
- The PC agree with the other reasons for objection raised by Chesterton and other Parish Councils.
- The building would be out of keeping with the rural character of the local area and with the Council's stated desire to tackle climate change.
- The business case does not comply with Cherwell's strategic aim of championing a knowledge-based workforce. The developers are predominantly promoting low-skilled employment and training.

7.14. SOMERTON PARISH COUNCIL: **Objection** on the following grounds.

- The proposal is not in accordance with the local development plan and there are no material planning considerations that would warrant planning permission being granted.
- It is unsustainable in an inappropriate location on the edge of a small historic village.
- The development includes a 900-space car park, indicating a significant reliance on car travel which goes against the Cherwell Strategy of reducing car usage.
- The existing road infrastructure cannot cope with the projected increase in traffic and local roads experience major congestion when there are traffic issues on the M40 and A34. The effect of cumulative impact with other significant proposals approved in Bicester.
- It will comprise 500,000 square feet of building on a greenfield site, irreversibly removing important green space and disrupting ecological habitats for an abundance of wildlife.
- The design and scale of the buildings is not in keeping with the character of the local area.
- Lack of employment market in locality for hospitality industry. Taking employees away from existing local businesses (a negative economic impact) or bringing in employment from other areas (increase in traffic numbers).
- Little economic benefit to local businesses.
- Concern over the loss of 9 holes of golf course and how will the remaining 9 holes be safeguarded. Open space provision is rapidly disappearing in the district.
- Deterioration in air quality and increase in noise pollution.

7.15. WENDLEBURY PARISH COUNCIL: **Objection** on the following grounds.

- Opportunist application which falls outside the current CLP and is contrary to Policy SLE3 which requires new tourism development to be located in sustainable locations.
- Wendlebury and Chesterton Parishes are close neighbours and suffer from the cumulative effect of piecemeal developments in Bicester with no mitigation. This application has the potential to further undermine their ability to maintain a sustainable quality of life in the communities.
- The proposal is contrary to the NPPF and the overarching objectives of the planning system to achieve sustainable development (economic, social and environmental).
- Concern raised about the effect of drainage changing hydrology and the increased flood risk; the proposed hard surfaces of the hotel, car park and other facilities will increase the volume of storm water flowing down stream through Little Chesterton and increase the risk of flash flooding in Wendlebury.
- Concern that the drainage proposals and mitigation works proposed will not address flooding risk.
- Concern about traffic through the villages and rural roads. Flaws in the submitted assessment as traffic modelling is only designed to predict traffic flows for strategic routes and has not appeared to have taken account of all of the developments in the area with extant planning consent. No account has been taken to consider the impact upon the A41 and wider impact on local road structures specifically the Vendee Drive roundabout.
- The proposal is contrary to Policy ESD1 which seeks to reduce the need for travel by car and make full use of public transport, walking and cycling.

7.16. WESTON ON THE GREEN PARISH COUNCIL: **Objection** on the following grounds:

- Contrary to Local Development Plan and to its strategic aims for i) sustainable development in an historic landscape; ii) preservation and enhancement of biodiversity; iii) reduction in the use of private motor vehicles and their effect on climate change.
- The site is outside any defined settlement boundary and in the open countryside. It is not allocated for any development within the Development Plan and thus is contrary to policy.
- Sustainability issues:
 - Hotel will have a massive energy requirement with only a fraction of it being sustainably generated
 - Traffic movements will stretch the local road network to breaking point
 - Reliance on private vehicles and increase in heavy service vehicles is directly contrary to the Cherwell Local Plan policies TR2 and TR16
- The development will have an impact upon natural habitats and increase in hard surfaces and built areas. Extreme revision and management of the rural landscape is contrary to Cherwell Local Plan policies EN27, EN30, EN31, EN34 and EN35.

- Concerns about the submitted Transport Assessment and consider it contains significant flaws including:
 - The data only includes five planned development schemes in the area and fails to take into account other significant developments with extant planning permission
 - Comparisons are made to Center Parcs who operate a significantly different model
 - Despite the claim that changeovers will be spread throughout the week, as it's a family resort, due to school hours, peak traffic will be on a Friday and departing on a Sunday/Monday during term time
 - Proposal suggests signage will advertise access using the A34 from J9 and along the B430 to junction with B4095. Despite this the traffic data within the proposal only assumes 50% of journeys will access the B430. The majority of visitors will follow signage and it will be higher than 50%.
 - Volumes of traffic already use Church Lane/Road in Weston on the Green as an alternative to the A34/M40 J9 route. This will increase. The traffic data fails to recognise this.
 - There is no traffic projection to cross the B430 at the A4095 junction and continue west towards Witney and Blenheim Palace. This is wrong and clearly misleading with modern satellite navigation.
- Construction traffic and their proposed routing will put further pressure on a junction (M40 J9) that Highways England, in its latest report, have admitted is failing. The Transport Assessment suggests this junction will still be within theoretical limits however in reality the traffic on this junction already exceeds capacity.
- Contrary to Cherwell's strategic aim of prioritising Knowledge Based business investment as a priority thereby offering employment support the Knowledge Economy.
- No local business support in Weston on the Green to the scheme.
- The business model keeps guests on site to use their facilities so there will be no economic benefits shared with the local area.
- Local businesses already find it difficult to recruit to the hospitality industry. Taking existing employees from existing local businesses will have a negative economic impact or they will bring in external employment from outside the area increasing traffic movements further.
- Development will have a significant urbanising impact on the rural location and would not be in keeping with the local area.
- The outside space would be next to a major motorway and be unhealthy to guests due to noise and fumes.
- Great Wolf should have worked with the Local Authority to be allocated an appropriate site through the local plan process.

- Resultant deterioration in air quality and noise pollution from additional traffic, construction and service vehicles.
- Concern regards water usage, water treatment and an overwhelmed waste system in a “highly water stressed area”.

CONSULTEES

7.17. BICESTER LOCAL HISTORY SOCIETY: **Objection** on the following grounds:

- Concern about the absence of the final report of archaeological evaluation. In addition, the desk based assessment set out in the scoping report needs to be undertaken. The cultural heritage chapter of the EIA needs to be submitted prior to the determination of the application. *[OFFICER NOTE: Chapter 10 of the Environmental Statement covers the historic environment assessment]*
- Concern that the development will affect the rural setting of Chesterton due to its size and potential in increasing traffic in the vicinity. Contrary to Policy ESD15 (Character of the Built and Historic Environment).

7.18. CAMPAIGN FOR THE PROTECTION OF RURAL ENGLAND: **Objection**. The proposal is contrary to the following policies: BSC10, BSC11, ESD8, ESD10, ESD13, ESD15, ESD17.

7.19. CDC ARBORICULTURE: **No objections** subject to increased screening to the site and seeking high quality replacement trees. The submitted report and its findings are accepted by the arboricultural officer.

7.20. CDC BICESTER DELIVERY TEAM: **Comments** on the travel plan and transport assessment as follows:

- Further enhancements to the road cycling route network are required to provide a safe cycle route to connect with the network of cycle routes on the periphery of Bicester (Vendee Drive and the A41). The proposals include provision on the southern side of the A4095 beginning to the west of the main access and finishing at the edge of the village of Chesterton. No improvement to routes between Chesterton and Bicester.
- The operation of the shuttle bus to serve Bicester North and Bicester Village rail stations needs to be developed further to ensure that non-car travel is maximised amongst staff and guests. Targets for non-car use need to be provided with robust monitoring strategy and penalties in place where targets are not met to ensure that the shuttle bus represents a central component of the access strategy.
- Concern expressed regarding the frequency of the shuttle bus service, its marketing, pick up location in Chesterton, provision of adequate shelter provision and whether an on-demand or flexible service should be developed.
- On-demand and flexible routing should be considered for the staff shuttle bus to maximise coverage and maximise wasted mileage.
- The compact route requirements provide opportunities to employ electric vehicle technology to minimise negative impacts on air quality.
- The proposed parking provision does not have a clear evidence base as the three sites used for trip generation analysis are existing Great Wolf resorts in the USA

which are not identified. There is no understanding of the comparability of the selected survey sites.

- More detail is required with appropriate reductions in the proposed parking provision with respect to a more robust sustainable transport access strategy.
- 7.21 CDC BUILDING CONTROL: **Comments.** The development would require a building regulations application with a fire engineers design statement and disabled access statement being required to support the submission.
- 7.22 CDC CONSERVATION: Awaiting final comments at the time of writing the report. The comments of the Conservation Officer will be updated to Members at the Committee Meeting.
- 7.23 CDC ECOLOGY: **No objection.** The submitted surveys within the ES and updates are all sufficient in scope and depth at the current time. A habitat management and monitoring plan has been produced which is generally acceptable. Further comments as follows:
- A pre-commencement update survey for badgers will be required as a condition.
 - A full reptile mitigation plan which should identify any necessary receptor sites will be required as a condition.
 - A Landscape and Ecological Management Plan is required by condition.
 - A Construction Environment Management Plan for biodiversity is required by condition. There is a draft CEMP but this does not address pre-works checks and other biodiversity related issues.
 - The applicants are pursuing a District Level Licence for the impact on Great Crested Newts so some of this impact will be dealt with by off-site provision and compensation.
 - In addition to the conditions above, three conditions and informatives are recommended to be included with any permission to ensure the District Great Crested Newt Licence can be authorised at a later date.
 - Further detail on the biodiversity net gain is required. Concern expressed regarding the use of the green spaces for recreation and walking dogs which may not be compatible with maintaining some of the proposed habitats in the best condition for wildlife. Daily footfall in this area could be relatively high in a small space. Some areas should be committed to being inaccessible to visitors.
 - Concern raised over the lighting scheme, recommendations made to make it more wildlife/biodiversity friendly and request a modified lighting plan.
 - A large strip of amenity grassland to the southern edge of the buildings would be better replaced with other grassland which would better maintain a wildlife connection between the (current) two halves of the gold course. The placement of the buildings isolates those two halves.
- 7.24 CDC ECONOMIC DEVELOPMENT: **No objection.** Overall, the principle of this development proposal is to be welcomed as part of a broad range of inward investment to provide opportunities for local employment and leisure facilities for an expanding number of households in the town, district and wider region. However, the selected location has serious practical issues to overcome which

may affect the operation of the resort and impact detrimentally upon local communities as suggested in its current form.

7.25 If the proposal at this location is approved, I would wish to help to mitigate those issues within my remit – including potential s106 activity to be included within the emerging Cherwell Industrial Strategy’s delivery plan. Equally, if this proposal is refused, I remain very open to working with the applicant to identify an alternative location within the district.

7.26 CDC ENVIRONMENTAL PROTECTION: **Comments** as follows.

- Noise: Recommended conditions.
- Contaminated land: Recommended conditions.
- Air quality: Satisfied with the findings of the report provided as part of the Environmental Statement. CDC wishes to see the installation of ducting to all car parking spaces at this stage so that further so that further EV charge points can be installed at a later time
- Odour: No comments.
- Light: The submitted reports conclude that the lighting scheme as planned will be within the ILP guidance and not at a level to cause a nuisance. It appears to be a well thought out and sensitive scheme whilst providing the required lighting levels for a development of this size which will always require a significant amount of lighting. No further comments.

7.27 CDC LANDSCAPE SERVICES: **Comments** as follows:

- The LVIA is a comprehensive and competently written document that complies with GLVIA 3 guidelines.
- In the landscape officer’s opinion, the site has low landscape sensitivity to change, and a visual effect ranging from neutral to moderate adverse at year 0. This opinion has been achieved by testing the LVIA.
- The scale of the development is very large and unjustifiable, due to approximately 2/3 site acquisition for building and car park, a massive over development when compared to the adjacent Bicester Health Club and Spa. The LVIA guidelines must address the major issues with overdevelopment.
- **Objection** is raised in principle due to the proposed overdevelopment of the site.
- The officer remains to be convinced that cumulative development harm has been addressed adequately in the LVIA. WSP’s Environmental Statement Volume 1 Chapter 14 Cumulative Effects does not address developments combined effect with Bicester Health Club and Space and the lighting cumulative harm has not been addressed.
- Considers that the development does not comply with the NPPF and its three dimensions to achieve sustainable development.
- Does not consider the proposal is justified under Policy ESD1 Mitigating and Adapting to Climate Change.

7.28 CDC LICENSING: **No comments.**

- 7.29 CDC PLANNING POLICY: **Objection** unless planning policy requirements are met. The proposal will provide new leisure and recreation facilities generating social benefits and economic benefits for the local and wider economy through visitor spending and job creation. Part of the golf course will be maintained and enhanced with a new nature trail contributing towards biodiversity enhancement. Consideration should be given to whether the proposal is in a sustainable location as required by Policy SLE3 including in terms of its potential impacts and whether the location can be made sustainable.
- 7.30 There is general inconsistency with 1996 Policies T5 and C8. However it will be relevant to take into account the particular nature, requirements and impacts of the business/proposal. There is potential inconsistency with policies in relation to adverse impacts on the countryside, settlements, local character and landscape, amenity, and traffic impacts on rural/minor roads. These impacts will be important to determine in concluding on the acceptability of the proposals and whether it is sustainable development.
- 7.31 There is potential conflict with the aims of Policy BSC10 and the Council's 2018 strategy identifies that additional golf course provision would be required by 2031 to meet the needs of additional development in the Bicester area. It recommends that existing sites are protected unless the tests in the NPPF are met. The proposals will lead to the loss of part of a golf course where a need is identified in Bicester in recent planning policy evidence. The views of the Council's Leisure and Recreation team and England Golf on whether the benefits of the alternative recreation provision being proposed clearly outweigh the loss of the existing recreation facility will be important in determining whether the proposals conflict with the requirements of the NPPF and policy BSC10. A retail impact assessment should be provided for proposals to be in conformity with Policy SLE2.
- 7.32 CDC PUBLIC ART: **Comments**. Requires a financial contribution of £25,000 per annum over a 3 year period towards the annual core costs of a strategic public event such as the Bicester Festival.
- 7.33 CDC RECREATION AND LEISURE: **Objection**. Strongly object to the development proposals due to the loss of the 18-hole golf course at Bicester Golf Course.
- 7.34 ENVIRONMENT AGENCY: **No objection** subject to the imposition of a contamination condition.
- 7.35 HIGHWAYS ENGLAND: **No objection**. Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 7.36 In the case of this development proposal, Highways England interest is in the M40. Having examined the application, Highways England offer no objections to this proposal.
- 7.37 LEGAL SERVICES RIGHTS OF WAY OFFICER: **Comments**. There is a proposal to divert the public footpath route 161/6 which runs directly through the site. The applicant should be advised that the granting of planning consent that requires a Public Path Order (PPO) does not guarantee that a PPO will be made or confirmed. PPO and planning consent are two separate processes.

- 7.38 NATURAL ENGLAND: **No objection.** Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England offers advice on other natural environmental issues including reminding the Local Authority of its duty to have regard to conserving biodiversity, protected species, local sites and priority habitats and sites and Sites of Special Scientific Interest (SSSIs). In addition, developments should provide opportunities to secure net gains for biodiversity.
- 7.39 OCC ARCHAEOLOGY: Initial objection advising that: *Comments were previously provided to the applicant on a scoping area for the site where it was highlighted that the desk based assessment set out in the scoping report would need to be undertaken and included in any Environmental Impact Assessment. It was also highlighted that an archaeological trenched evaluation would need to be undertaken and the results used to inform the baseline of this assessment. This report will need to be submitted and the baseline updated before the County Archaeologist can provide appropriate advice. As such it is not recommended that planning permission be granted at this stage until the evaluation report and cultural heritage addendum have been submitted.*
- 7.40 During the planning process the agent submitted an appendix to the ES Chapter 10 Archaeology and Cultural Heritage in the form of an Archaeological Evaluation Report. On receipt of this amended and additional information the Archaeological Officer confirmed **no objection** and made **no further comments**.
- 7.41 OCC HIGHWAYS: **Objection.** Severe congestion at the Middleton Stoney signalised junction will be exacerbated by the additional trips generated by the proposed development. This is contrary to paragraphs 103, 108, and 109 of the NPPF, Cherwell Local Plan Policy SLE4 and Oxfordshire Local Transport Plan 4 Policy 17.
- 7.42 The development is not planned for and would not be making the best use of infrastructure given the need to accommodate the planned growth allocated within the Local Plan.
- 7.43 While the County Council has not specifically identified an objection to the application on the basis of the site's location and accessibility, the response does highlight significant concerns regarding this. There is no public bus service and an incomplete cycle route to and from the site to Bicester. The County Council has identified requests for obligations and contributions to improve the accessibility of the site by sustainable transport modes should the development be granted planning permission. However, concerns remain over the site's location which dictates that car travel to the site will remain the primary mode of travel to the site, even with the improvements identified.
- 7.44 Traffic may take the inappropriate route through Little Chesterton, despite a signage strategy. It has been assumed that visitors will be drawn from a catchment area with a radius of 125 miles. Vehicle trips have been assigned to the primary highway routes according to the distribution of population within the catchment area.
- 7.45 Concern is raised over the provision of a private shuttle bus service. When delivered on a like for like basis there are no reasons why a private shuttle bus would be preferable to a public bus service. Concern was also raised regarding the implementation of Day Passes to the resort for local residents and the connection with the shuttle bus scheme. The carrying capacity of the buses may not be sufficient to meet demand for Day Passes.

- 7.46 In terms of public rights of way, a suggestion is made to create a circular footpath around the perimeter of the site that includes the proposed diverted route onto the cycle path. Requests were made to extend the footpaths and cycle paths off the site and contributions sought to achieve this.
- 7.47 OCC further comment that the submitted travel plan is quite basic and does not include the level of detail that is required.
- 7.48 Requests for planning conditions, planning obligations and S106 contributions were made and these are outlined at later in the report (paragraph 9.203 – 9.208).
- 7.49 OCC LOCAL LEAD FLOOD AUTHORITY: **Objection**. Requires further information and clarification on a number of points including:
- Ditch condition, capacity information and consent to discharge to Gaggle Brook and boreholes to determine of groundwater to be provided
 - Robust justification regards peak discharge rates and further information regards to flow control from the site, proposed tanking/attenuation and buried attenuation and lack of surface SuDS and surface water management techniques.
 - Correct methodology to be used throughout including those relating to microdrainage calculations and additional calculations for relevant return periods.
 - Clarification on the two ditch lines discussed in section 5.1
 - With the amount of green space on site it is felt the use of on the surface SuDS features has not been maximised. Additional techniques should be explored, e.g. bio-retention, rain gardens etc.
 - Surface water storage locations, extents and critical levels including freeboard require further explanation.
 - Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at concept stage, by Outline Design Stage we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.
- 7.50 OCC RIGHTS OF WAY OFFICER: No response at the time of writing the report.
- 7.51 OPEN SPACES SOCIETY: No response at the time of writing the report.
- 7.52 RAMBLERS ASSOCIATION: **Objection** due to the proposal's detrimental impact on the local environment. Objection detailed as follows:
- The site is currently a golf course with many areas of land adjacent to greens and fairways which are beneficial to wildlife. A significant proportion of this valuable amenity will be lost if the development goes ahead.
 - Disputes the claim that they will be a 30% net gain in biodiversity when well over 50% of the site will be turned from managed grassland, rough grassland, scrub and woodland to buildings and hard parking areas.
 - The right of way (161/06) will be diverted from a now pleasant route to the side of the A4095 and then by the car park which will be unpleasant for walkers especially with the increased noise and pollution the facility will bring.
 - The Ramblers Association object to the diversion of the footpath.

- Due to the effects of climate change the Ramblers will object to any development which will add to pollution, especially from increased traffic.
- The development will significantly change the rural character of the area with visual intrusion of the buildings and the artificial illumination of the development.
- The development will be out of scale and design with the historic character of the adjoining village of Chesterton.

7.53 THAMES VALLEY POLICE DESIGN ADVISOR: **Comments.** No objection but raises concerns in relation to community safety/crime prevention design which if not addressed then the development would not meet the requirements of the National Planning Policy Framework (NPPF), Section 12 'Achieving well-designed places', paragraph 127 (part f) and the PPG on Design.

- The Design and Access Statement does not provide enough detail in terms of delivery of security for the premises, patrons and employees.
- Recommended condition requiring the development be carried out with Secured by Design and Safer Parking Scheme accreditation.
- Offered further advice regarding safer parking areas, boundary treatments, landscaping, CCTV and design of the development to ensure crime prevention is fully considered.

7.54 THAMES WATER: **Comments.** Thames Water has identified an inability of the existing foul water network infrastructure and clean water network to accommodate the needs of the development proposal. A condition is recommended to require all wastewater network upgrades are completed prior to the occupation of the development. Also conditions are recommended in regards to the draining of a public swimming pool to a public sewer.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport and Connections
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions

- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Strategy
- 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
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Minor roads
- T5: Proposals for new hotels, motels, greenhouses, and restaurants in the countryside
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Pollution control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Oxfordshire Local Transport Plan 4 (LTP4)
- CDC Sports Facilities Strategy (2018)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Environmental Statement
- Principle of development
- Transport assessment and highways
- Landscape character impact
- Heritage impact
- Design and impact on the character of the area
- Landscaping and trees
- Residential amenity (incl. noise, air and light pollution)
- Flood risk and drainage
- Sustainability and Mitigating Climate Change
- Ecology Impact
- Crime Prevention
- Mitigating Infrastructure Impacts

Environmental Statement

- 9.2. The aim of an Environmental Impact Assessment (EIA) is to protect the environment by ensuring that a Local Planning Authority (LPA) when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
- 9.3. The application is accompanied by an Environmental Statement (ES) which is the written material submitted to the LPA in fulfilment of the EIA regulations. The ES covers landscape and visual impacts, ecology, transport, air quality, noise and vibration, water management, ground conditions and contamination, agriculture and soils, built heritage, archaeology, construction and demolition phases, impact upon the climate, socio economics, human health, waste and cumulative effects. The ES identifies significant impacts of the development and mitigation to make the development acceptable.
- 9.4. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which these regulations apply unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- 9.5. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
- 9.6. The ES identifies mitigation and this, should the proposal be approved, would need to be secured through conditions and/or legal agreements. The remaining paragraphs in this Committee report assess the submitted planning documents and the contents of the Environmental Statement in order to reach a balanced and informed recommendation to Members.

Principle of Development

- 9.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However, the NPPF is a significant material consideration.
- 9.8. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015) and the saved policies of the Cherwell Local Plan 1996. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and is previously developed as the current golf course. The site sits outside the built-up limits of the village beyond the Chesterton settlement boundary.

Policy Context

The Development Plan

- 9.9. Policy SLE2 of the Local Plan (2011-2031) directs retail and other main town centre uses towards the District's town centres. Local Plan Policy Bicester 5 supports town centre uses within Bicester town centre and identifies an 'area of search' as shown on Inset Map Bicester 5.
- 9.10. Policy SLE3 of the Local Plan (2011-2031) supports proposals for new tourist facilities in sustainable locations, where they accord with other policies in the Plan, to increase overnight stays and visitor numbers within the district. Paragraph B.62 of the Local Plan states that the Council will support developments, especially new attractions, and new hotels at the two towns to reinforce their central role as places to visit and stay and new tourism that can demonstrate direct benefits to the local visitor economy.
- 9.11. Policy SLE4 states that 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.
- 9.12. This is consistent with Policy ESD1 which states that in order to mitigate the impact of development within the district on climate change, the Council will distribute growth to the most sustainable locations as defined in the Local Plan, including by delivering development that seeks to reduce the need to travel and which encourages sustainable transport options.
- 9.13. Policy BSC10 states the Council will ensure sufficient quantity and quality of open space, sport and recreation provision by protecting the existing sites and enhancing the existing provision. Paragraph B.159 explains that development proposals that would result in the loss of sites will be assessed in accordance with guidance in the NPPF and NPPG.
- 9.14. The Council has undertaken an Open Space, Sport and Recreation Assessment and Strategy as part of the evidence base to support and inform planning policy documents and development management decisions. This identifies that there is likely to be a need for more provision of golf courses in the Bicester sub area due to the level of housing growth and that existing golf courses should be protected. It goes on to recommend that planning policies should seek to protect existing sites and forecasts a long term need for an additional 1 x 18 hole course or 2 x 9 hole courses, and 8 driving range bays in the Bicester sub-area by 2031.
- 9.15. Turning to the saved policies of the 1996 Local Plan, policy TR7 states development that will attract large number of vehicles onto unsuitable minor roads will not normally be permitted.
- 9.16. Saved Policy T5 states beyond the built limits of settlements the provision of new hotels and restaurants will generally only be approved where they would largely be accommodated within existing buildings or totally replace an existing commercial use of an existing acceptably located commercial site.

National Policy

- 9.17. The NPPF at paragraph 80 states that 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.

- 9.18. The NPPF at paragraph 83 states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 9.19. NPPF paragraph 84 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It states in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 9.20. Paragraph 86 and 87 of the NPPF state that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 9.21. The NPPF advises that the access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and paragraph 97 of the NPPF states existing open space, sports and recreation buildings and land, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
 - c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Assessment – Loss of the golf club

- 9.22. The existing site is used as part of an 18-hole golf course and as part of the proposal 9-holes of the course would be lost. The applicant does not propose to replace the golf course with equivalent provision in terms of quantity.
- 9.23. The applicant provides an assessment of golf needs in their Planning Statement. The adopted 2015 Local Plan references a number of existing deficiencies in open space, sport and recreation provision. To inform the Local Plan Review, the Council has recently published an extract (titled Sports Facilities Strategy) from its Open Space, Sport and Recreation Assessment August 2018 on its website. The study identifies (figure 59, 60 and 61) that there is currently a shortfall in golf provision in Bicester and a projected need in the future.
- 9.24. The Recreation and Leisure Team object to the development proposals, on the grounds that it will lead to the loss of an 18-hole golf facility within the district. The Council's Sports Facilities Strategy (2018) concluded (figure 62) that whilst there was not a current deficiency (at 2016) an additional 18 hole golf course or two 9 hole courses would be required by 2031 to meet the needs of additional development in the Bicester Area. As such it recommends that existing golf facilities are protected, unless the tests in the NPPF are met (see paragraph 9.21).
- 9.25. In the opinion of the Recreation and Leisure Team, the proposals submitted do not meet the first test (surplus to requirements), despite the detailed submission,

including a needs assessment that draws different conclusions to the Sports Facilities Strategy. The recommendations of the 2018 Sports Strategy were drawn, based on the nationally endorsed Sport England methodology for analysing sports facility needs for the future. The application is supported by an alternative desk based assessment of provision, using different assumptions informed by membership information from the golf club and concludes a surplus in provision with no additional provision likely to be required before 2030. Notwithstanding the conflicting views on the adequacy of supply depending on the methodology used, the Recreation and Leisure team does not recognise the robustness and independence of the needs assessment submitted with these development proposals.

- 9.26. Turning to the second and third tests (replacement with equivalent or better provision, and development for alternative recreational use), the applicant is not proposing to replace the golf course with equivalent provision in terms of quantity. The applicant considers that the proposals would not result in the loss of an open space that is of importance to the character or amenity of the surrounding area and contends that there is current limited public access and amenity. The applicant contends that the proposals would lead to an improved facility. New landscaping and a 6ha nature trail are proposed as an area of recreation, which has the potential to contribute towards a net gain in biodiversity as required by Local Plan Policy ESD10. However Officers do not consider that the benefits of the alternative leisure facility outweighs the loss of the golf course as it is protected in policy. The district will face a shortage in golf provision due to the imminent closure of North Oxfordshire Golf Course as well as increasing population in the Bicester area through allocated development. The proposed development will provide a new leisure facility (for national use with 30 day passes for locals a day) but will not address the impact of the loss of a local facility.
- 9.27. In summary, Officers consider the proposal fails to meet the tests of the NPPF and the loss of the golf course represents a fundamental reason for refusal of planning permission. The potential loss of this facility would reduce opportunities for improved health and wellbeing; result in a loss of active engagement in sport; and, moreover the loss is inappropriate and not justified in an area which the Council's evidence indicates would have a deficit in golf course provision if the development is approved.
- 9.28. Notwithstanding the objection stated, both the applicant and the Council's Leisure Officers have been in dialogue with England Golf (the National Governing Body for the sport) to ascertain what mitigation/enhancement would be appropriate should this application progress. Leisure Officers would wish to see firm proposals from the developer, golf club / land owner, endorsed by England Golf, for an enhanced and improved facility offer on the remaining nine holes. The agent has confirmed that Great Wolf are willing to enter a S106 obligation to secure improvement works to the remaining 9-holes but no firm details of those works have been put forward. Great Wolf have offered in addition a 'scholarship' whereby twenty under 15s per year for a five year period will be given a free membership to the club to use the course and training range. This has been put to England Golf but no comments from England Golf have been received by Officers to date. Nevertheless, whilst this offering is welcome it does not address the in principle objection to the loss of an 18-hole golf course which the Council's Sports Facilities Strategy (2018) indicates is meeting a present need and therefore should be protected.

Assessment – Location of proposed use

- 9.29. In essence the proposal is for tourism development, and so Policy SLE3 of the Cherwell Local Plan 2011-2031 Part 1, along with saved policies T5, TR7 and C8 of the Cherwell Local Plan 1996, are relevant.
- 9.30. Considering first saved policies T5 and C8, the Council's Planning Policy Team have confirmed that the proposal is in conflict with these as it is for a substantial new 4 storey hotel with associated conference and leisure facilities, on a site that is largely devoid of built structures and is beyond the built limits of the nearest settlement. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. This weighs against the proposal.
- 9.31. Turning to Policy SLE3, the proposal would undoubtedly help to increase visitor accommodation in the district. However, as outlined in further detail in the paragraphs below (in particular under the transport section) there are significant concerns regarding the geographical sustainability of the site due to the lack of sustainable transport links and other sustainability credentials of the proposal.
- 9.32. Paragraph 1.9 of the Local Plan affirms that Bicester and Banbury are the most sustainable locations for growth with the plan seeking to strengthen the role of the towns as the centre of the local economy within a "rural hinterland". Strategic Objective 12 of the local plan states "*...development will be focussed 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.*"
- 9.33. The local plan contains various strategic development areas at Bicester, as a strategy to promote growth. Three of the strategic development areas contain hotels as part of the expected leisure provision requirements:
- South West Bicester Phase 2 (Policy Bicester 3)
 - Bicester Business Park (Policy Bicester 4)
 - Former RAF Bicester (Policy Bicester 8)
- 9.34. Chesterton by comparison is identified as a Category A Village (Policy Villages 1) which would be suitable for minor development, infilling and conversions. Chesterton village is served by minor roads, including Alchester Road and Green Lane. Saved Policy TR7 states that development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted. Policy SLE4 states that financial and/or in-kind contributions will be required to mitigate the transport impacts of development. It also clarifies that development that is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Policy ESD1 sets a general context to mitigate and adapt to climate change and it reiterates the importance of locating development in sustainable locations.
- 9.35. The site is in the open countryside outside of the built environs of a settlement. It has non-existent public transport links as well as poor links by cycle and foot due to lack of pavement on rural roads and the busy A4095. Therefore, and considering the guest demographic being families with children aged 2-12 years and the expected catchment (at least up to 125 miles radius), the reliance on the private motor vehicle for access to the site will be high and the predominant means of transport. This is discussed in greater detail in relation to transport and highways at paragraphs 9.52 – 9.81.

- 9.36. Policy SLE2 is also relevant. Whilst it is agreed that the use proposed is 'Sui Generis' given that it is to act as a single resort, officers nevertheless consider the proposal to be a main town centre use. The Glossary to the NPPF provides a description of main town centre uses which include leisure, entertainment and more intensive recreation uses and officers consider this to be an appropriate description for the intended use of the site. There is potential for the proposed development to harm the vitality and viability of Bicester town centre contrary to Local Plan Policy SLE2. The level of floor space proposed in the application (above the Local Plan threshold of 350sqm for the rural areas in the Local Plan – Policy SLE2) means an impact assessment is required. The applicant states that the offer, experience and target audience to all parts of the resort, is different and generally complementary to that of other hotels and / or resorts and therefore there will be negligible to no impacts. The applicant also contends that very few resorts, resort hotels or conferencing facilities are located within designated town centres and there would therefore be no diversion of expenditure away from centres.
- 9.37. Paragraph 89 of the NPPF and Policy SLE2 require an impact assessment for leisure developments over 350sqm which are not located in central locations. The applicant has provided an economic statement showing how there will be a net gain in income to the area, which is relevant, but has not produced an impact assessment to consider quantitative impacts on Bicester town or any other centres in line with government guidance.
- 9.38. The proposals are outside Bicester town centre and the 'area of search' is an out of centre location and therefore in principle inconsistent with local planning policy in terms of the strategy for accommodating town centre uses and supporting the growth, vitality and viability of central Bicester. The applicant provides a sequential test which considers locations in and outside of the District and sets out their requirements which have led to the selection of the application site. NPPG paragraph 011 Reference ID: 2b-011-20190722 states that the application of the test will need to be proportionate and appropriate for the given proposal.
- 9.39. Also, for the sequential test the NPPF requires that applicants and local planning authorities demonstrate flexibility on issues such as format and scale. NPPG Paragraph: 012 Reference ID: 2b-012-20190722 states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. The applicant highlights that other similar developments are often located away from settlements. It is also relevant to consider the particular nature and requirements of the business/proposal, including how different uses proposed may operate together and the land required in considering the sequential test and application.
- 9.40. Taking the above into account, the sites within Cherwell District considered in the sequential test are appropriate and Officers are persuaded that it shows that the development cannot be accommodated within Bicester. However, this does not negate the need for an Impact Assessment, and it does not follow that the proposal is therefore acceptable in this particular location.
- 9.41. Officers consider that the information submitted has not demonstrated that this is an appropriate or sustainable location for this type/scale of development to take place. Whilst client base, travel time, and location suitability for a business model are all considerations of the applicant that is not to say that the current proposed location is the best and only location for the development in planning and sustainable development terms. The onus is upon the applicant to demonstrate that this is a sustainable location for the development, having regard to the anticipated catchment area of the proposal and its expected impacts. Currently, the applicant has failed to

provide a substantive argument that there are sound and convincing reasons to justify the proposal – which amounts to significant built development attracting significant numbers of visitors and which is heavily car reliant - in this particular rural location accessed by minor roads, despite the serious concerns Officers have raised regarding the sustainability of the site and the identified conflict with the Development Plan. This weighs heavily against the proposal.

Assessment – Economic Impact

- 9.42. The proposal has the potential to generate economic benefits for the local economy and wider region through investment, job creation and local/national tourism. The proposed development would lead to benefits in terms of jobs and expenditure in the local area during the construction (temporarily) and operation of the site. Its location near to Bicester may assist in securing in Bicester through linked trips with such places as the former RAF Bicester. The applicant explains that 460 full time equivalent jobs will be created with further jobs during the construction phase.
- 9.43. The first objective of the Local Plan (SO1) is to facilitate economic growth and employment with an emphasis on attracting higher technologies to the district. The proposal is unlikely to produce many permanent high tech/skilled jobs however the planning and construction of the site will create a range of jobs, although short term and temporary. Some of the permanent, longer term roles will be in professional and managerial roles but the majority would be in lower skilled occupations. This does not reflect the desired direction suggested in either the Oxfordshire Industrial Strategy or the emerging Cherwell Industrial Strategy.
- 9.44. In addition, there is an issue relating to the supply of labour, a concern shared by the local residents. The latest figures suggest that of those aged between 16-64 12,700 people are inactive and 9,300 do not want a job (ONS annual population survey Oct 2018-Sept2019). Therefore, 3,400 people living in the district may be expected to be seeking work however the proposed development does not indicate how skill sets or ambitions will match the work available at Great Wolf resort. Nevertheless, for people seeking leisure and hospitality roles the proposed development offers opportunities for employment.
- 9.45. The proposal will contribute towards reducing out-commuting by generating jobs near to Bicester which is one of the main aims of the Local Plan. The NPPF at paragraph 80 states that 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. The proposal will provide leisure facilities for Bicester and the wider area which is an expanding population.
- 9.46. Great Wolf lodges are known in North America for offering “everything under one roof”, in effect a Great Wolf Lodge is a destination resort and as such the spin-off economic benefits to the wider economy may be limited. Much of the local residents’ concern is on this basis and the Economic Development Officer also shares this opinion.
- 9.47. Should the application be approved by members the Economic Development Officer has requested apprenticeships be secured via a S106 agreement.

Conclusion

- 9.48. In summary, there is an in-principle objection to the proposed development. Firstly, the scheme leads to the loss of an 18 hole golf course which as currently proposed is not being replaced nor has it been demonstrated that the mitigation is sufficient enough that the loss is not harmful. Secondly, and fundamentally, the proposed

development is not in a sustainable location being outside of any built settlement, in an open countryside location which lacks public transport links and is not accessible via sustainable modes of transport. The location and nature of the proposal leads it to being primarily reliant on the private motor vehicle for access of both guests and staff and due to the location, access will be via local, minor roads. This is contrary to saved policy T5, TR7 and C8.

- 9.49. Whilst the applicant has demonstrated that the proposed development cannot be accommodated within Bicester, one of Cherwell's sustainable locations, the applicant has not demonstrated that this is an appropriate or sustainable location for this type/scale of development to take place. Neither has a retail impact assessment been submitted as required by Local Plan policy and the NPPF.
- 9.50. There are clearly economic benefits to the proposed scheme by way of providing employment during the construction period and operational period. However, these are likely to be mostly low skilled positions which does not reflect the desired direction suggested in Cherwell policies nor Oxfordshire policies. Whilst there is a provision of employment and some other economic benefits it is not accepted by officers that this outweighs the in-principle objections in terms of the loss of the golf club and the unsustainable and unsuitable location of the development.
- 9.51. In that regard, the proposal is contrary to the policies SLE2, SLE3 and SLE4 as well as policy ESD1 and Strategic Objective 13 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies T5, TR7 and C8 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Transport assessment and highways

Policy Context

- 9.52. Strategic objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and to increase opportunities for travelling by other modes. Policy ESD1 also aims to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars.
- 9.53. Policy SLE4 also has similar objectives where it sets out that: "The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections... New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.
- 9.54. 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".
- 9.55. The Oxfordshire Local Transport Plan 4 (LTP4) at Policy 17 states that OCC will seek to ensure through cooperation with the districts and city councils that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

- 9.56. The Bicester Area Strategy refers to the Bicester Sustainable Transport Strategy, which recommends pedestrian and cycling improvement schemes for the town. Any walking and cycling schemes developed should follow guidelines in the Oxfordshire Walking and Cycling Design Standards and Residential Road Design Guide.
- 9.57. Policy BIC1 in the Bicester Area Strategy states: “BIC1 – Improve access and connections between key employment and residential sites and the strategic transport system by: - Continuing to work with Highways England to improve connectivity to the strategic highway. We will continue to work in partnership on the A34 and A43 strategies, as well as Junctions 9 and 10 of the M40 to relieve congestion.”
- 9.58. In terms of provision for Public Transport, Policy BIC 2 states: “BIC2 – We will work to reduce the proportion of journeys made by private car through implementing the Sustainable Transport Strategy by: Improving Bicester’s bus services along key routes and providing improved public transport infrastructure considering requirements for and integrating strategic development sites.”
- 9.59. The transport impacts of the development must be considered against these policies and the requirements of Section 9 of the NPPF. Paragraph 103 of the NPPF states that: “The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”
- 9.60. The NPPF at paragraph 108 states that: “In assessing sites that 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; 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.”
- 9.61. Finally, at paragraph 109 of the NPPF: “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

- 9.62. The application is supported by Chapter 6 of the ES: Transport and Access, a Transport Assessment (November 2019) and a Framework Travel Plan (November 2019) prepared by transport consultants Motion.
- 9.63. The applicant has included the following proposed measures in order to improve the sustainability of the site in transport terms:
- Shuttle buses to/from both rail stations in Bicester for guests
 - Shuttle bus to Bicester for staff and Chesterton residents

- Walking/cycle access to Chesterton via new cycletrack along A4095
- Improvements to Public Right of Way 161/1 across new country park to Vendee Drive and connection with the A4095
- Travel Plan and advance info to guests on booking

9.64. The proposed access to the site will be via a new priority junction. The junction design will incorporate a ghosted right-turn lane allowing vehicles arriving on the A4095 from the west to be able to pull off the main carriageway so that they do not cause an obstruction to through traffic whilst waiting to turn into the site. Speed surveys have been carried out by the applicants transport consultant (not included with the submission but viewed by OCC) which indicate that the available visibility splays are adequate according to OCC requirements. This is satisfactory to the Highways Officer.

9.65. The proposed car park is capable of accommodating approximately 910 vehicles, serving both guests and staff. 10% of the parking bays will be equipped with electric charging facilities and ductwork will be installed to allow future expansion of charging equipment to all bays in the future as required. 6% of spaces will be disabled accessible bays. The Highways Officer is satisfied with the car park proposal and considers there should be spare capacity to allow efficient turnover of spaces.

9.66. A total of 40 cycle parking spaces are to be provided for staff use and this is an overprovision in relation to OCC guidelines, but has been promoted to encourage cycling as a sustainable mode of transport for those employees from Bicester or other nearby locations as there is no public transport available. It is recognised that guests are extremely unlikely to travel by cycle and so the number of cycle stands for guests reflect this.

9.67. Oxfordshire County Council Highways have been consulted on the application and have objected on the grounds of the impact upon an already congested signalised junction at Middleton Stoney. Future year modelling shows that the B430 corridor is forecast to experience significant congestion without a package of mitigation measures required to accommodate Local Plan growth, including the development planned to take place at Heyford Park. Additional traffic as a result of unplanned development, such as this, will add to the significant congestion forecast along the corridor and could prejudice the ability to deliver a package of suitable mitigation measures required to accommodate the planned growth.

9.68. Concern has been raised by local residents about increased traffic through Chesterton. The Highways Officer has assessed the submitted transport information alongside their own data and concluded that additional traffic associated with the development will tend to be mainly outside of the peak hours as the majority of guest trips will be between 9am and 2pm. Nearly all additional vehicle movements will be private cars as there will be few HGV trips associated with the development during the operational phase. Highways Officers have not raised an objection on the grounds of traffic numbers or congestion through Chesterton.

9.69. In terms of the increased traffic through other local villages the Highways Officer has commented in relation to Kirtlington, Enslow, Weston-on-the-Green and Ardley. It is not considered that the increase would be so severe to justify an objection on this basis, and that securing an appropriate signage strategy is the most appropriate mitigation for more evenly distributing additional traffic. Nevertheless, in the opinion of Officers due to the scale and nature of the proposal there will be an increase in traffic using local, rural roads including through a number of villages.

- 9.70. Highways Officers also raise multiple other concerns regarding other aspects of the proposal including the shuttle bus service, lack of sustainable alternative modes of travel, reliance on the private motor vehicle, and the provision of day passes and the impact upon transport.
- 9.71. Officers consider there is currently a lack of sustainable alternatives to the private motor vehicle in the area of the site. Development proposals, according to policy, need to demonstrate sustainability in transport terms with suitable access on foot, by cycle and public transport as well as availability of local amenities.
- 9.72. OCC Highways comment that there is a proposed shared use cycle connection to the south side of the A4095 between the proposed site access and The Hale. This measures at 2.5m in width which is less than the recommended width of such paths at 3m (Cycling Design Guidance). It is acknowledged that the pedestrian and cycle measures proposed are welcome however they are unlikely to lead to any significant change in modal shift. There is no onward cycle provision on the A4095 through Chesterton and no funding mechanism in place currently to deliver cycle provision through the Country Park between Chesterton and Bicester. There are no designated cycle routes in the vicinity of the proposed development site beyond that what is proposed. Whilst it is more likely that staff would cycle to the site than guests considering the luggage a guest would arrive with, any visitor wishing to cycle to the site would have to do so along sections of road that are unlit and unrestricted.
- 9.73. OCC Highways welcome the proposal for a new footway to be provided along Green Lane either side of the junction with The Hale to connect to the southern end of the PROW 161/06 to Chesterton. Also an additional stretch of footway is proposed along the A4095 either side of the M40 bridge to connect with PROW 161/11 to the west. The proposals include the diversion of PROW 161.06 through a landscaped area of the development and the applicant will take responsibility for the maintenance of the diverted PROW. This could be agreed by S106 should members approve the application. These improvements are appropriate to mitigate the development's detrimental impact on the PROW network through the site, but do not negate the visual impact (discussed later in this report).
- 9.74. The applicant has proposed shuttle bus services for both guest and staff usage. Limited information has been submitted as to how this service would run except a suggested routing, that it could be brought in line with the rail connections at both Bicester train stations and could run hourly. Without some certainty that an appropriate level of service will be provided and in perpetuity, the site is as good as inaccessible by public transport. Access to public transport is by a very long 2.3km walk to the Park and Ride site taking approximately 30minutes where a 15-minute frequency service operates between Oxford City Centre and Bicester, with some buses extending further afield.
- 9.75. Oxfordshire County Council considers that a single, publicly accessible, bus service should be available between the site and Bicester so that it could be properly integrated into the rest of the town bus network with the associated benefits for staff access that would result. OCC have been clear and justified in their reasoning for a public bus service to the development over the proposed shuttle buses that would be run and operated by the applicant. This includes the following reasons:
- The opportunities for integration are significant given the scale of wider development in the area, meaning the bus service could ultimately be integrated with another service to secure its ongoing viability which would never be achieved with two separate shuttle-type minibus services

- The buses could be branded providing a mobile advertisement for the scheme. The existence of such a service could be provided on their website, in all promotional material and in booking details for guests.
- A public bus service can generate revenue offering a potential method of offsetting the cost of bus service provision of Great Wolf.
- A public bus service can claim Bus Service Operators Grant and low carbon incentives to offset operating costs, something which isn't available to private shuttle services.
- A public bus service forms part of the comprehensive planning of services in the wider Bicester area. The County Council collects S106 funds from developments with the intention of developing a longer-term, commercially sustainable bus network. The operation of private shuttle buses is not conducive to this aim.
- Public bus service over a private shuttle bus service avoids difficult legislation issues surrounding tax implications for staff.
- Accessibility of public bus services is defined in law whereas such rules do not apply to privately operated services.
- Public bus services have priority access to certain areas such as bus stops, main town centre bus stops, certain sections of road including bus gates and bus lanes meaning they are more reliable and run to a better timetable by having the ability to navigate pockets of traffic congestion.

9.76. In addition, the provision of Day Passes to local residents wishing to use the resort facilities may put pressure on the shuttle bus service meaning it is insufficient to meet the demand. As it is not known what size or capacity of bus is envisaged it is difficult to assess whether the proposed shuttle bus service will be able to cater for the prospective need efficiently.

9.77. Should Members approve the application, OCC have requested that the provision of a public bus service serving the development be secured by legal obligation. This meets the tests for a contribution as it is necessary to make the development acceptable, is directly related to the development, and it is fairly and reasonably related to the scale of the proposal. Further details of S106 obligations are provided at paragraphs 9.203-9.208.

Conclusion

9.78. In summary, whilst the access and car parking proposals (in terms of required numbers against standards) are satisfactory there are fundamental issues regards the site's location, sustainability and the resulting dependency on the private motor vehicle to access the facility. The development is not planned for and would not be making best use of infrastructure given the need to accommodate the planned growth allocated within the development plan.

9.79. The proposed development will have a material adverse impact upon the highway network locally by way of increased traffic from unplanned development and increase congestion on an already congested network. Oxfordshire County Council Highways Officer has objected to the application on this basis in specific regard to the impact on the severely congested Middleton Stoney signalised junction.

- 9.80. In addition, on the environmental dimension of sustainability the scale of the development and likely reliance of guests and staff on the private car for their travel needs would have significant environmental disbenefits. Whilst the County Council have identified requests for obligations and contributions to improve the accessibility of the site by sustainable transport modes (should the development be granted planning permission), significant concern remains over the sites location which – along with the nature and scale of the proposal – dictates that car travel will remain the primary mode of travel to the site, even with the improvements identified.
- 9.81. The proposal is contrary to paragraphs 103, 108 and 109 of the NPPF, Cherwell Local Plan Policy SLE4 and ESD1 and Oxfordshire Local Transport Plan 4 Policy 17.

Landscape character impact

Policy Context

- 9.82. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.
- 9.83. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside, and should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 9.84. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

Assessment – Landscape character impact

- 9.85. The application is supported by a Landscape Visual Impact Assessment contained within the Environmental Statement Volume 1 at Chapter 13. The study reports the outcome of the assessment of likely effects arising from the proposed development on landscape character (including physical landscape resources) and the views and visual amenity experienced by people.
- 9.86. The LVIA states that the site is visually contained from the wider landscape context due to the combined influence of gently sloping landform, dense boundary vegetation and screening provided by strong areas of vegetation in the surrounding landscape including that of the southern half of the golf course. The site is characterised by a man-made landscape of a well-established golf course and does not contain the key characteristic landscape features as defined in the Oxfordshire Wildlife and Landscape Study (OWLS). The following components make the main contribution to the local landscape:
- Well established boundary vegetation, in particular the woodland belt along the M40 and the hedgerow / hedgerow trees along the A4095;
 - Small scale woodlands and plantations in the northern part of the site;

- A number of existing ponds; and
- Existing public footpath (PRoW).

9.87. The LVIA considers the impact of the development on the landscape during both the construction phase and the operational phase. At site level the majority of the construction works would be largely limited to the central parts of the site. Landscape effects during the construction phase will be largely restricted to the site itself, having a Direct Temporary Short Term Moderate Adverse Effect (not significant). In the wider context the LVIA concludes that the landscape effects during the construction phase are considered to be Direct Temporary Short Term Minor Adverse (not significant).

9.88. The LVIA also assesses the visual impact upon residents of Vicarage Farm and Stableford House as well as visitors to the hotel and spa as a result of the construction works on site. It concludes that there will be a moderate to major adverse (significant) impact due to these receptors experiencing direct and filtered views of the site towards the construction activities. These are temporary impacts during the construction phase.

9.89. The LVIA splits the landscape and visual impact over a number of years from Year 0 to Year 15 to allow for the growth of new planting and establishing the mitigation measures and assesses both day time and night time impact. At Year 0 the impact is assessed as being Direct Temporary Short Term Minor Adverse (not significant) during the operational phase for site level and Negligible (not significant) for the wider landscape. It acknowledges that the proposed development would introduce additional large scale built form into the landscape but concludes that there would be a minimal loss of key landscape features where new native woodland planting and species rich boundary hedgerows are proposed to strengthen areas of existing vegetation. Overall given the extent of enclosure provided by surrounding existing landscape features the LVIA concludes that the key characteristics in the wider landscape would remain unchanged. At Year 15 the impact for site level and wider landscape level lessens, according to the LVIA, bringing with it minor beneficial impact to the former context. This is by virtue of the new planting and landscape enhancements becoming well established and providing stronger coverage, screening and softening the new built form.

9.90. At Year 0 the assessment concludes that the significance of visual effects on Vicarage Farm and Stableford House is considered to be Direct Temporary Short Term Moderate Adverse (not significant). The effects will be felt mostly from the upper floor windows which face the site. The proposed vegetated bunds along the southern and south-eastern boundaries of the site will reduce the visual intrusion of the new built form, particularly from ground level. However there will be views of the upper extent of the new buildings over the top of the bunds and partial and filtered views of the planted car park. Retained vegetation will provide a degree of screening in the summer but not so in the winter when hedgerow and tree growth is minimal to non-existent. During the night time the LVIA states there would be a slight increase in impact as a result of views of additional lighting from the waterpark, hotel rooms and car park which generates a great contrast to the relatively dark unlit golf course.

9.91. At Year 15 the daytime visual effect on the residents of Vicarage Farm and Stableford House are considered to be Direct Permanent Long Term Minor to Moderate Adverse (not significant). Some new woodland planting at Year 0 along the bunds of the southern boundaries would assist in softening and filtering some views of the development. It is planned to incorporate some coniferous species here to enhance screening during the winter months. The night time impact has been assessed as Direct Permanent Long Term Minor to Moderate, Minor Adverse and

neutral (not significant). The establishment of the woodland vegetation along the bunds and extensive car park planting would reduce the perception of visible lighting at night but there will be an increase in sky glow.

- 9.92. The Council's Landscape Officer confirms that the submitted LVIA is a comprehensive and competently written document that complies with the relevant guidelines for such documents and assessments. The Landscape Officer states that the site has a low landscape sensitivity to change, and a visual effect ranging from neutral to moderate adverse at year 0. On this basis there is no objection from the Landscape Officer relating to the impact of the development on the wider landscape character. However, concerns are raised regarding the scale of the development and an overdevelopment of the site especially when compared to the adjacent Bicester Golf Hotel and Spa. This is discussed at paragraphs 9.113-9.126.

Conclusion

- 9.93. Overall, considering the LVIA and the Landscape Officer's comments it is deemed that the wider landscape impact is negligible especially over the 15 year period and understanding the additional planting mitigation. In coming to this conclusion, Officers are mindful that the wider landscape is not afforded specific protection in the Local Plan, and that the site in its current form does not display the key characteristics of the surrounding landscape character as defined in the Oxfordshire Wildlife and Landscape Study (OWLS). However, there remains significant concerns about the local visual impact and the design of the built form in terms of its size, scale, massing in the rural context of the site. This is considered further at paragraphs 9.113-9.126.

Heritage Impact

Legislative and policy context

- 9.94. The site is not within a conservation area nor does the site contain any listed buildings or other heritage assets. However, it is a large scale development which has an impact visually on the immediate local area and the historic village of Chesterton and its conservation area.
- 9.95. 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.*
- 9.96. 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.
- 9.97. 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.

- 9.98. The NPPF is clear that the setting of an asset can contribute to its significance. Further, harm to that setting can adversely affect the significance of an asset. It defines the setting as *the surroundings in which a heritage asset is experienced* and the policy states that *setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.*
- 9.99. Historic England has provided guidance on the assessment of impacts upon setting in their Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017) which is intended to explain how to apply the policies contained within the NPPF. The Historic England guidance states: *Setting is not a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated...Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance.* (2017 para 9).
- 9.100. Also: *The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.* (2017: 2).
- 9.101. Policy ESD15 of the CLP 2031 Part 1 focuses on 'The Character of the Built and Historic Environment' and requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the District's distinctive natural or historical assets, delivering high quality design that complements the asset will be essential.

Assessment

- 9.102. There are no Scheduled Monuments located within the site or within 1.5km of the site. There are eight listed buildings of Grade II status and two listed buildings of Grade II* status located within 1.5km of the site. The application site is 465m to the west of Chesterton Conservation Area at its closest point.
- 9.103. Chesterton Conservation Area includes much of the historic, medieval, village core including the Old Manor (Grade II Listed Building) and St Mary's Church (Grade II* Listed Building). The Conservation Area Appraisal identifies three character areas within the village; the Main Village Area comprising land along The Lane and Manor Farm Lane where the church and Old Manor are located and then spreading north along Alchester Road; the Chesterton Lodge Area comprising land south of the Lane and which is associated with the Grade II Listed Building Chesterton Lodge; and finally the Northern Area comprising properties to the northeast of Bignell View (A4095).
- 9.104. The Environmental Statement submitted contains a chapter (10) on Archaeology and Cultural Heritage. It reports the outcome of the assessment of likely significant effects arising from the proposed development upon heritage assets, including the potential for effects on archaeological remains from the construction phase and the potential for setting effects resulting from the operational phase. In addition, Chapter 13: Landscape and Visual Assessment and Appendix 10.1: Historic Environment Desk-based Assessment are of relevance.
- 9.105. The operational phase of the proposed development has the potential to result in adverse effects upon the setting of the following designated heritage assets:

- Grade II Listed Oxford Lodge
- Grade II Listed Barn approximately 40m northwest of Chesterton Fields Farmhouse
- Chesterton Conservation Area
- Grade II Registered Middleton Park and Garden
- The Scheduled Alchester Roman Site
- The Scheduled Saxon Barrow 40m southeast of Oxford Lodge.

9.106. The Northern Area of Chesterton Conservation Area is the only portion of the conservation area that lies within the ZTV visual barriers (appendix 13.C of the ES). The Northern Area of the Conservation Area is considered to be highly sensitive to changes to its setting and character within the designation boundary and also highly sensitive to changes which would obscure or alter the key views identified in the ZTV. However, the ES states, it is less sensitive to changes beyond its boundaries and in this context it is considered to be of medium sensitivity.

9.107. Further removed from the site, but still within reasonable proximity, are the Main Village Area and Chesterton Lodge Areas of the Conservation Area. The ZTV indicates that there would be no visibility from these areas of the application site and visibility from the Northern Area would be limited to the point where the Conservation Area meets the junction of the A4095 and the unnamed road forming the south-eastern boundary of Bicester Golf Club.

9.108. The potential for impacts upon the setting during the construction phase, resulting from the presence of plant and construction traffic is acknowledged in the ES. However, it is considered that any such impacts would be temporary and as they are not deemed to exceed impacts upon setting from the operational phase they are not explored within the ES in any detail. A Construction Management Plan would be required by condition if the application were to be approved and this would offer mitigation to minimise the, albeit temporary, impacts on the designated heritage asset being the Conservation Area.

9.109. The document summarises that of the six designated heritage assets assessed no significant residual effects have been found and any harm caused would be less than substantial.

9.110. However, only considering direct visual effects fails to consider the full breadth of Local Plan Policy ESD15. The increase of traffic through Chesterton and specifically its Conservation Area will not “improve the function of the area.” This will impact traffic flow and impede people’s movements and interactions with the heritage asset. The increase in traffic will have an adverse impact upon the setting of the Conservation Area.

9.111. In terms of archaeology the County Officer initially raised an objection however this was removed on the submission of additional information. The agent submitted an Archaeological Evaluation Report which sets out the findings of the recently completed archaeological investigations on the site. It concludes that no archaeological remains or significant finds were observed during the investigations and the report concluded that it is likely that the area encompassing the golf course is archaeologically sterile. As such it is likely that there will be no effect from the construction works on buried archaeological remains and no further evaluation or

mitigation is deemed necessary. The Archaeological Officer was content with this summary and removed his objection and made no further comments.

Conclusion

9.112. Officers are awaiting comments from the Council's Conservation Officer. However, on balance, subject to the Conservation Officer confirming no objections, and considering the assessment made above it is deemed that no significant material harm is caused to heritage assets or their settings and any harm caused is less than substantial. On this basis there is no sustainable defensible reason for refusal of planning permission on the subject of impact upon heritage assets.

Design, and impact on the character of the area

Policy Context

9.113. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is not expected to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures.

9.114. Policy ESD15 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 high-quality design meeting high design standards and complementing any nearby heritage assets.

9.115. Saved Policy C8 seeks to resist sporadic development in the open countryside. The accompanying text for Saved Policy C8 includes that development in the countryside must be resisted if its attractive, open, rural character is to be maintained. The NPPF at paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside.

9.116. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

9.117. National Planning Policy Framework, Section 12 'Achieving well-designed places', paragraph 127 states that planning decisions should:

(a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) be sympathetic to local character and history, including the surrounding built environment and landscape setting,

(d) establish or maintain a strong sense of place.

9.118. Paragraph 98 also states that "Planning policies and decisions should protect and enhance public rights of way and access".

Assessment

- 9.119. Local Plan Policy ESD15 specifically states the new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness as well as being designed to deliver high quality safe, attractive, durable and healthy places to live and work in.
- 9.120. Whilst not objecting to the proposal on grounds of landscape character impact, the Council's Landscape Officer has raised concerns regarding the scale of the development amounting to an overdevelopment of the site especially when compared to the adjacent Bicester Golf Hotel and Spa..
- 9.121. In terms of the siting of the development within the site, the built form and car park hardstanding is pulled away from the edges to maximise retention of boundary vegetation and allow for new planting to reinforce the existing landscaping. The main building is situated to the western end of the site to maximise the distance to existing properties to minimise the impact of such a substantial large scale building. It also reduces the visual impact from the west due to the existing mature woodland acting as immediate screening along the western boundary.
- 9.122. The proposed development comprises a substantial leisure complex on a site which is currently devoid of buildings or built structures. The existing use of the site as a golf course has clearly led to the land being managed and has changed the character of the land from its former agricultural use. However, the site still maintains an open and green character and appearance with an absence of any built form. Therefore, it still contributes to the rural character and appearance of the area and the boundary planting and planting throughout the site does not appear incongruous in an open countryside setting.
- 9.123. The existing and remaining Bicester Golf Hotel and Spa is not comparable to the proposal in terms of scale, size nor massing and is more appropriate in all respects to its rural context and setting. The proposed building containing the waterpark, hotel and conference facilities would introduce a substantial amount of built form to the site where none currently exists with the provision of very significant buildings both in terms of footprint and scale and large areas of parking and hardstanding around the building. The water slides tower for example is approximately 22.5 metres in height and the tallest sections of the hotel accommodating the guest bedrooms are between 18-20 metres in height. The proposed built development would be significantly taller and larger than any buildings in the surrounding area and would not relate to the scale and size of other buildings in this rural setting where buildings are generally a maximum of 2 storey with much more modest footprints. The proposed building would be out of keeping with surrounding development due to its large size and massing, appearing incongruous and alien when compared to the surrounding scale and form of buildings in the otherwise rural character of the immediate landscape. The development would therefore be detrimental to the rural character and appearance of the locality, including as experienced by walkers in views from the public rights of way that cross the site and which are proposed to be diverted to accommodate the proposed development.
- 9.124. This impact would be compounded by the level and intensity of activity, including vehicular comings and goings, associated with the nature and scale of the proposed use. This would not be sympathetic to the rural character of the area, with potential for damage to verges along local minor roads. Although, due to topography and existing and proposed planting and landscaping it is not deemed by the Landscape Officer to have a significant detrimental impact upon the wider landscape setting, it does have an impact on the immediate surrounding area by

virtue of its location outside of the built form of the nearest settlement and its design which is not reflective or reinforcing local distinctiveness. The argument that the proposal would not be clearly visible from outside the boundaries of the site is relevant to some viewpoints but not all and in any case officers consider the scale, form and massing of buildings should be responsive to their contexts.

- 9.125. In relation to the design of the hotel building, attempts have been made during the course of pre-application discussions to break up the scale and bulk of the building to some extent. However, fundamentally the building still reads as a single, substantial, multi-storey hotel building totally at odds with the existing scale and form of buildings in what is a rural context. The front parts of the hotel building are predominantly 4 storeys in height and retain a similar ridge and eaves height across the vast majority of the building with repetitive fenestration and form. Some effort has been made to try and introduce some variation by including two projecting 3 storey wings. Nevertheless, the repetitive form and fenestration gives a rather bulky, bland and institutional appearance which appears to pay very little regard to the local vernacular of north Oxfordshire or break up the bulk of the building into a number of smaller elements.

Conclusion

- 9.126. Overall, there are significant concerns about the local visual impact and the design of the built form in terms of its size, scale, and massing in the rural context of the site. The resulting built development will appear an incongruous and alien feature in the immediate local context and is not representative of the local vernacular nor reinforcing local distinctiveness. It will also fail to protect and enhance the enjoyment of the existing right of way. On this basis, the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies TR7, C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping and trees

- 9.127. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features.
- 9.128. The proposal seeks to remove a large portion of the current trees on site. The report identifies 221 arboricultural features, of which 101 require removal in order to facilitate the proposal. However, it is accepted according to the report, the majority of removals are formed from Low quality (BS5837, Category C) trees with a useful life expectancy of 10-20 years. The proposal seeks to retain boundary trees and vegetation, therefore amenity offered by trees proposed for removal is generally internal to the site and is not expected to be visually detrimental from an external point of view.
- 9.129. The AIA suggests 660 Extra Heavy standard trees are to be planted, along with 16000 trees for screening within the proposal. Officers would suggest this is an opportunity to seek high quality replacement trees as mitigation for those removed, and also to increase screening to the site. Should members consider that permission should be granted, satisfactory details of landscaping, including measures to protect existing trees, can be secured by condition.
- 9.130. The submitted Landscape Strategy includes an analysis of the site and its surrounding context. It contains the landscape design principles and mitigation and enhancement measures, in summary these comprise:

- Conserve and enhance landscape components of value where possible, to include: existing waterbodies; large areas of woodland/plantation; boundary vegetation and individual trees;
- Reflect the landscape character of the wider Middleton Stoney LDU, in particular to introduce and/or enhance key characteristic features such as woodland, parklands, species rich hedgerow as boundary treatment and hedgerow trees;
- Establish a multi-functional framework of green infrastructure that strengthens ecological and landscape connectivity, improves landscape resources, reduces flood risk through integration of the SuDS strategy and enhances visual amenity;
- Minimise visual impacts, especially upon those who have nearer and clearer views of the development, including adjacent residents, users of the public footpath and visitors to the remaining golf course, hotel and spa; and
- Provide a designated route, improved access and enhanced landscape setting for the diverted public footpath.

9.131. The submitted landscaping and planting plans give specific details on a range of improvement and enhancement measures including:

- Tree planting and shrub planting throughout the proposed car parking areas
- Creation of an entrance boulevard using mature trees from the new access through the car park
- Existing trees retained where possible and in line with the arboricultural survey
- Native species rich hedgerow planting along the southeast boundary as well as additional native broadleaved woodland planting and coniferous species to increase screening and soften views
- Existing vegetation retained to southeast boundary
- Introduction of bunding at various points throughout the site for screening and softening
- Extension of existing pond to form a focal feature at the entrance
- New wildlife ponds to southern and western edges of site to replicate those lost
- Existing woodland belt on the western boundary will be enhanced with additional broadleaved native woodland planting

9.132. The northern section of the site will be put to publicly accessible space and include opportunities to sit with benches, a picnic area, a den play ground (natural play area shown indicatively on landscaping plans), walkways amongst high grasses which are managed as biodiversity rich areas, additional broadleaved planting to the edges, new wildlife ponds and native parkland trees scattered throughout the area to provide structure.

9.133. The proposed areas of planting are welcomed and will have a positive impact upon the site in terms of softening the development and providing some additional screening. It should be noted that Officers do not consider the landscaping scheme mitigates fully against the scale, massing and size of the built form but it is acknowledged that efforts are made to soften it. Should the application be approved by members the landscaping and maintenance plans will be conditioned and further detail is required about the natural play area to the northern public open space.

Conclusion

9.134. In conclusion, the landscaping proposals are largely satisfactory. Additional planting to the existing boundaries strengthens the existing screening and provides an additional buffer visually to the development as a whole. The addition of coniferous trees to the southern boundary is welcome to provide stronger winter screening for the benefit of the existing residential properties there. Overall, there is no objection based upon the landscaping proposals.

Residential amenity impact and noise, air and light pollution

Policy Context

9.135. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development.

9.136. Local Plan Saved Policy ENV1 states development likely to cause materially detrimental levels of noise, vibration or other types of environmental pollution will not normally be permitted.

Assessment – Residential amenity impact

9.137. The LVIA contains a section on the visual impact of the development on nearby residential receptors. In close proximity to the site are the residents of Vicarage Farm and Stableford House between the site and the remaining golf course. The LVIA states that these have direct and some filtered views to the north-west and west towards the southern and central parts of the site with more open views from upper floors. This is due to the close distance and limited extent of taller woodland vegetation forming a screening buffer along the boundary of the site.

9.138. Officers consider that there is a likely detrimental visual impact upon the residents at Vicarage Farm and Stableford House however, due to the separation distance it cannot be considered that the development would have a significant adverse impact on residential amenity in terms of impacting upon light, privacy, overlooking or the building itself being significantly overbearing. Therefore, there is no sustainable reason for refusal on this basis. The assessment of the proposed built form in terms of its scale, size and massing is discussed separately at paragraphs 9.119-9.126.

9.139. Further to the north-east, residents at Bignell Park have no views of the site due to the intervening woodland belt along the park edge and A4095. To the west, the vegetated edge of the M40 forms a strong visual barrier screening many views, combined with the undulating landform and other layers of intervening vegetation means that visibility of the site from the west is very limited. Based on the site survey for the LVIA there are unlikely to be any views of the site from Spring Well Farm and Simms Farm to the west of the M40.

Assessment – noise and vibration

- 9.140. The proposed development has potential to affect the amenity of nearby properties and users of the golf course for example in terms of noise and light pollution. The application is supported by a noise and vibration report contained in Chapter 8 Volume 1 of the Environmental Statement. The report states that there are several potentially significant effects arising from both the construction phase and the operational phase. For the construction phase this includes site noise and vibration and site traffic in terms of noise resulting from additional heavy construction vehicles using the existing roads. In terms of the operational phase the following elements are considered to have the potential to give rise to likely significant effects: fixed plant and operational noise within the development and direct changes in road traffic noise from additional vehicles accessing the development using existing roads. The report assessed five sensitive receptors being; Vicarage Farm, Stableford House, Tanora Cottage, Bicester Hotel Golf and Spa and the accommodation and users within the proposed development. In addition, the impact of additional traffic along the M40, A4095 and local connected roads were assessed using a computer model.
- 9.141. A Construction Management Plan (CMP) would be secured through planning conditions if the application were to be approved. This would assist in managing the effects of the construction including noise. A draft CMP is included in the planning application and proposes hours of construction work on site be restricted to day time hours from 0800 to 1800 on weekdays and 0900 to 1300 on Saturdays except in exceptional circumstances and only with prior agreement of the Local Authority. Access to the site for construction traffic would be from the A4095 (with no access through the villages of Chesterton and Little Chesterton) via the new access point avoiding any disturbance to nearby residents and operation of the remaining golf course, hotel and spa. The CMP would also require regular communication between the contractors and affected neighbours so as to clearly understand the anticipated level and duration of noise and vibration during the construction period.
- 9.142. Following mitigation, as outlined above, the construction noise effects will be direct temporary short to medium term minor adverse (not significant) and similarly the effect of construction vibration would be direct temporary short term minor adverse (not significant).
- 9.143. The operational phase comprises the proposed development being the hotel and leisure development with associated infrastructure including the car park. The proposed landscaping includes a number of measures which will screen noise from the development and road traffic noise including bunding and solid fencing. The overall findings of the noise report concludes that there will be negligible (not significant) effects on the relevant identified residential receptors.
- 9.144. In terms of the impact upon the future users of the proposed development a detailed scenario has been undertaken in order to predict the likely effects. The results show that incident noise levels at the facades of the proposed guestrooms most exposed to traffic noise from the M40 will vary for day-time and night-time periods. The highest noise levels are predicted for the upper building elevations. The results are between Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) criteria as outlined in the Noise Policy Statement for England (NPSE). This means that the incident noise environment can be considered acceptable provided that suitable internal noise levels can be achieved. The guestrooms will be mechanically ventilated and on this basis it was determined that suitable internal noise levels can be achieved with standard thermal double glazing.

- 9.145. Assessments were also undertaken for the main outdoor breakout area of the hotel and ground height. The screening from the M40 was taken into account. It was concluded that the noise levels here would be higher than would be ideally recommended for private residential areas however as this is for a temporary leisure use it is not considered to be directly relevant. The noise environment in this area would be quieter than for the existing leisure golf use because of the proposed solid screen. The report concludes this is considered acceptable given the context of the site and the proposed use of space and that the noise levels were reduced as much as reasonably practical given the context.
- 9.146. Noise levels in the wider outdoor amenity areas to the north-west of the proposed buildings would be higher but would involve more occasional use and would be similar to the existing levels for the existing golf use. Given this, and in the absence of any objection or mitigation requirements from the Environmental Protection Officers, the levels are therefore considered reasonable.
- 9.147. The Environmental Protection Officer has assessed the information submitted and has not expressed any objections on the basis of noise impact but recommends that the noise report be conditioned in terms of the position and limiting noise output of the fixed mechanical plant at the boundary of the nearest residential locations. In addition, it is recommended to bring the working hours during the construction phase into line with those published by the council which end at 1230. This could be agreed through the submission of a full CMP.

Assessment – light pollution

- 9.148. A detailed lighting strategy has been prepared by Hoare Lea responding to the wider context, the applicant's specific operational and safety requirements and considering the potential impacts in terms of light pollutions (light glare, light trespass, encroachment and sky glow as well as energy efficiency). Different lighting design approaches are taken to the specific parts of the proposed development including illuminating the main building at night and some areas of open space and trees. The service/loading yard, service road, car park and pedestrian routes will be lit. Also it is proposed to light sculptures, water features at the main entrance, the entrance structure to the hotel, signage and pedestrian areas to the north west of the building (the public open space). Low level discrete lighting will be provided from a number of different techniques to allow for safe navigation of the site.
- 9.149. Temporary lighting associated with the construction phase and security lighting will be kept to a minimum level needed for visual and security protection.
- 9.150. The report concludes that there will be minimal light spill beyond the boundary of the application site although the visual impact assessment acknowledges that there will be an increase in sky glow as a result of the proposed development.
- 9.151. The Environmental Protection Officer has raised no objections to the lighting proposals. The Officer comments that the lighting as planned will be within the ILP guidance and not at a level to cause a nuisance in terms of visual impact or residential amenity. The scheme is well thought out and sensitive whilst providing the required lighting levels for a development of this size which will always require a significant amount of lighting. In the absence of an objection from the Environmental Protection Officer it is not proposed to form a reason for refusal based on the submitted lighting scheme. However, it is important to note that parts of the public open space appears to be lit at night despite the submitted ecology information stating it is not. Further clarification is needed on this point but if the public open space area is proposed to be lit, an amended lighting scheme is

suggested to remove this element. Lighting here would likely have a detrimental and harmful impact upon biodiversity and wildlife usage of this area of the site. If the application were to be approved by members a condition requiring an amended lighting scheme would be included to secure the reduction of lighting in that specific area.

Assessment – air quality and pollution

- 9.152. It is considered that there is potential to give rise to likely significant effects during construction of the proposed development and these are the potential loss of amenity due to dust soiling and the risk of health effects due to increase in exposure to suspended particulate matter (PM10).
- 9.153. The following element is considered to have the potential to give rise to likely significant effects during the operation of the development; vehicular exhaust emissions associated with increased traffic connected with the proposal on the existing and proposed sensitive receptors (nearby residential properties and the users of the facility). The proposed development also has potential to be impacted upon in terms of air quality issues particularly from the M40 which lies immediately adjacent to the site. Careful consideration therefore needs to be given to these impacts and the proposed mitigation measures.
- 9.154. An assessment of local air quality conditions has been prepared by Hoare Lea and is contained within the ES. This considers the likely effects of the proposed development on air quality during construction and operational phases. It demonstrates that emissions are minimised and that the impacts of the proposal are not significant. The Environmental Protection Officer confirms that they are satisfied with the findings of the report and are pleased to see a commitment to providing electric vehicle charge points. On this basis, there is no objection to the proposal on the grounds of air quality as the proposal satisfies the requirements of the NPPF (para 181), the local plan policies and other referenced planning guidance.

Conclusion

- 9.155. In summary, the proposed development will not have a significant detrimental impact upon residential amenity in terms of reduction in privacy, impact upon light, light pollution, air quality and noise and vibration which cannot be mitigated through the submission of information via a planning condition. If the application were to be approved by members, planning conditions requiring a Construction Environment Management Plan, revised lighting scheme, details of fixed location of plant and machinery and securing additional planting via a landscaping scheme to provide extra screening, would be added to the decision notice. As such there are no sustainable reasons for refusal on these grounds and the proposal complies with the relevant development plan policies and the NPPF.

Flood risk and drainage

- 9.156. A drainage statement is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework. Given that the site is less than 1ha in area and is in Flood Zone 1 a Flood Risk Assessment is not required. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.157. Oxfordshire County Council have been consulted and have objected on the grounds of insufficient information and have requested further detail be submitted.

That information has been provided by Great Wolf drainage consultants. Officers are awaiting updated comments from OCC Lead Local Flood Authority team and these will be updated to members prior to the committee meeting.

Sustainability and Mitigating Climate Change

Policy

- 9.158. Sustainability, particularly in the context of meeting the challenge of climate change, is one of the key issues at the heart of the NPPF and is also sought by Policies ESD1 to ESD5 of the Cherwell Local Plan 2011-2031. The proposal must therefore demonstrate how it achieves sustainable objectives, including the need to show how it promotes sustainable modes of transport, including walking and cycling, along with utilising sustainable construction methods and measures to reduce energy consumption.
- 9.159. Local Plan Policy ESD1: Mitigating and Adapting to Climate Change requires developments to be designed to reduce carbon emissions and use resources more efficiently including water. ESD1 contains the requirement to reduce the need to travel and encourage sustainable travel options including walking, cycling and public transport. It also promotes the use of decentralised and renewable or low carbon energy where appropriate.
- 9.160. ESD2 of the Local Plan requires developments to achieve carbon emissions reductions by use of an energy hierarchy as follows:
- Reduce energy use, in particular by the use of sustainable design and construction measures
 - Supplying energy efficiently and give priority to decentralised energy supply
 - Make use of renewable energy
 - Make use of allowable solutions
- 9.161. Local Plan Policy ESD3 relates to Sustainable Construction. It requires developments to achieve BREEAM level Very Good and to maximise both energy demand and energy loss, passive solar lighting and natural ventilation and resource efficiency. The policy supports the incorporation of recycled and energy efficient materials and locally sourced building materials. It also calls for a reduction in waste and pollution and requires developers to make adequate provision for the recycling of waste. The policy also covers sustainable drainage methods. The reduction of the impact on the external environment and the maximising of opportunities for cooling and shading are key requirements.
- 9.162. Local Plan Policy ESD4 covers Decentralised Energy Systems and promotes the use of such systems providing either heating or heating and power to all new developments.
- 9.163. ESD5: Renewable Energy states that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.
- 9.164. ESD8: Water Resources states that the Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use.

Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.

Assessment

9.165. The application is supported by a Sustainability and Energy Statement (ref: Revision 03 November 2019) and contains information on passive design, energy efficiency, climate change adaptation, the conservation of energy, water, materials and other resources, sustainable construction, transport strategy, refuse and recycling, health and wellbeing, landscaping and biodiversity, pollution prevention and the BREEAM assessment.

9.166. The Council have employed the expertise of external consultants Tyrens to offer comment relating to sustainable construction and water usage. In terms of drainage and surface water, the range of potential flood sources considered and assessment of the flood risk status of the site appears reasonable. The use of a 40% climate change (allowance) for peak rainfall intensity throughout the FRA and drainage strategy is deemed appropriate. However, Tyrens identify a number of areas that appear lacking or ambiguous including:

- Reference should be made to the OCC "*Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire*".
- Infiltration testing to BRE365 and seasonal groundwater monitoring from dedicated piezometers should be conducted to demonstrate that infiltrating SuDS are not suitable for this scheme.
- As this is essentially a large greenfield development, it is unclear why the applicant has had to rely on the provision of a very large (2000 m³) underground storage tank; furthermore, no mention has been made of petrol interceptors or other pollution prevention devices to accommodate surface runoff from the majority of the car parking area. There should have been ample room to provide above-ground solutions such as infiltration/detention basins and swales, which are easier to maintain and provide inherent water quality treatment features. Even without modifying the proposed car park layout, there appears to be landscaped areas along the south-eastern boundary of the site where such basins and swales could potentially be located.
- Even the use of shallow modular permeable pavements with inherent water treatment elements (e.g. filtration, siltation, absorption and biodegradation) would have been preferential and, depending on the results of the groundwater monitoring/infiltration testing, could perhaps have been used as infiltration devices. Consequently, the use of such devices should be explored and the reasons for not using them fully justified.
- Calculations should be shown in order to demonstrate how the SuDS provisions will meet the DEFRA Non-Statutory Technical Standards, as per OCC guidance.
- OCC guidance states that "*Calculations proposed values of impermeable area should include a 10% allowance for Urban Creep*". Evidence should be presented to demonstrate that this allowance has been included in the calculations.

- The Drainage Strategy should refer to Sewers for Adoption 8th Edition (August 2018) and the requirements therein, particularly with reference to the design and construction of SuDS.

9.167 In terms of water consumption, the proposals including the associated water-saving measures are generally good. Several measures such as the use of regenerative media filters, rainwater harvesting, and low-flush volume WCs will all help to reduce the water demand of the site. The use of trees and plants which do not require irrigation is also a significant water-saving measure. There are some areas where further improvements in water efficiency may be gained:

- The flow rates through wash basin taps should be clarified, and the flow rate for showers may be reduced.
- The requirements of the BREEAM WAT 03 criteria have been applied to the proposed development but they should be clarified. The criteria call for metering to be applied in a building for applications using 10% or more of the total water consumption for that building. The CDC could consider making the metering requirements more extensive so that WAT 03 applies to all buildings as well as plant or equipment areas. Doing this would ensure that a centralised monitoring system can accurately review water consumption and identify leaks if they occur.

9.168 The application documents reviewed do not assess or consider viability for local groundwater abstraction to off-set mains water supply to the development.

- The designation of the district as an area subject to serious water stress is technically correct although misleading, as the EA's designation is assigned to water company regions as a whole.
- The site is not considered to lie within the Upper Cherwell area and therefore not within an area identified as having been over-abstracted.
- Local geology and BGS records indicate that the area's geology may be suitable to support groundwater abstraction. It is advised that CDC seek assurance from the applicant that such opportunity has been explored and adequately assessed.

9.169 Review some of the sanitary fittings which are installed, namely the flow rates on the taps and showers. WC flush capacities could be reduced but may cause a risk of blockages in public facilities.

- The applicant should confirm the design and suitability of the leak detection strategy and advise if a more extensive system would result in losses through leakage or overuse.
- The applicant should review and justify the omission of sanitary supply shut-off valves.

Sustainable Construction

9.170 The LPA are awaiting the report from Tyrens on Sustainable Construction and an analysis of the proposed development against Local Plan Policies ESD1, ESD2, ESD3, ESD4, ESD5 and ESD15. Tyrens comments will be updated to Members via written updates prior to the committee meeting or verbal updates at the meeting.

Conclusion

- 9.171 In summary, Tyrens have raised concerns regarding the drainage strategy and FRA which are shared by OCC LLFA. Information has not been submitted which demonstrates opportunities for groundwater abstraction and SuDS have been fully explored. In terms of the sustainability measures employed for reducing water consumption further information is required to ensure the methods are the most appropriate. If the application were to be approved by Members this could be secured by suitably worded conditions.
- 9.172 Officers are awaiting further comments from the Tyrens on the subject of sustainable construction and analysis of compliance with local plan policies ESD1, ESD2, ESD3, ESD4, ESD5 and ESD15. These will be updated to Members once received.

Ecology Impact

Legislative context

- 9.173 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.
- 9.174 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.
- 9.175 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.
- 9.176 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.

9.177 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

9.178 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.

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

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

9.181 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.

9.182 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.

9.183 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.

9.184 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

9.185 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')

9.186 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a number of watercourses including ditches, ponds and a nearby stream, a variety of flora including single mature trees, groups of established trees and hedgerows within and adjacent the site, grassland (some managed and some areas not) and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.187 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.

9.188 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.

9.189 The application is supported by a detailed protected species survey and report as part of the Environmental Statement (ref: Environmental Statement Volume 1: Chapter 9 – Biodiversity, November 2019). It includes desk studies and field studies as well as an assessment of the proposal during the construction phase and operational phase of development.

9.190 The ES conclude that a range of habitats and notable and protected species could be supported on site and that there will be residual effects to important ecological features in both the construction and operational phases. However, during the operational phase habitats and features are to be installed and will become established to compensate for loss. Retained enhanced habitats will also develop

off setting the construction phase losses. The report summarises that for most receptors there will be a negligible residual effect which will occur once new habitats are established. Exceptions are on-site habitats of value and invertebrates which will achieve site-scale positive permanent effects (as evidenced by the biodiversity net gain assessment for habitats).

- 9.191 The Council's Ecology Officer has assessed the submitted detail and states that the submitted surveys within the ES and updates are all sufficient in scope and depth at the current time. The proposals constitute a large loss of open space on the current golf course however much of this is amenity grassland which is of limited ecological value. The loss of trees and the general increase in recreational use on site however will impact wildlife on site both in the short and long term. Tree planting is proposed on site which will mitigate for this long term.
- 9.192 A pre-commencement update survey for badgers will be required as a condition as will a full reptile mitigation plan which should identify any necessary receptor sites. Receptor sites which need to be enhanced for reptiles will need to be done before works commence. The applicants are pursuing a District Level Licence for the impact on Great Crested Newts so some of this impact will be dealt with by off-site provision and compensation. A Habitat Management and Monitoring Plan has been produced which is generally acceptable.
- 9.193 The assessment of Biodiversity net gain demonstrates a good level of net gain could be achieved on site however the applicant not submitted the whole metric, only a summary, and it would be useful to see how they have calculated all the figures in the metric itself. The assessment has rated all the current habitats as 'poor' and there is some loss of important habitats long term, namely running water. The net gain calculation summary states these are ditches which are often dry and will be replaced by swales however the Phase 1 survey report states there is a small stream (RW1) which doesn't appear to be accounted for.
- 9.194 The opportunity to create higher value habitat as mitigation and enhancement has been taken mainly in the green space to the west of the main buildings. Some of the proposed habitat creation may be difficult to create and maintain in the long term. A large part of the semi-improved grassland for example is within the area from the buildings to the carpark where managing it for wildlife benefit may conflict with other needs. It is not clear whether the calculations for 'scrub' includes small areas of ornamental planting around the carpark or the hedgerow in the car park which may be of limited value; these are marked as scrub in the post-development habitat map. Clarification on these points has been sought from the applicant but no information has been forthcoming.
- 9.195 The Ecology Officer comments that the large strip of amenity grassland to the Southern edge of the buildings would be better replaced with other grassland which would better maintain a wildlife connection between the (current) two halves of the golf course. Currently the placement of the buildings isolates the two halves to some extent and this could be improved. Overall achievement of net gain will be dependent on the management and use of the green spaces in particular. The Design and Access Statement proposes trails through the Western area and suggests it will be used for walking dogs and recreation. This may not be compatible with maintaining some of the proposed habitats in the best condition for wildlife. In particular some of the suggestions for invertebrates such as sandy banks may be difficult to maintain if the area is heavily used for recreation or dogs are off the lead. The size of the carpark suggests daily footfall could be relatively high in this small space. It would be better if at least some areas were committed to being inaccessible to visitors.

- 9.196 In addition, the area is shown as being lit at night and officers question the need for this. The area should be kept dark to maximise its value to biodiversity and limit light intrusion for bats and maintain dark corridors around the site. Similarly, there are plans to illuminate trees and officers maintain that this should be avoided due to its potential impact on the use of trees by nocturnal species. Lighting on the building should be designed with integrated bat/bird provisions in mind. The concerns above could be addressed in a modified lighting plan via a condition making it clear which aspects are included in their net gain and by a Landscape Ecological Management Plan which takes recreational pressure and its management into account.
- 9.197 In addition, a Construction Environmental Management Plan for biodiversity is required and if the application were to be recommended for approval could be requested by condition. Although there is a draft Construction Management Plan submitted this does not address pre-works checks, nesting bird surveys or works timings, tree checks for bats where necessary, buffer zones around existing vegetation during construction, protection of retained ponds etc.

Conclusion

- 9.198 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.

Crime Prevention

- 9.199 The National Planning Policy Framework 2019, Section 12 'Achieving well-designed places', point 127 (part f), states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.200 HMCLG's Planning Practice Guidance on 'Design', states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.'
- 9.201 The submitted Design and Access Statement (DAS) does contain a section on security however this lists a number of recommendations but does not expand to state what will actually be delivered in terms of security for the premises, its patrons and employees. The Crime Prevention Design Advisor has stated that this is disappointing considering advice was given at pre-application stage and that there is no demonstration to a commitment to Secured by Design (SBD) or Safer Parking Scheme (SPS) accreditation.
- 9.202 Although the Crime Prevention Officer does not object to the proposals concerns have been raised. To overcome these the officer has requested, should the application be approved, that a condition requiring details of the submissions for SBD and SBS be submitted to and considered by the LPA. In addition, the officer makes numerous recommendations in relation to the design of the building, landscaping and boundary treatments and the placement of CCTV. The Officer

has requested a security strategy document is submitted to clarify what security measures will be provided and how the site will be managed securely prior to any approval given. Yet, in the absence of an objection it is considered that, if the application was granted approval, a security strategy document could be secured and approved by way of a condition.

Mitigation of Infrastructure Impacts

9.203 In the event that the application be approved, the impacts on local infrastructure will need to be mitigated in order to make the development acceptable in planning terms (Policy INF1 of the CLP P1). A S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

9.204 Having had regard to the above tests and the consultation response, the following contributions would be required:

District Requirements

- Apprenticeships (number and terms to be negotiated)
- Submission and agreement of a strategy of improvement works and enhancement to the remaining 9-hole golf course
- Cultural well-bring financial contribution of £25,000 per annum over a 3 year period towards the annual core costs of a strategic public event like the Bicester Festival.
- In order to meet the costs of the Council in monitoring a Section 106 legal agreement an additional fixed rate fee is levied, dependent on the sum of the contributions to be made (including the value of benefit in kind obligations). This additional administration fee (additional to any appropriate legal costs levied by Cherwell District Council for drawing up a legal agreement) will be set as follows:

Contribution	Fixed administration fee
£20,000-£250,000	£1000
£251,000-£500,000	£2500
Over £500,000	£5000

OCC Requirements

- An obligation to enter into a S278 agreement.
- Off site highway works contribution (to be negotiated) towards
 - The partial funding of a mitigation scheme at the Middleton Stoney signalised junction
 - The partial funding of a mitigation scheme at the M40 Junction 10 southern roundabout
 - Installation of off-site directional signage
- Public transport services contribution (£1.6 million) for the provision of a new bus service linking the site to Bicester town centre and railway stations
- Public transport infrastructure (not dealt with under S278/S38 agreements) contribution of £2,105.60 towards the provision of two pole and flag units for Chesterton village
- Travel Monitoring plan contribution of £2,040
- Cycle improvements contribution (£70,000) to improve routes between Chesterton and Bicester
- Public Rights of Way (to be negotiated) for maintenance of the realigned PRow through the site
- Monitoring fee (to be negotiated)

9.205 Chesterton Parish Council have made a number of requests for contributions to village improvements. These are as follows:

- Improving the energy efficiency of both the Community Centre and Village Hall along 'low carbon' lines
- Electric charging points adjacent to the Community Centre
- Extension to the existing kitchen in the Community Centre
- An extension to the Sports Pavilion to house necessary equipment and an extension to the Car Park, necessitating the land purchase
- The conversion of the annex to create storage, an archival centre and an internet café
- Increased recreational activities to include a bowling green and tennis courts, necessitating land purchase
- The creation of a kitchen and toilet facilities in the church
- Improved signage to village amenities
- A contribution to the management and maintenance costs of the above.

9.206 However, the majority of them do meet the regulations in that they are not necessary to make the development acceptable in planning terms, nor are they directly related to the development. The only request that could be considered to be included in the S106 legal agreement is the improved signage to village amenities. The other items could be secured through an agreement between the Parish Council and Great Wolf Lodge separately outside the planning process.

Conclusion

9.207 It is considered that the above requirements (aside from the Parish Council's requests) meet the relevant tests and are necessary to ensure that the development proposed would not have a detrimental effect on local amenity and the quality of the environment and the need to ensure that all new development is sustainable as required by the Development Plan and Government advice within the NPPF.

9.208 Given the application is not acceptable for other reasons these matters have not been progressed. In the absence of a legal agreement to secure these matters the proposal is therefore contrary to Policies INF1, PSD1 and BSC10 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

Human Rights and Equalities

9.209 The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

9.210 The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

9.211 Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

9.212 Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

- 9.213 Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

- 9.214 S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.215 Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2 The proposal seeks permission for a large scale leisure resort outside of the built limits of a settlement on an existing golf course. The principle of the use therefore falls to be considered against Cherwell Local Plan Policy SLE2 which directs retail and other main town centre uses towards District town centres and Policy SLE3 which supports new tourist facilities in sustainable locations. Policy BSC10 is also relevant in considering the loss of the existing sports and recreation use.
- 10.3 The site is outside of a sustainable settlement and in a rural context. Given the location, nature of the development, likely guest profile and lack of public transport links the proposed development would be heavily reliant on the use of the private motor vehicle to access the facility via the route of minor rural roads, with potential for damage to verges where roads are narrow. Saved Policy TR7 states that development that would regularly attract large numbers of cars onto unsuitable minor roads will not normally be permitted, in order to protect the amenities of the plan area, and in the interests of highway safety.
- 10.4 The proposed development would lead to the loss of the 18 hole golf course leaving 9 holes. The NPPF states (paragraph 97) existing open space, sports and recreation buildings and land should not be built on unless one (or more) of three tests are met. These are:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 10.5 It has not been demonstrated that the proposals meet the tests outline above. The Council's Sports Facilities Strategy concludes that an additional 18 hole or two 9 hole courses would be required in the District by 2031 to meet the needs of additional development in the Bicester Area. There is no intention to replace the golf course with equivalent provision in terms of quantity. The potential loss of this facility would reduce opportunities for improved health and wellbeing; result in a loss of active engagement in sport; and, moreover the loss is inappropriate and not justified in an area which the Council's evidence indicates would have a deficit in golf course provision if the development is approved.
- 10.6 Taking into account the rural context of the site and its location outside of an existing built environment, a development of this scale, size and massing would be out of keeping with the context of the area and would be harmful to its rural character and appearance. Along with its institutional appearance, incongruous design, and associated levels of activity including regular comings and goings, the development will cause significant urbanisation and unacceptable harm to the character and appearance of the area, including the rural setting of the village and the amenities enjoyed by users of the public right of way, and would fail to reinforce local distinctiveness.
- 10.7 In terms of the impact upon the local highways network, the Local Highways Authority have raised objection to the proposal on the grounds of the traffic impact on the Middleton Stoney signalised junction of the B430 and the B4030. There is currently severe congestion at the junction and this will be exacerbated by the additional trips generated by the proposed development. This is contrary to paragraphs 103, 108 and 109 of the NPPF, Cherwell Local Plan Policy SLE4 and Oxfordshire Local Transport Plan 4 Policy 17.
- 10.8 In addition, the submitted drainage information is inadequate due to contradictions in the calculations and methodology, lack of robust justification for the use of tanking and buried attenuation in place of preferred SuDS and surface management, and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage.
- 10.9 The proposals would generate some economic benefits by providing construction employment and longer term job opportunities within the hospitality and leisure sector. However, the proposals would result in significant environmental and visual harm being in an unsustainable location bringing with it detrimental highways impacts for reasons already discussed in this report. Taking all the considerations into account, Officer's conclude that the harm the development would cause would significantly outweigh the benefits, and that it would not amount to sustainable development as envisaged by the Framework.
- 10.10 As a result, the presumption in favour of sustainable development inherent within the NPPF does not apply in relation to these development proposals with the result that there are no material reasons for departing from the development plan. As a consequence, and in the absence of any other material planning considerations indicating to the contrary, planning permission should be refused.
- 10.11 Regard has been paid to the submitted EIA information pursuant to this development and it is considered to be sufficient for the purpose of considering this application.

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposed development by reason of its location would result in the loss of an 18-hole golf course when the Local Planning Authority's evidence indicates the course is not surplus to requirements and there is a need for more provision for golf courses in the Bicester sub-area over the plan period. The evidence and proposals for alternative sports and recreation provision included with the application is not considered sufficient to make the loss of the golf course acceptable. The development is contrary to Policy BSC10 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to protect existing sport and recreation provision and enhance the existing provision. It is also contrary to Government guidance contained within the National Planning Policy Framework.
2. The proposed development would result in the creation of a substantial leisure and hospitality destination in a geographically unsustainable location on a site largely devoid of built structures and beyond the built limits of the nearest settlement. It has no access via public transport and would not reduce the need to travel or offer a genuine choice of alternative travel modes over the private motor vehicle. Given the predominant guest dynamic (families with children) the majority of trips are likely to be made via private motor vehicle, utilising minor rural roads. Furthermore, the proposal is for retail and leisure development in an out-of-centre location and no impact assessment has been provided as required by Policy SLE2. The Council do not consider that exceptional circumstances have been demonstrated to justify the development in this location, and as such the proposal is contrary to Policies SLE1, SLE2, SLE3, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies T5, TR7 and C8 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development fails to demonstrate that traffic impacts of the development are, or can be made acceptable, particularly in relation to additional congestion at the Middleton Stoney signalised junction of the B4030 and B430. As such the proposal is contrary to Policy SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy TR7 of the Cherwell Local Plan 2011-2031 Part 1, Policy 17 of the Oxfordshire Local Transport Plan 4 and Government guidance contained within the National Planning Policy Framework.
4. The development proposed, by virtue of its considerable size, scale and massing and its location in the open countryside beyond the built limits of the village of Chesterton, along with its institutional appearance, incongruous design, and associated levels of activity including regular comings and goings, will cause significant urbanisation and unacceptable harm to the character and appearance of the area, including the rural setting of the village and the amenities enjoyed by users of the public right of way, and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
5. The submitted drainage information is inadequate due to contradictions in the calculations and methodology, lack of robust justification for the use of tanking and buried attenuation in place of preferred SuDS and surface management, and therefore fails to provide sufficient and coherent information to demonstrate that the proposal is acceptable in terms of flood risk and drainage. The proposal is therefore contrary to Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

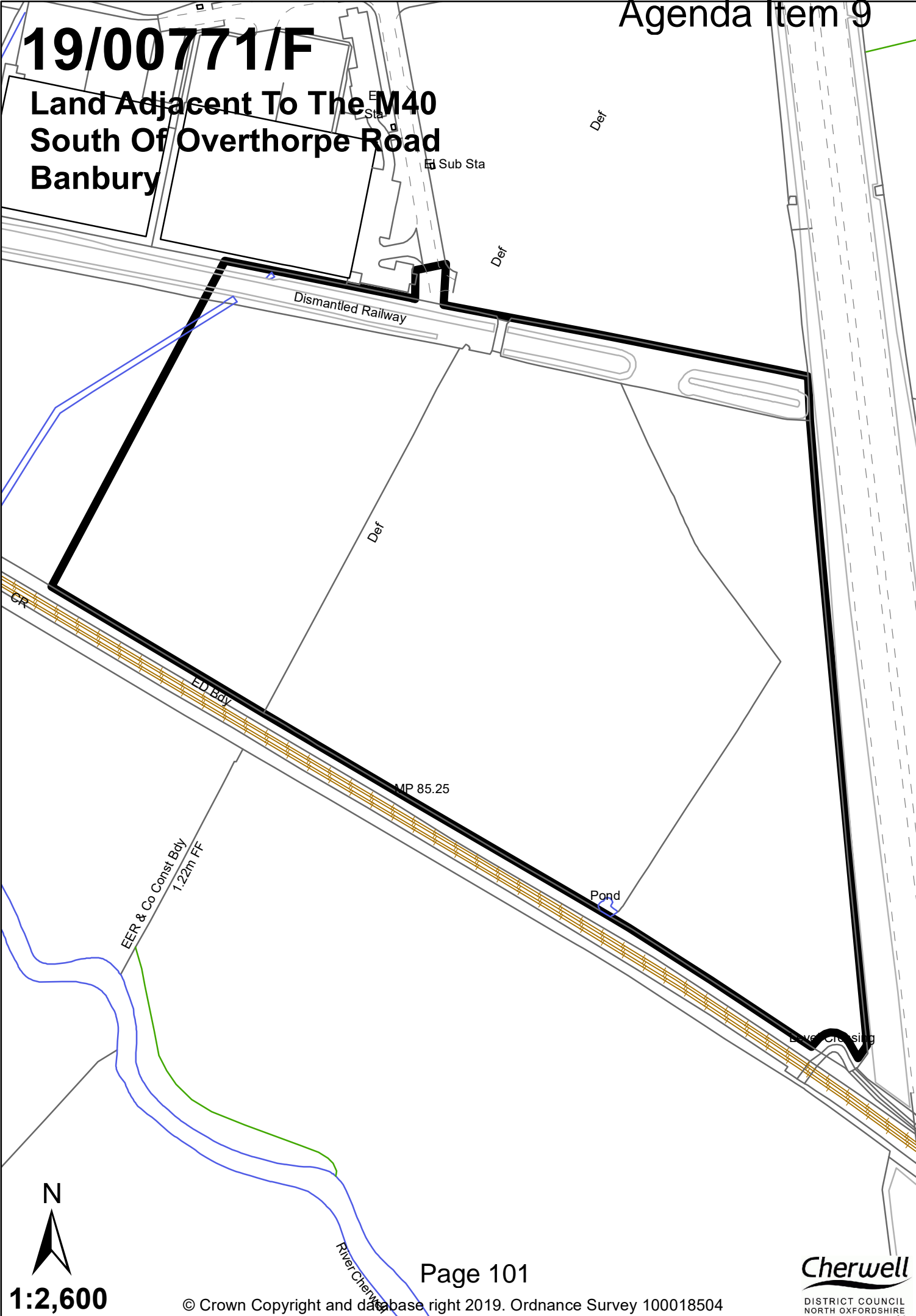
6. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure (including highway infrastructure) directly required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE4, INF1, and PSD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

CASE OFFICER: Clare Whitehead

TEL: 01295 221650

19/00771/F

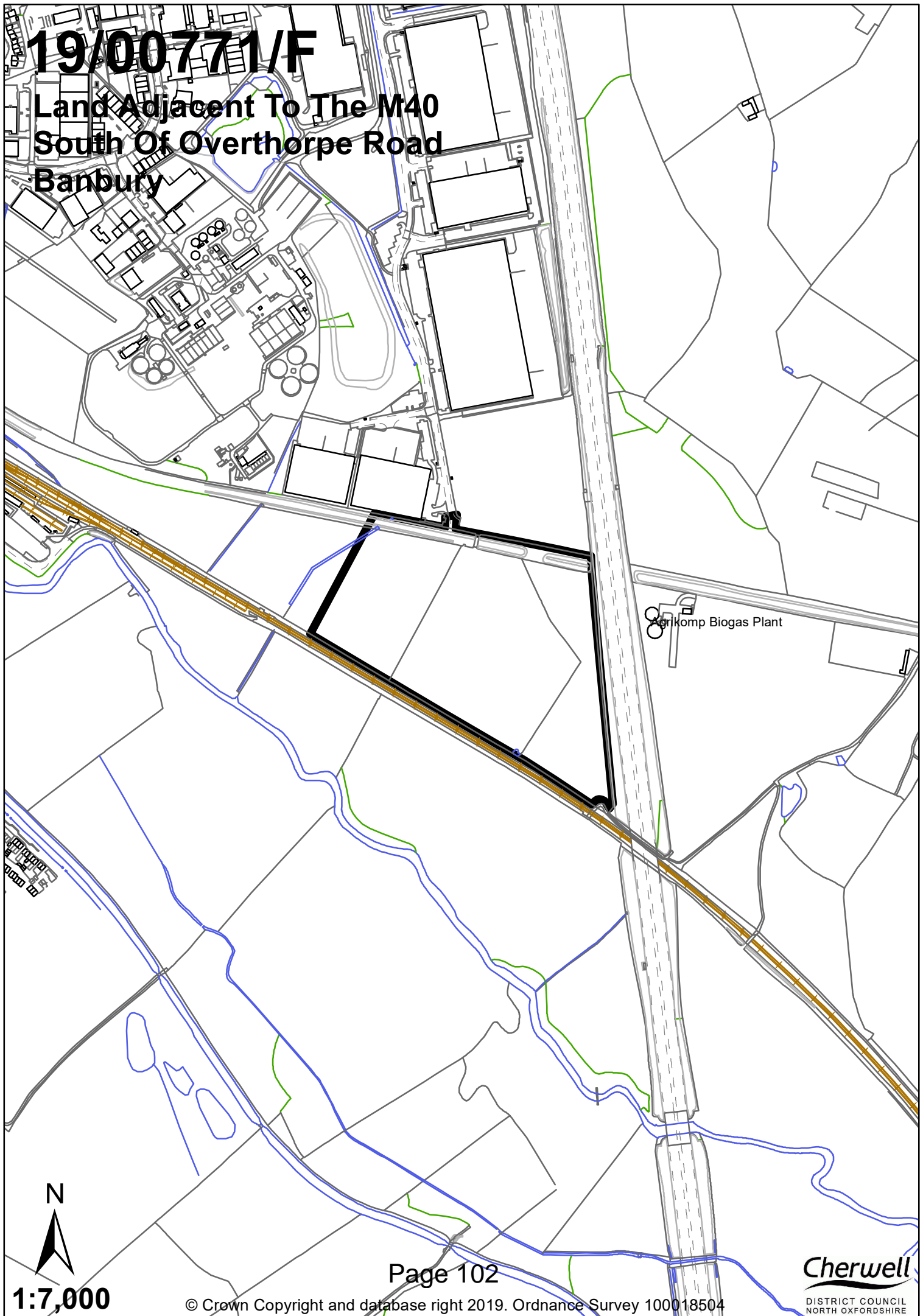
Land Adjacent To The M40 South Of Overthorpe Road Banbury



1:2,600

19/00771/F

Land Adjacent To The M40 South Of Overthorpe Road Banbury



Agrikomp Biogas Plant

N

1:7,000

**Land Adjacent To The M40 South Of Overthorpe
Road Banbury**

19/00771/F

Case Officer: Samantha Taylor

Applicant: Db Symmetry Ltd

Proposal: Full planning permission for 27,685 sq.m / 298,000 sq.ft. of logistics floorspace within class B2 or B8 of the town and country planning use classes order 1987, with ancillary class b1(a) offices (units 9 and 10), and ancillary retail and trade showroom (unit 10 only), not to exceed 300 sq.m (excluding convenience goods) together with the extension of Chalker Way, access from Chalker Way, associated site infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage system

Ward: Banbury Grimsbury And Hightown

Councillors: Councillor Andrew Beere, Councillor Shaida Hussain, Councillor Perran Moon

Reason for Referral: Major development

Expiry Date: 10 September 2019 **Committee Date:** 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The application seeks full planning permission for the provision of two new logistics warehouses with associated parking, access and extension to Chalker Way. This application is a cross-boundary application with the buildings, car parking and servicing being situated within South Northamptonshire District and the access, part of the front landscaped area and extension to Chalker Way falling within Cherwell District. As such, Cherwell District Council can only consider the proposed works that are to be undertaken within the confines of the district.

The dual application reference being considered by South Northamptonshire District Council is S/2019/1135/MAF.

Consultations

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

- OCC Highways, OCC Drainage

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

- Thames Valley Police Design Advisor, CDC Environmental Protection, Network Rail, Banbury Town Council, CDC Landscape Officer

Planning Policy and Constraints

The application site is partially located within Cherwell District, and under the Local Plan Policy Banbury 6 is allocated for provision of new employment purposes (B1, B2 and B8).

The land that falls within Cherwell District is proposed for the extension to Chalker Way, access into the site and part of the landscaping associated with the development. The remaining area allocated within Policy Banbury 6 will remain as open space, including reptile mitigation.

The site as a whole falls largely within Flood Zone 2 and partially within Flood Zone 3. The land to the south of Unit 6, within South Northamptonshire, was previously used as an area of ecological mitigation for the translocation of reptiles, however, these have already been relocated as well as an area for surface water attenuation for the existing Central M40 development.

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

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Landscape and Visual Impact
- Highway Safety and Access
- Flooding
- Ecology
- S106 Obligations and Contributions

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

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is approximately 11.9 hectares in size, with 3.31ha falling within Cherwell District. The site lies to the south of the existing mixed use employment development along Chalker Way known as Central M40, which also forms part of the Policy Banbury 6 allocation. The area of land within the application site is currently open space and deemed of lesser value.
- 1.2. The site is located on the eastern edge of Banbury, bounded to the east by the M40 and to the south by the main Chiltern railway line. There is a disused railway embankment running along the northern boundary of the site, separating it from the existing Central M40 development. Whilst the buildings and majority of the development fall within South Northamptonshire District, due to the physical characteristics of the site and its relationship to existing development, the proposed development would be read as part of the urban form of Banbury.

2. CONSTRAINTS

- 2.1. The site falls within Flood Zones 2 and 3, with part of the site within the functional floodplain. The River Cherwell Local Wildlife Site (non-statutory designation) is located around 150m to the south of the site.

- 2.2. There are no landscape designations on or around the site, nor is the site within a Conservation Area. There are no designated heritage assets on the site and there are no designated heritage assets with a direct relationship to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for two new units consisting of B2 and B8 distribution and warehousing, with ancillary B1(a) offices, ancillary retail and trade showroom, extension of Chalker Way, associated infrastructure, landscaping, amenity space and sustainable drainage system.
- 3.2. The built development and most of the engineering works fall within the administrative boundary of South Northamptonshire Council. The extension to Chalker Way, borrow pit, open space to be used for ecological mitigation and land safeguarded for the Banbury South East Relief Road and potential Western Link are part of the proposal within Cherwell District.
- 3.3. Given that only part of the site falls within the jurisdiction of Cherwell District only the works within the District boundary can be assessed along with the principle of this type of development due to its proximity to the district.

Works within South Northamptonshire

- 3.4. The development proposes an extension to the existing 8-unit commercial scheme of two additional B2/B8 units with ancillary office space and a total floor area of 27,685sqm. Unit 9 would provide 11,705.5sqm of floorspace with parking for 120 No. cars (incorporating 6 No. disabled spaces and 6 No. electric vehicle charging bays), 30 No. covered bicycle stands and 17 HGV parking bays. Unit 10 would provide 15,797.5sqm of floorspace with parking for 125 No. cars (incorporating 6 No. disabled spaces and 6 No. electric vehicle charging bays), 40 No. covered bicycle stands and 38 No. HGV parking bays. The two units would also feature service yards and docking bays for HGVs.
- 3.5. Unit 10 would also include an ancillary retail (excludes convenience goods) and trade showroom which would not exceed 300sqm. This would be open to the general public and a restriction to the following hours of operation is put forward by the applicant of Monday to Friday 09:00H-1730H, Sunday 10:00H-16:00H and closed on Bank Holidays. Five car parking spaces would be allocated for customers of the retail element.
- 3.6. Both the proposed units would feature the same barrel vaulted roof design used on the existing units in Chalker Way and the same pallet of materials and colour finishes in dark greys and silver. The highest part of the roofs would be 15m (Unit 9) and 15.75m (Unit 10) with haunch (eaves) heights of 12m. In addition to the retention of existing tree and hedge planting at the perimeter of this site the proposals include new soft landscaping and tree planting within the site.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
11/01878/OUT	Erection of up to 115,197sqm of floorspace to be occupied for either B2 or B8 use classes or a mixture of both B2 and B8 use classes. Internal roads, parking and service areas, landscaping and the provision of a sustainable urban drainage system incorporating landscaped area with balancing pond and bund	Approved
14/00180/OUT	Erection of up to 115,197sqm of floorspace to be occupied for either B2 or B8 use classes or a mixture of both B2 and B8 use classes. Internal roads, parking and service areas, landscaping and the provision of a sustainable urban drainage system incorporating landscaped area with balancing pond and bund (To raise the roof height of unit 1 to 16.75m)	Approved
14/00175/REM	Reserved matters application pursuant to 14/00180/OUT – Condition 5 (Phase 1) approval of appearance, landscaping, layout and scale of 2 no. B2 and B8 (distribution and storage) units.	Approved
15/02206/REM	Reserved matters application pursuant to 14/00180/OUT – Condition 5 (Phase 2) approval of access, appearance, landscaping, layout and scale.	Approved
19/00487/F	Unit 6 – 17,768sqm of logistics floorspace within Class B2 or B8 including ancillary B1(a) offices, service yard and access to Chalker Way	Approved

5. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
18/00230/PREAPP	Erection of two Logistics Buildings with Class B8 including Class B1(A) Offices Phase 4

5.2. The principle of locating the employment buildings/uses allocated under Policy Banbury 6 to the land within South Northamptonshire was broadly considered

acceptable subject to further works such as design, flood risk mitigation, landscape and visual impact considerations. A joint response from CDC and SNC was issued.

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 09th October 2019, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

7.2. BANBURY TOWN COUNCIL: no objection

CONSULTEES

7.3. OCC HIGHWAYS: (initial response) **objection** as the site is considered not to be sustainable, there are concerns about the deliverability of the South East Link Road, and there is an under provision of car parking. Amended response received 4th September, confirming the **objection** remains and that the South East Relief Road contributions are not agreed yet. Notwithstanding the objection, the response confirms that the single access into the site from the extension to Chalker Way is acceptable.

Officer Comment – the objection to the site's sustainability and parking provision is noted, however, these fall within the scope of South Northamptonshire as the Planning Authority. The confirmation of the acceptability of the extension to Chalker Way and single site access is noted.

7.4. OCC DRAINAGE: **objection**, further details are required on the surface water discharge rates and management.

7.5. ENVIRONMENTAL PROTECTION: no objection, condition securing a boundary fence to provide noise mitigation adjacent to the units is requested.

Officer Comment – the request for a boundary fence is noted, however, these fall within the scope of South Northamptonshire as the Planning Authority

7.6. LANDSCAPE: **no objection**, the landscape character assessment is acceptable. Some amendments to the planting proposals and their proximity to the access are requested.

Officer Comments: noted.

7.7. NETWORK RAIL: **comments made**, Network Rail request changes or confirmation in respect of the positioning and proximity of the building to the railway.

Officer Comments – to address the comments from Network Rail, the applicant has amended the plans and building positions. South Northamptonshire Council will, as Local Planning authority confirm the acceptability of these amendments.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals
- TR10 – Heavy goods vehicles
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. 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)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- CDC Planning obligations SPD (February 2018)
- Design and Layout of Employment Sites – A Guide SPG 1996

- Cherwell Economic Development Strategy 2011-2016

9. APPRAISAL

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

- Procedural matters
- Principle of development
- Design, Landscaping and Visual Impact
- Highway Safety and Access
- Flood Risk and Drainage
- Ecology impact
- S106 Obligations and Contributions

Procedural Matters

9.2. The application site for the proposed development crosses the District boundary, with the majority of the site including the buildings located within South Northamptonshire District. Given the location of the development, South Northamptonshire District Council are therefore responsible for considering the technical matters associated with the buildings and their associated works including parking, landscaping, vehicle turning, flood risk and drainage. That said, as will be discussed below, the development will read as an extension to Banbury and the principle of development rests on the allocation for employment development under Policy Banbury 6 of the Cherwell Local Plan 2011-2031. It is therefore proper that Cherwell District Council considers the merits of the development as a whole, in terms of its impact on Cherwell District.

Principle of Development

9.3. The application site is part of a wider strategic allocation of Policy Banbury 6 in the adopted Cherwell Local Plan 2011-2031 for a 35ha mixed employment development of B1, B2 and B8 Use Classes. This part of the site has been brought forwards separately, following the relatively recent approvals and construction of similar developments to the north.

9.4. As noted above, the proposed built development would be located within South Northamptonshire, with the allocated site for the development in Cherwell District Council.

9.5. Other than the land used for access, the land within Cherwell District will remain as open space, to be used for ecological mitigation and reserved for the potential South East Relief Road and Western Link Road.

9.6. Much of the land located within the Banbury 6 Allocation and therefore, within Cherwell District lies within Flood Zone 3a, where there is a higher risk of flooding. Whilst not in strict accordance with Policy Banbury 6 and the allocation, it is understood that given the flood risk constraints on the site, positioning the built development outside of the allocation is considered acceptable in order to deliver the development the policy envisaged. In addition, the siting of the employment buildings would be a logical extension to the Central M40 estate and would be read as part of the existing development.

- 9.7. In light of the above Officers considered the principle of the development and the siting of the development is acceptable.

Design, Landscaping and Visual Impact

- 9.8. Policy ESD15 of the Local Plan requires development proposals to accord with the character and context in which they are situated. In particular, ESD1 requires proposals to pay attention to existing site characteristics, having regard to the neighbouring land and buildings. Development proposals should make a positive contribution to the built and natural environment, incorporating local materials and architectural details, to mitigate any visual harm to the local area.
- 9.9. Whilst the matters of design, landscaping and visual impact are largely for consideration by SNC, this Authority must be satisfied that the proposal would not cause unacceptable harm to the visual amenity of the local area and that the design is compatible with existing development. This is because despite the proposed buildings location outside of Cherwell District, due to the close proximity to the District and existing development, and with access being taken from Chalker Way within the district, the new buildings would be read as part of the existing Central M40 employment site within Banbury.
- 9.10. The proposed units are large industrial units that would be viewed in the context of the Central M40 employment site, within the presence of a series of commercial buildings. The buildings have a functional design that accords with the existing development along Chalker Way, and it is considered that the design is acceptable being read as part of the existing development to the north.
- 9.11. The proposal walls and roofing would have a mid-dark grey finish, with silver used at lower levels for the offices. There would be tones of grey used within the elevations to help break-up the bulk of the building and add interest. This approach would help to reduce their visual prominence within the landscape and make them less visually intrusive.
- 9.12. Landscaping will also be provided to the front of the site, in a landscape buffer between the units, access road and area of reserved land for the South East Relief Road. This will help soften the impact of the development when viewed along the Chalker Way extension.
- 9.13. Whilst the proposed commercial building are large, and positioned on the edge of Banbury outside of the allocated site, the buildings would be viewed as part of the existing industrial estate with appropriate scale, design, materials and landscaping, Therefore, it is considered the proposed development would accord with ESD15 of the Local Plan.

Highway Safety and Access

- 9.14. The application submission is supported by a Transport Assessment and Framework Travel Plan. Following concerns from Oxfordshire County Council (OCC) regarding the safeguarding of the land to for the South East Relief Road, amended plans have been received and an updated Technical Note.
- 9.15. The Transport Assessment demonstrates that the site is accessible by a variety of transports modes and that the traffic generated would not have a detrimental impact on the local or wider highway network. The Technical Note confirms the revised access is safe and will sufficiently meet the needs to the vehicles (including HGVs) using it.

- 9.16. The initial submission proposed two access points, one serving each of the units, and a larger extension to Chalker Way. However, OCC objected to the scheme, considering that there was not sufficient land to allow for the bridge works over the train line (South East Link Road). The amended plans show that a small extension to Chalker Way will be provided with a single access into the site serving both units. The land to the south of this extension will be retained as open space and safeguarded for the South East Relief Road through a S106 agreement.
- 9.17. Following additional comments from OCC, the amended access layout is considered acceptable.
- 9.18. However, it is noted that the objections in respect of parking provision and the sustainability of the site remain. Oxfordshire County Council consider that there is an under provision of parking and that the site is not situated in a sustainable location, increasing the reliance on the car. However, these are technical matters for South Northamptonshire District Council to determine the acceptability of. It is noted that the applicant and OCC have agreed to a financial contribution towards bus service enhancements and travel plan monitoring.
- 9.19. OCC have also requested a contribution to the South East Relief Road which has not been agreed and negotiations regarding this contribution are ongoing. An update will be provided to Members at the Committee meeting.

Flood Risk and Drainage

- 9.20. Whilst Northamptonshire County Council are the Local Lead Flood Authority for the majority of the development site, given the close proximity of the development to the District's Boundary, any flood risk on site would impact on the District.
- 9.21. The site is located within Flood Zones 2 and 3, Officers acknowledge that whilst comments were not formally received from the Environment Agency on the application with Cherwell, an objection to the South Northamptonshire application was received.
- 9.22. During the course of the application, the applicant and Environment Agency have been working to resolve the concerns of flood risk to the site. There is an outstanding matter with the flood risk on site which, at the time of writing this report has not been resolved. The Environment Agency are retaining their objection to the application in respect of flooding, as they are not satisfied the applicant has sufficiently justified the loss of floodplain as a result of the access road lying within Flood Zone 3 or demonstrated that they could compensate for this on a level by level or volume by volume basis. The EA also require the applications to demonstrate that the borrow pit would be free draining and perform satisfactorily during a range of flood events.
- 9.23. The application for South Northamptonshire will be heard by their Committee on 5th March, and the Officer recommends that the proposed development could be considered acceptable IF the applicant is able to demonstrate that they can compensate for the loss of floodplain and that the borrow pit will perform adequately, allowing the EA to remove their objection. However, should the EA maintain their objection to the development, the proposal would not accord with policy.
- 9.24. In light of these flood risk issues, Officers at South Northamptonshire are recommending their Committee delegate to the Assistant Director to grant permission subject to the EA withdrawing their objection on or before 12th March 2020. If the EA maintain their objection past this date and not extension of time has

been agreed, delegate to the Assistant Director to refuse planning permission on the grounds of flood risk.

- 9.25. As such, in order for Cherwell District Council to be satisfied that the development would not have an unacceptable impact on flood risk and drainage within it's District, further advice is required from the Environment Agency and South Northamptonshire District Council. Therefore, an update on this will be provided to Members at the Committee meeting.

Ecology Impact

Legislative context

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

exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.31. 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.
- 9.32. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.33. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.34. 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.
- 9.35. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.36. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.37. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that 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

9.38. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, 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')

9.39. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the area within South Northamptonshire was previously used for reptile mitigation as part of the earlier phases of the Central M40 site. In August 2018, further reptile mitigation was undertaken in advance of the current planning application, to relocate the reptiles immediately to the west within Cherwell District. This land is part of the Banbury 6 allocation, and is within the applicant's ownership and annotated by the blue edge on the site location plan. This land will now remain as an area of ecological mitigation to be retained.

9.40. 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.

9.41. 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.

9.42. The application is supported by an Extended Phase 1 Survey and detailed Phase 2 surveys relating to bird, bats, otters, water vole, badgers, Great Crested Newts and reptiles. In addition, a Biodiversity Impact Assessment (BIA) has also been submitted. Overall, these surveys conclude that there is limited nature conservation potential on site and that these do not constitute a significant ecological constraint. The BIA confirms that there would be a net gain for diversity resulting from the proposals through the retention and enhancement of the 10.5ha of habitat and provision of new hedgerow as well as the creation of other new habitats and provision of specific measures such as bird and bat boxes.

9.43. 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.

S106 Obligations and Contributions

- 9.44. As outlined above, the proposal generates a need for infrastructure and other contributions through a planning obligation, to ensure the development is acceptable. Policy INF1 of the Cherwell Local Plan states that 'development proposals will be required to demonstrate that infrastructure requirements can be met, including the provision of transport infrastructure and improvements'. Contributions can be secured via a 106 Agreement, provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 9.45. OCC have agreed to contributions towards an enhanced bus service and travel plan monitoring. The contribution sought towards the South East Relief Road is under negotiation currently. Officers will ensure the land for the South East Relief Road and Western Link Road will be safeguarded as part of the S106 Agreement.

PLANNING BALANCE AND CONCLUSION

- 10.1. The application site forms part of the Policy Banbury 6 mixed employment allocation within the adopted Cherwell Local Plan 2011-2031. The development is a cross boundary application with the buildings and associated parking, landscaping, drainage situated within the South Northamptonshire and within their control as a Planning Authority. Within Cherwell, the development proposes an extension to Chalker Way and access into the development site with land retained as open space and safeguard for future road improvements. The consideration of this application must therefore, only consider the development which falls within Cherwell District and whether in principle, employment use on the South Northamptonshire site would be acceptable.
- 10.2. Under Policy Banbury 6, mixed employment development was envisaged which following further investigation is constrained by the flood risk on the allocated site. This application seeks to vary the siting of the employment development outside of Flood Zone 3A on the land within South Northamptonshire. This land is directly adjacent to the site and would deliver the employment development envisaged by Policy Banbury 6. Following the submission of amended plans, the access arrangements are considered acceptable.
- 10.3. Having regard to the above, the application is considered to comply with Policy Banbury 6 and the associated policies within the adopted Cherwell Local Plan 2011-2031, saved policies as above within the Cherwell Local Plan 1996 and Government Guidance within the NPPF and PPG. Approval of the scheme would secure the employment development envisaged as an extension to the Central M40 site as allocated within the Cherwell Local Plan 2011-2031, thereby enabling the delivery of new employment development to support economic growth and the growth of the District.

RECOMMENDATION
RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR

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

- a) Safeguarding of the land for the South East Relief Road and the Western Link Road.
- b). Contributions towards the bus service enhancement and travel plan monitoring

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Submission to/Monitoring/Enforcement: CDC and SNC Plans

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

DRAWINGS:

Site Location Plan dwg. no. 6422-100 Rev F dated 26 April 2019;
Site Layout Plan dwg. no. 6422-101 Rev. J dated 19 September 2019;
Site Plan Illustrating Constraints dwg. no. 6422-102 Rev. H dated 19 September 2019;
Site Layout Plan External Finishes & Fencing dwg. no. 6422-103 Rev. G dated 19 September 2019;
Unit 10 Proposed Building Plan dwg. no. 6422-104 Rev. C dated 23 April 2019;
Unit 10 Proposed Ground, First & Second Floor dwg. no. 6422-105 Rev. B dated 23 April 2019;
Unit 10 Proposed Elevations dwg. no. 6422-106 Rev. D dated 23 April 2019;
Unit 10 Proposed Roof Plan dwg. no. 6422-107 Rev. B dated 26 March 2019;
Unit 9 Proposed Building Plan dwg. no. 6422-111 dated 05 April 2019;
Unit 9 Proposed Ground, First & Second Floor dwg. no. 6422-112 dated 08 April 2019;
Unit 9 Proposed Elevations dwg. no. 6422-113 dated 08 April 2019;
Unit 9 Proposed Roof Plan dwg. no. 6422-114 dated 08 April 2019; Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019;
Planting Plan overview dwg. no. 6849/ASP.PPDBS9.1.0 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.1 Rev G dated 23 September 2019;
Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.2 Rev G dated 23 September 2019;
Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.3 Rev G dated 23 September 2019;
Drainage Layout Sheet 1 Ref. C08749-HYD-XX-XX-DR-C-0001 Rev. P7 dated 16 September 2019;

Drainage Layout Sheet 2 Ref. C08749-HYD-XX-XX-DR-C-0002 Rev. P6 dated 16 September 2019;
Drainage Layout Sheet 3 Ref. C08749-HYD-XX-XX-DR-C-0003 Rev. P6 dated 16 September 2019;
Drainage Layout Sheet 4 Ref. C08749-HYD-XX-XX-DR-C-0004 Rev. P57 dated 16 September 2019; Standard Details Sheet 1 Ref: C08749-HYD-XX-XX-DR-C-0010 Rev. P2 dated 22 February 2019;
Standard Details Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0011 Rev. P2 dated 22 February 2019;
Standard Details Sheet 3 Ref: CM4-HYD-XX-XX-DR-C-0012 Rev. P1 dated 19 February 2019; Catchment Plan Ref. C08749-HYD-XX-XX-DR-C-0005 Rev. P7 dated 16 September 2019;
External Levels Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0102 Rev. P7 dated 16 September 2019;
External Levels Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0102 Rev. P8 dated 16 September 2019;
Cycle Shelter dwg no. 6422-035 dated 15 August 2019; REPORTS: Ecological Appraisal dated April 2019, ref. edp1419_r015d; Reptile Mitigation Strategy dated April 2019, ref. edp1419_r018b;
Biodiversity Impact Assessment ref. edp1419_r014d received 16 May 2019;
Floodplain Technical Note dated June 2019;
Flood Risk Assessment dated 15 April 2019;
Hydraulic Modelling Report by Hydrock Ref: COB-HYD-XX-XX-RP-D-5002 dated 24 September 2019;
Technical Note - Drainage Statement by Hydrock Ref: C08749-HYD-XX-XX-RP-C001 Rev P5 dated 16 September 2019;
Technical Design Note by Hydrock in response to Environment Agency comments Ref: 8749-HYD-XX-XX-FR-TN-007 Rev P1-S2 dated 18 February 2020; Transport Assessment dated 29th April 2019;
Framework Travel Plan dated 29th April 2019; Phase 1 Desk Study dated 29th April 2019;
Landscape and Visual Impact Assessment dated April 2019 ref. 6489.LVIA.004;
Landscape Management Plan dated April 2019, ref. 6489.Land.Man.002;
Arboricultural Impact Assessment Ref. 10057_AIA.001 Rev. C dated 23 September 2019;
Heritage Assessment dated April 2019, ref. AC947A; External Lighting report Rev. P06 dated 26 April 2019;
Odour Assessment dated April 2019;
Noise Assessment dated April 2019;
Project Specification for an Archaeological Evaluation and Geophysical Survey both dated 13th February 2018; Archaeological Evaluation Report by Thames Valley Archaeological Services dated September 2019;

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

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

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

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

4. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;
- j) The ecological mitigation measures to be implemented in accordance with condition 3 of this permission;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policy G3 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

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

The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present

- on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC

7. No development shall take place, including any demolition, any works of site clearance and/or the introduction of any construction machinery onto the site until protective fencing and warning notices have been erected on the site in accordance with the approved CEMP. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC Trees

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

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies G3(A) and EV21 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC Archaeology

9. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and

approved in writing by the local planning authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

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

10. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy G3(M) of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework. Submission to/Monitoring/Enforcement: SNC

11. Prior to the commencement of the development details of the surface water attenuation shall be submitted to and agreed in writing by the Local Planning Authority. The surface water attenuation shall be implemented in accordance with the agreed scheme.

Reason: To protect the adjacent railway from the risk of flooding, pollution and soil instability. Submission to/Monitoring/Enforcement: CDC and SNC Levels details

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

Reason: To protect the adjacent railway. Submission to/Monitoring/Enforcement:

CDC and SNC

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

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained in accordance with the approved Landscape Management Plan Ref: 6489.Land.Man.002 dated April 2019. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.,

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies G3(L) and EV29 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC Highways

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

Reason : In the interests of highway safety, to comply with Policy G3(B) of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC Lighting

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

Reason : In the interests of visual amenity and highway safety and to comply with Policy EV35, Appendix A of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

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

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC Ecology

17. If the development hereby approved does not commence by April 2021. A revised ecological appraisal shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact of

protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC Fire Hydrants

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

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

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

The scheme shall include:

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

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy G3(M) of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework. Submission to/Monitoring/Enforcement: SNC

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

Reason: To ensure that the development will conserve and enhance the natural

environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

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

21. A colour scheme for the colouring of the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, and prior to the first occupation of the development, the walls and roofs of the buildings hereby approved shall be finished and thereafter maintained in accordance with the approved colour scheme.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy G3(A) of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

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

Reason : In the interests of highway safety, to ensure the provision of adequate offstreet car parking and turning/loading/unloading to comply with Policy G3(B) of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

23. A Framework Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" (and its subsequent amendments) and associated travel plan monitoring fee of £2,040 shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Framework Travel Plan shall thereafter be implemented and operated in accordance with the approved details and the document should then be updated within 3 months of full occupation.

Reason : In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice in the National Planning Policy Framework. Submission to/Monitoring/Enforcement: SNC/CDC

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

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

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

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

26. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority based on the approved Technical Note Drainage Statement ref C08749- HYD-XX-XX-RP-C-001 issue P5 dated 16th September 2019 prepared by Hydrock

The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site. Submission to/Monitoring/Enforcement: SNC

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

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

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

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

Reason : To provide an effective and attractive screen for the development in

the interests of visual amenity and to accord with Policies G3(L) and EV29 of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

29. All species used in the planting proposals associated with the ecological mitigation area shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

30. 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 Policy G3(E) of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC BREEAM

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

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

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

Reason : To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy G3 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

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

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy G3 of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

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

Reason : In order to safeguard the visual amenities of the area in accordance with Policy G3(A) of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

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

Reason : To ensure that there is adequate on-site parking provision in the interests of highway safety and to protect the vitality and viability of the town centre in accordance with Policies G3(B) and R6 of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

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

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

CASE OFFICER: Samantha Taylor

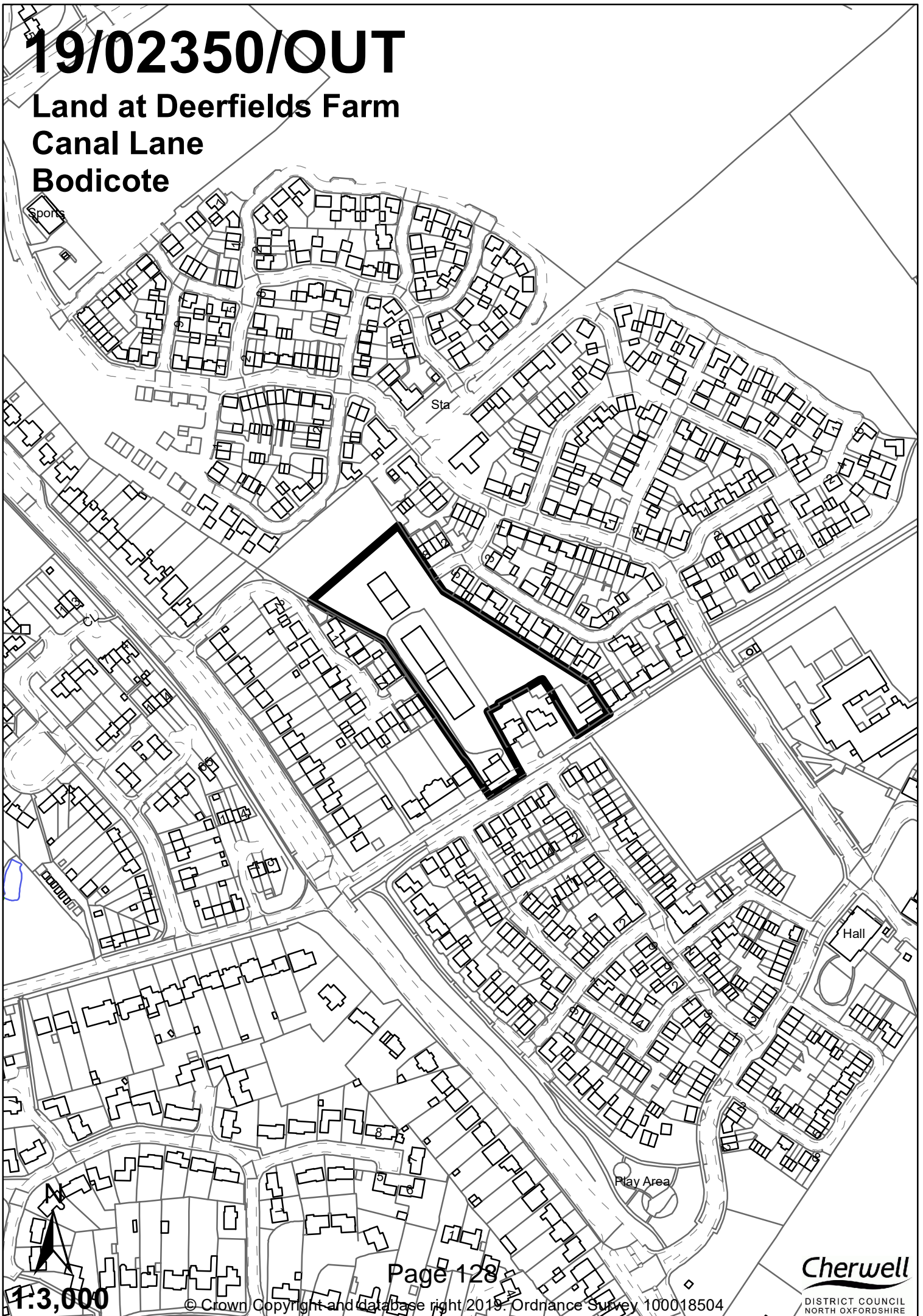
19/02350/OUT

Land at Deerfields Farm
Canal Lane
Bodicote



19/02350/OUT

Land at Deerfields Farm
Canal Lane
Bodicote



Case Officer: Samantha Taylor

Applicant: Mr Nigel Morris

Proposal: Outline planning permission for up to 26 dwellings including access

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Bishop, Cllr Heath, Cllr McHugh

Reason for Referral: Major development

Expiry Date: 10 March 2020

Committee Date: 12th March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The application seeks outline planning permission for up to 26 dwellings on the land at Deerfields Farm. All matters are reserved except for means of access which can be considered as part of the application.

Consultations

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

- Bodicote Parish Council, Banbury Town Council

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

- CDC Environmental Protection, CDC Strategic Housing, CDC Arboriculture, OCC Highways, OCC Education, OCC Drainage, Thames Water

41 letters of objection have been received and 1 letters of support have been received.

Planning Policy and Constraints

The key planning considerations are:

- Principle of Development,
- Impact on Highway Safety
- Impact on Drainage
- Design, Visual Amenity and Character of the Area
- Impact on Residential Amenity
- S106 Contributions

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

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

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. Whilst technically a greenfield site with an agricultural use, the application site is surrounded by built residential development on all sides. Canal Lane, a narrow unmade track leading to approximately 6 residential properties, is located to the south east. There is an existing access point through the Mayweed/Silverweed cul de sac in the north east of the site, which leads into Longford Park.
- 1.2. The application site was previously included within the outline planning permission 05/01337/OUT for the wider development of Longford Park. However, a reserved matters application was not submitted for this parcel of land and the outline permission has now lapsed.

2. CONSTRAINTS

- 2.1. There are no known planning constraints within the application site. To the south of the site running east/west is the Bridleway 137/1/10 along Canal Lane.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks outline planning permission for up to 26 dwellings including access. All other matters such as design, layout, scale and landscaping are reserved, meaning that they do not form part of the application and details would need to be submitted should planning permission be granted.
- 3.2. During the application process, an amended to the description and supporting indicative plans has been submitted reducing the proposed number of dwellings from up to 27 to up to 26 dwellings.
- 3.3. The main site access is proposed from the Mayweed/Silverweed cul-de-sac where there is an existing gated access into the site. It is also proposed that a small number of houses may be accessed via Canal Lane opposed to Mayweed/Silverweed.

4. RELEVANT PLANNING HISTORY

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

05/01337/OUT – OUTLINE. Residential development with associated facilities including primary school, playing fields, local shops and community facilities. 2200sq.m of employment provision (Use class B1 Business) (as amended by further information document received 10.11.05). Approved

5. PRE-APPLICATION DISCUSSIONS

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

19/00028/PREAPP – follow up pre-app to 17/00335/PREAPP. The enquiry included details for a development of up to 29 dwellings on the site. Overall the principle of

development on the site for residential development was considered acceptable, however the Officers felt that in order to create a high quality development, 29 dwellings on this site would likely be too many.

17/00335/PREAPP – The enquiry included details for a development of up to 45 dwellings on the site. Overall, the principle of development on the site for residential development was considered acceptable. Concern was raised regarding the ability to deliver a high quality development due to the number of dwellings proposed.

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 2019**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties which are materially relevant to the consideration of this application are summarised as follows:

- Concerns for highway safety for users of Canal Lane and the additional vehicle movements associated with the new houses;
- Canal Lane is unsuitable for any additional traffic movements;
- Concerns for highway safety for users of Mayweed/Silverweed and the additional vehicle movements associated with the new houses;
- Loss of light to existing properties;
- Harm caused to the amenity of adjacent occupiers through overlooking, loss of privacy and by being visually overbearing;
- Lack of sufficient parking within the new development, will cause overspill of parking on to adjacent roads and cause additional harm to highway safety;
- Harm caused to protected species and wildlife;
- Harm to existing occupiers through noise and disturbance;
- Harm to residents during the construction phase of the development due to construction vehicles and work;
- Harm through the loss of trees and building works to air quality;
- The land is not included within the Cherwell Local Plan as an allocated site;
- There are existing flooding issues on the site and development of the site would increase the risk and worsen the flooding issued on the site and in the surrounding area;
- Loss of established hedgerows and trees;
- Proposals should maximise the opportunity for creating walkable neighbourhoods;

- Impact on services such as shops, doctors surgeries, community hall, play spaces
- 6.3. The comments raised by third parties which are not materially relevant to the consideration of this application are summarised as follows:
- The development is not necessary;
 - Personal circumstances of the occupiers of affordable housing units;
 - When purchasing new homes, residents were told that the site would not be developed in the future;
 - Local policing resources and the potential for anti-social behaviour
 - Developers should fix the existing issues on Longford Park before proposing more housing;
 - Damage to cars due to wear on roads;
 - Developers are having difficulty is selling properties on Longford Park;
 - Existing highway issues within Longford Park;
 - Other alternate locations for the development;
 - Overdevelopment of Banbury is an existing issue;
 - The proposal will de-value existing properties;
 - Loss of private views of the farm/greenspace;
 - Covenants on title deeds;
 - Intention of developer and their financial gain;
- 6.4. 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: **objection**, the proposal would result in the overdevelopment of the site and that size of properties/gardens is unacceptable. A request that consideration of the surface water drainage issues on the site and the improvement of Canal Lane is given, with matters where necessary being secured by S106 agreement.
- 7.3. BODICOTE PARISH COUNCIL: **objection**, surface water drainage is not addressed and access to public sewer is not available. Issues with Canal Lane as an access.

CONSULTEES

- 7.4. OCC HIGHWAYS: **no objections** subject to standard conditions in respect of width of the access, surfacing, drainage, travel packs and visibility splays and S106 contributions.
- 7.5. OCC DRAINAGE: **no objections** subject to standard conditions.
- 7.6. OCC EDUCATION: **no objections** subject to S106 contributions.
- 7.7. CDC STRATEGIC HOUSING: **no objections** subject to S106 contributions.
- 7.8. CDC ARBORICULTURE: **comments** that the original indicative site layout was not acceptable and that the existing hedges and trees should be retained.
- 7.9. CDC ENVIRONMENTAL PROTECTION: **no objections** subject to standard conditions in relation to noise, contaminated land, air quality and lighting.
- 7.10. THAMES WATER: **no objection** subject to a condition relating to capacity of foul water drainage.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC3 – Housing Density
- BSC4 – Housing Mix
- BSC7 – Meeting Education Need
- BSC8 – Securing Health and Well Being
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD7 – Sustainable Urban Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- 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

8.3. 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)

9. APPRAISAL

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

- Principle of Development
- Impact on Highway Safety
- Impact on Drainage
- Design, Visual Amenity and Character of the Area
- Impact on Residential Amenity
- Impact on Protected Species and Ecology
- Impact on Existing Trees and Hedges
- S106 Contributions

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchas Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.3. Whilst not specifically addressed through an adopted planning policy, BSC1 of the Cherwell Local Plan is supportive of concentrating housing growth in the District towards the main settlements of Banbury and Bicester. Both Local PSD1 and NPPF Paragraph 11 assert a presumption in favour of sustainable development, granting planning permission where the development plan does not contain relevant policies unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.
- 9.4. Whilst the site is a greenfield site, due to its agricultural use, it is surrounded by residential development and would be read as part of the wider confines of the built-up extent of Banbury. Due to the its siting within the built extent of Banbury the site is located close to high order services, amenities, employment and public transport links which would accord with the general objectives of the Cherwell Local Plan and NPPF. Overall, the site is considered to be sustainably located due to the close proximity to services and it siting within the built limits of Banbury. Therefore, the principle of residential development on this site is considered acceptable and the starting point for assessment is weighed in favour of granting planning permission. As such, consideration must be given to the relevant material planning consideration to determine whether any impacts demonstrably outweigh the granting of permission. These material considerations have been assessed below.

Impact on Highway Safety

- 9.5. Policy ESD15 of the Local states that 'new development proposals should be designed to deliver high quality, safe, attractive, durable, healthy places to live and work'. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 requires development proposals to facilitate the use of sustainable modes of transport.
- 9.6. The application includes for consideration the matter of access. As shown on the submitted access arrangement plan, access for the development is sought from Mayweed/Silverweed cul-de-sac which benefits from an existing gated access into the site and for approximately 3 dwellings from Canal Lane.
- 9.7. Officers note that many of the objections raised by residents raise concerns with highway safety due to the potential for conflict between pedestrian users of Canal Lane and users of Mayweed/Silverweed. OCC Highways have been consulted on the proposed development and advise that whilst there are concerns regarding the indicative layout, there are no objections to the proposed development or proposed access subject to a financial contribution and standard conditions requiring the submission of highways details. Details of the financial contribution are provided within the S106 Contributions and Obligations section of this report.
- 9.8. The conditions recommended by the Highways Officer are summarised below:
- Full details of the access arrangement, to include position, layout, construction, drainage and vision splays;
 - Full details of the pedestrian and cycle access onto Canal Lane to include position, layout, construction and drainage;
 - Full specification of the details of vehicular accesses, driveways and turning areas to serve the dwellings, to include construction, layout, surfacing and drainage;
 - Details of the turning for refuse and fire tender access and turning;
 - Cycle parking to serve each dwelling;
 - Construction Traffic Management Plan to include times of construction traffic and delivery vehicles;
 - Travel Information Packs to be provided for each residential dwelling;
- 9.9. It is noted that the once satisfactory information is provided as required by the above standard planning conditions some concerns of local residents may be alleviated including mitigation through the construction phase, parking and access arrangement for each dwelling and emergency service/refuse turning. As the application is seeking outline planning permission full details of these matters are not required as part of the current application.
- 9.10. It is noted that despite the concerns raised regarding the indicative layout, the Highways Officer has not raised concerns with the access arrangement or volume of the associated traffic movement on the highway network. Government guidance contained in the NPPF is clear that development should not be resisted on transport grounds unless the cumulative impact of congestion would be 'severe'. This is a high test and Officers consider the impact from the proposed development would be

relatively modest, given the scale of development and the capacity within the existing highway network.

9.11. In addition to the vehicle access, the submitted access plan contains details for the area of access for cyclists and pedestrians to connect from Canal Lane through site towards the Mayweed/Silverweed. As noted in the Highways Officers response this is an important inclusion and will support the opportunity to use other, more sustainable transport modes.

9.12. Whilst the concerns of the local residents are noted, the proposed development would provide sufficient access for the proposed development of up to 27 dwellings. Any concerns regarding the indicative layout would be resolved through a reserved matters application.

9.13. As part of the response, the Highways Officer has outlined that in order to make the development acceptable contributions are sought towards public transport to improve the Oxford to Banbury Bus Service. Further details on the contribution sought are set out below in the S106 Contributions section of the report.

9.14. In addition, the Officer outlines a request for standard conditions relating to the following:

- Full details of the access arrangement, to include position, layout, construction, drainage and vision splays;
- Full details of the pedestrian and cycle access onto Canal Lane to include position, layout, construction and drainage;
- Full specification of the details of vehicular accesses, driveways and turning areas to serve the dwellings, to include construction, layout, surfacing and drainage;
- Details of the turning for refuse and fire tender access and turning;
- Cycle parking to serve each dwelling;
- Construction Traffic Management Plan to include times of construction traffic and delivery vehicles;
- Travel Information Packs to be provided for each residential dwelling;

9.15. It is noted that the information required by the above standard planning conditions would alleviate some concerns of local residents including mitigation through the construction phase, parking and access arrangement for each dwelling and emergency service/refuse turning, due to the application seeking outline planning permission full details of these are not required as part of the current application. In addition, as noted by the Highways Officer, amendments to the indicative layout would be required at reserved matters stage.

9.16. Considering these reasons, and in the interests of highway safety, the above recommended conditions are considered reasonable and necessary to make the development acceptable. Therefore, these conditions are included as part of the Officers recommendation for approval.

9.17. Overall, the impact of the proposed development would have a modest impact on the existing highway network and would not result in severe harm. As such, Officers

consider that the proposal would comply with relevant Local and National Planning Policies.

Impact on Flood Risk and Drainage

- 9.18. Policy ESD6 essentially replicates national policy contained within 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 of lower risk of flooding. ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SuDS) to manage surface water drainage, within the aim to manage and reduce flood risk in the District.
- 9.19. Many of the third party objections received raise concerns with flood risk on the site, in particular the ability of the site to drain surface water. The representations have included recent photographs of the site, showing the site under water.
- 9.20. Having reviewed the Environment Agency's Flood Risk for Planning Maps, the site falls within Flood Zone 1 with the lowest probability of flooding. The site also lies in an area identified as very low risk of surface water flooding on the EA's flood risk maps.
- 9.21. The Local Lead Flood Authority Officer from OCC have confirmed they have no objections to the proposed development at this stage and acknowledge that the information as submitted is sufficient at the outline stage and a fully detailed drainage strategy would aligns with National and Local Policy would be required at reserved matters stage or by way of condition.
- 9.22. The LLFA Officer has recommended the standard conditions as outlined below:
- Submission of a Sustainable Urban Drainage Scheme;
 - Submission of a maintenance and management plan for the drainage scheme;
- 9.23. To ensure that there is sufficient capacity within the existing Foul Water Drainage network Thames Water have requested a standard condition as outlined below:
- Submission of confirmation that the existing foul water drainage network is sufficient or should any remediation works be required, a scheme for these works;
- 9.24. The above recommended conditions will ensure that through the submission of additional details, an acceptable drainage scheme will be provided which mitigates the impacts of the development.

Design, Visual Amenity and Character of the Area

- 9.25. ESD15 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 high quality design.
- 9.26. The Council's Design Guide seeks to ensure that new development responds to the settlement pattern and character of an area. This includes the uses of building forms, materials and detailing that responds to the local character. It is noted that concerns from local residents have been raised in regards to the impact of the

development on the local character of the area and the visual amenity from Canal Lane. Whilst the design details including layout and scale would be matters for consideration at reserved matters stage, it is appropriate to consider the context of the site and the likelihood that an acceptable scheme could be provided.

- 9.27. The site, whilst a greenfield site in agricultural use, contains a collection of associated barns and outbuildings. However, the site is a relatively small parcel of land, surrounded by residential development. Residential development in this context would be acceptable to the character of the area.
- 9.28. Fronting Canal Lane are a small number of residential properties and some agricultural buildings. When viewed along Canal Lane, the proposed indicative residential properties would be read as part of the existing pattern of residential development. Properties here have been set back from the Lane and this layout would be expected at reserved matters stage.
- 9.29. The residential development of the site would be read as part of the existing residential area and would not be out of character with the area. As such, when viewed along the public bridleway of Canal Lane, the residential development would be in keeping with the surrounding development. Whilst it is acknowledged that through the loss of the greenspace there may be some limited harm caused to the visual amenity of the bridleway and other public views into the site, given the site context, it is considered that this harm would not be significant. In addition, careful design, which incorporates the character of the area at reserved matters stage would limit any harm further. Officers consider that an acceptable design could be secured at reserved matters stage.

Impact on Residential Amenity

- 9.30. ESD15 requires new development to consider the amenity of both existing and future occupants including matters of privacy, outlook, access to natural light, ventilation and indoor/outdoor space.
- 9.31. Many of the concerns raised from third parties include the impact new residential dwellings would have on the privacy, availability of light and visual amenity from their properties.
- 9.32. As this application does not seek approval for the matters of layout, scale, appearance and landscaping, a detailed assessment of the impact on residential amenity cannot be made.
- 9.33. However, Officers consider that acceptable layout, scale, appearance and landscaping proposals could be achieved on the site at reserved matters stage that would mitigate any perceived harm to the amenity of existing residents.

Impact on Protected Species and Ecology

- 9.34. 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.
- 9.35. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last

resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.36. ESD10 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys to accompany planning application where there is a potential for habitat or species to be present.
- 9.37. The concerns raised from local residents include the negative impact that the loss of the greenfield would have on biodiversity and ecology.
- 9.38. An Extended Phase 1 Habitat Survey was included as part of the application submission. The survey considered the application site for a higher number of dwellings than currently proposed. The survey notes that the site is not within or adjacent to any statutory or non-statutory designated nature conservation sites.
- 9.39. In addition, specific surveys of the buildings on the site, greenspace and hedging were undertaken. No evidence of the presence of any legally protected species were noted. Some habitats which may be used by nesting birds and common reptile species are present. Whilst the presence of these habitats would not preclude development of the site, it is reasonable to impose conditions requiring the submission of a scheme for the demolition of any buildings and clearance of vegetation to ensure that these are undertaken at suitable times outside of the nesting season or active reptile season.
- 9.40. To ensure that there is a net gain in biodiversity a standard condition securing the submission of a suitable scheme is considered reasonable and necessary.

Impact on Existing Trees and Hedges

- 9.41. Officers note that concerns from third parties refer to the harmful loss of existing landscaping on the site and the impact that new properties would have on the oak tree, adjacent to the rear boundaries of properties on Merlin Close.
- 9.42. It is noted that the Arboricultural Officer raised initial concerns with the impact of one of the indicative dwellings and garages on the oak tree, which is of merit. In response, the applicant has reduced the number of units to up to 26, repositioning the dwellings and garages on the layout away from the tree.
- 9.43. Whilst the layout is indicative and limited weight has been given in the assessment to this, this alteration is positive. Officers would seek to ensure that any dwellings or outbuildings proposed at reserved matters stage are positioned outside of the root protection area of the oak tree.
- 9.44. Similarly, where the hedging and existing landscaping around the site boundaries is considered worthy of retention, Officers would seek to ensure these areas are retained during consideration of a reserved matters application where full assessment of landscaping matters can be made.
- 9.45. Officers consider that an acceptable scheme which retains the notable existing landscaping features and which incorporates new features to mitigate the impacts of the development could be achieved on the site.

S106 Contributions and Obligations

Affordable Housing and Housing Mix

- 9.46. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development where 11 or more dwellings are proposed, provision should be made for at least 30% of new housing to be affordable housing. Of the minimum 30% affordable housing, 70% of these dwellings should be affordable/social rent and 30% should be intermediate affordable homes such as shared ownership. Policy BSC4 states that new development is expected to provide a mix of homes to meet current and expected future demand creating socially mixed and inclusive communities.
- 9.47. The applicant has committed to providing 30% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved matters stage as the current plans are only indicative. The Council's Strategic Housing Officer has suggested a proposed mix of tenures and sizes and these would form the basis of negotiations on the reserved matters application. The requirement to provide 30% on site affordable housing would be secured through a S106 agreement.
- 9.48. In regards to the mix of housing to be provided, the suggested housing mix as included within BSC4 would be the starting point for the consideration of a reserved matters application.
- 9.49. Overall, officers consider the level of affordable housing is compliant with policy BSC3 with the exact tenure and mix of housing to be addressed at reserved matters stage.

Public Transport

- 9.50. As noted in the response from OCC Highways, contributions towards the improvement of the public transport service within Longford Park are sought. The contribution sought is £1000 per dwelling towards the operation of a half-hourly bus service during the week. The improvements to the service would provide a more attractive service towards both Oxford and the town centre and train station in Banbury.
- 9.51. Policy ESD15 of the Local states that 'new development proposals should be designed to deliver high quality, safe, attractive, durable, healthy places to live and work'. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 requires development proposals to facilitate the use of sustainable modes of transport. As required by these policies and given that the contribution sought is relevant to the proposed development, it is considered this contribution adequately meets the tests for securing contributions.

Education

- 9.52. As outlined by INF1 developments must contribute or provide sufficient community facilities to meet the needs of the development. OCC Education have identified that the development creates a need to expand both nursery, primary, secondary and sixth form education services.
- 9.53. The total contributions sought are estimated at £385,460 based on the estimated cost for the number of expected places required per pupil for primary (including nursery) and secondary (including sixth form). Per pupil cost contributions towards education are required, relevant to the development and reasonable, meeting the

tests for securing financial contributions. A per pupil cost towards primary (including nursery) and secondary (including sixth form) contributions will be required as part of the S106 agreement with the final total to be based on the final number of dwellings provided and the mix of sizes.

Conclusion

- 9.54. The above items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as to mitigate its adverse impacts.

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. Government guidance within the NPPF supports a plan-led system and advises that application which accord with an up-to-date plan should be approved without delay.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits of doing so. In carrying out this balancing exercise it is therefore necessary to consider the policies in the development plan as well as those in the NPPF.
- 10.3. The site is not specifically allocated for development within the Local Plan, however the site lies within the built urban limit of Banbury, being read in the context of the Longford Park development.
- 10.4. On balance, the scale of the proposed development would bring some limited social and economic benefits arising from the provision of new housing which carries modest weight in the planning balance. The proposal would also provide affordable housing, weight moderately in favour of the planning balance. Overall, these matters weigh in favour of the proposed development.
- 10.5. The proposal would result in some harm to the character of the area through the loss of greenspace. However, as this land is privately owned and contains some agricultural buildings, within a residential context, this harm is considered very limited.
- 10.6. Whilst it is acknowledged there may be some harm to the character and appearance of the area, the benefits of the proposal are considered to outweigh this harm and when viewed together the proposal is considered comply with the Development Plan when read as a whole. Therefore, it is recommended that planning permission is granted.

11. RECOMMENDATION

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

- a) Provision of 30% affordable housing on site
- b) Payment of a financial contribution towards public transport of £1000 per dwelling (index linked)
- c) Payment of a financial contribution towards educational infrastructure serving £14,276 per dwelling (index linked).

CONDITIONS

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

CASE OFFICER: Samantha Taylor

TEL: 01295 221689

19/02358/M106

Car Park Compton Road Banbury

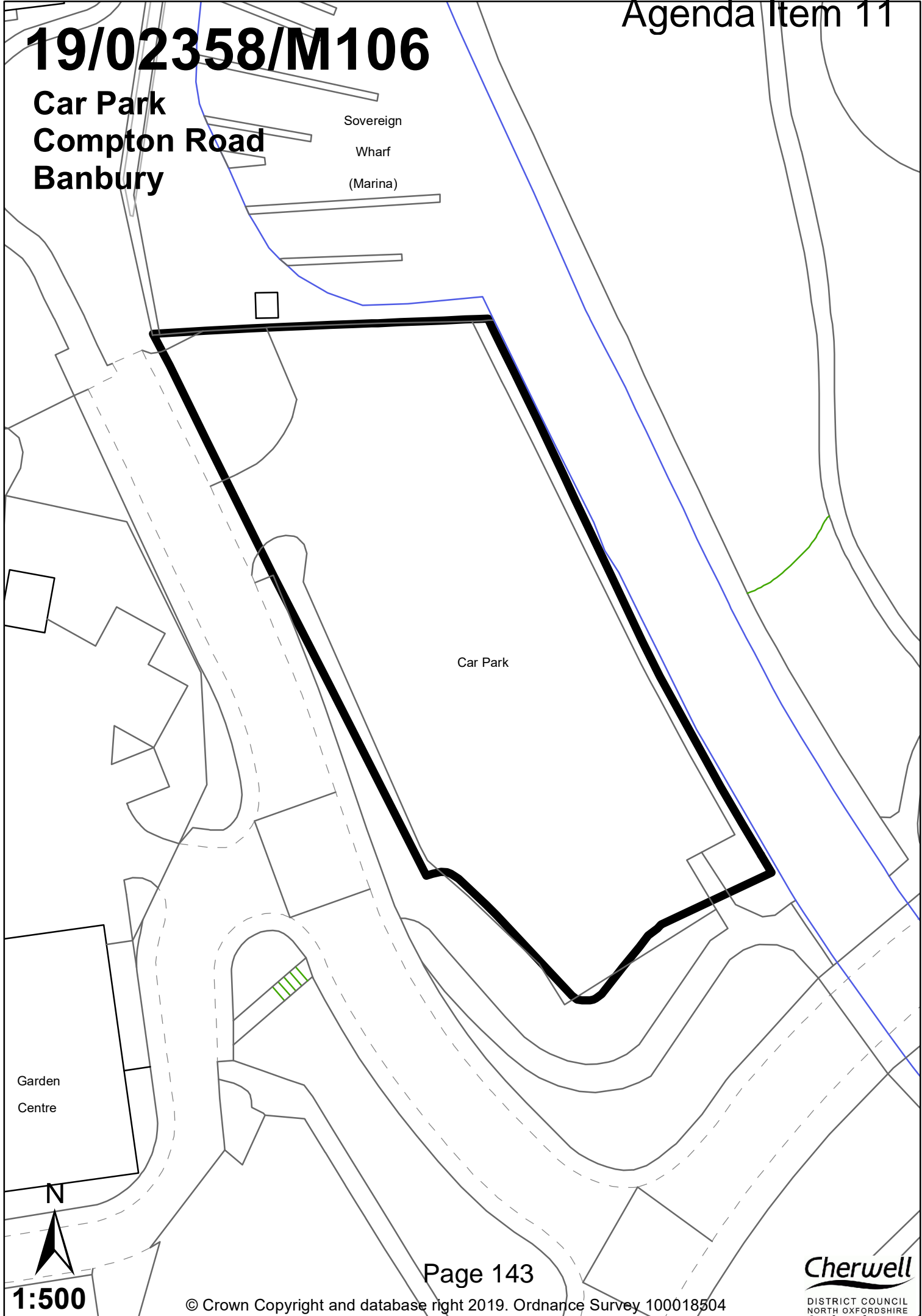
Sovereign
Wharf
(Marina)

Car Park

Garden
Centre

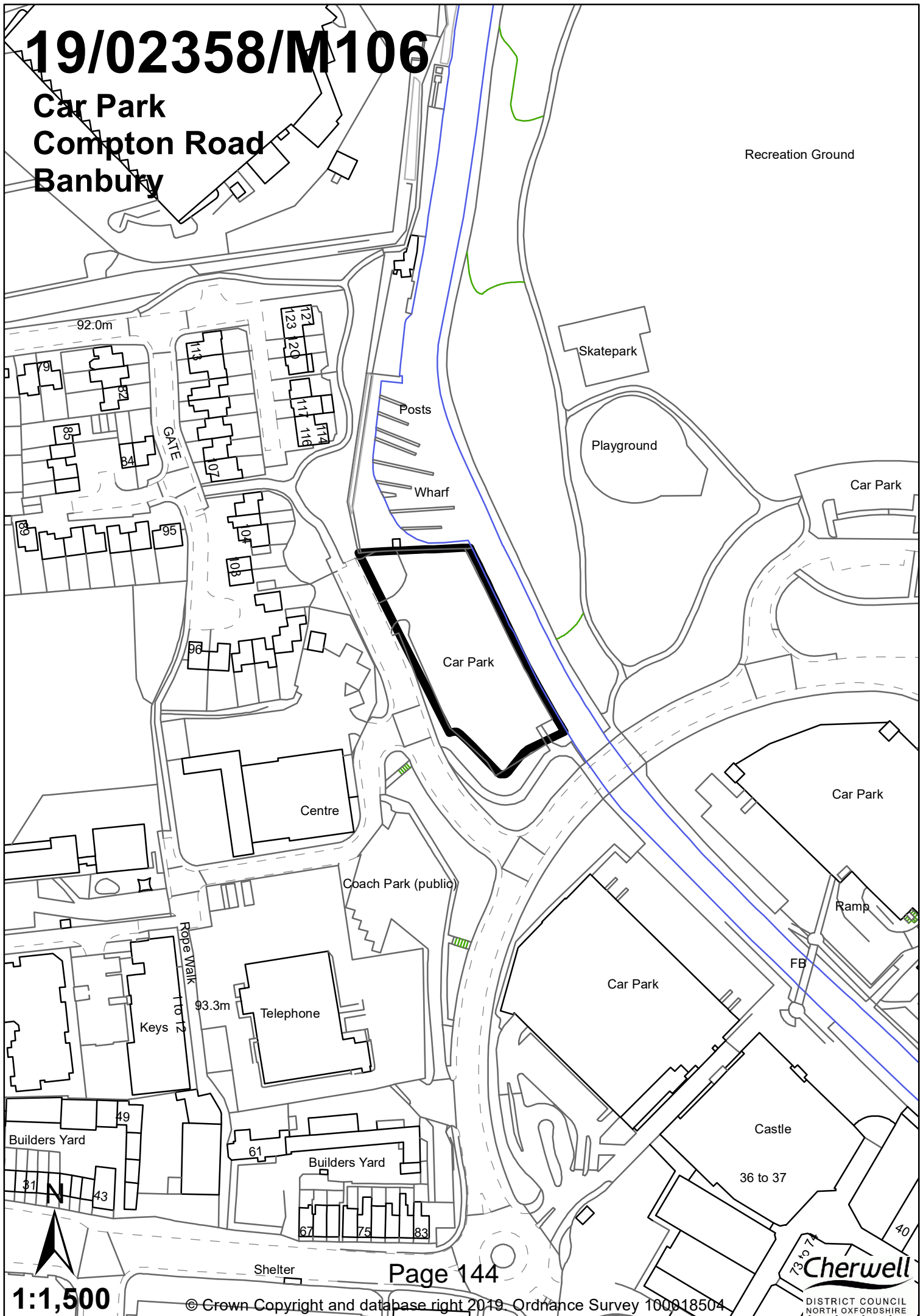
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19/02358/M106

Car Park Compton Road Banbury



Recreation Ground

Skatepark

Playground

Car Park

Car Park

Car Park

Centre

Coach Park (public)

Ramp

Car Park

FB

Telephone

Castle

36 to 37

Builders Yard

Builders Yard

Shelter

Page 144

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73 to 74
Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Samantha Taylor

Applicant: Churchill Retirement Living Limited

Proposal: Modification of Section 106 - Application CHN.205.94

Ward: Banbury Cross and Neithrop

Councillors: Cllr Hannah Banfield; Cllr Surinder Dhesi; Cllr Cassi Perry

Reason for Referral: Application affects Council's interest in land

Expiry Date: 3 February 2020

Committee Date: 12th March 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an existing long stay car park located on Compton Road, Banbury. There are 85 pay and display bays, and charges apply between 8am and 7pm with free parking after 7pm.
- 1.2. The site is adjacent the Oxford Canal Conservation Area to the north and east, and is within Flood Zone 2. The Castle Quay shopping centre lies to the south and development is underway to construct an extension to the shopping centre (known as Castle Quay 2). To the west is a garden centre and access to St Mary's Primary School, with housing to the north-west.

2. DESCRIPTION OF PROPOSED VARIATION

- 2.1. The application seeks confirmation that the Local Planning Authority would not enforce an extant S106 planning obligation (dated 11 July 2003) that requires the Compton Road car park to remain in use as a public car park, to serve the town centre. The application is being processed as a formal request to vary the legal agreement, to remove this agreement.
- 2.2. The S106 agreement which concerns this site as well as a wider area of Banbury Town relates to the development of Castle Quay, and requires the retention of the Compton Road Car Park to be used as a public car park and managed by the Council. The variation sought would remove this requirement, so that the Car Park land could potentially be used for an alternative use. No alternative use is proposed as part of this application, and notwithstanding this, any proposal for a use alternate to car parking would require planning permission.

3. RELEVANT PLANNING HISTORY

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

94/00205/CHN– Planning permission was granted for redevelopment to form an extension of the Castle Shopping Centre and new covered shopping centre, together with the provision of a link road from Castle Street to the inner relief road, car parking, landscaping and ancillary facilities and the relocation of the bus station.

At the time, a legal agreement securing various obligations was made. This included the provision of 1400 public car parking spaces within the town centre, as shown on the appended plan. This included the provision of car parking on Compton Road, although it is noted not on the present site.

96/00923/F – Planning permission was granted for amendments to the above development, to include relocation of the bus station. Within the associated S106 agreement, some changes to the area of car parking to be provided were made, and the provision of disabled spaces were included.

In 1998, a supplemental S106 agreement was entered into, adding in additional parties to the S106 agreement, through Conditional Contract to allow the applicant to benefit from a 250 year lease.

In 2003, a further supplemental agreement was entered into and the amendments include reference to 'Parking Facilities'. Specifically in relation to this application, part 5(a) the agreement was varied to include the current Compton Road Car Park. The requirement is for the car park to retain not less than 85 spaces and the total number of spaces within the Town Centre was reduced from 1400 to not less than 1155 spaces. The location of the Compton Road Car Park is relocated under this agreement, from its original western Compton Road location adjoining the garden centre to the east side of the Road, in its current location.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions are relevant to this proposal:

16/00351/PREAPP – written advice issued 15th July 2019. Officers advised that the “the car parking provision on the site is providing a much-needed facility for the town centre during the construction and first implementation of the Castle Quay 2 development which is now underway.”

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was 20th February 2020, although comments received after this date and before finalising this report have also been taken into account.

5.2. One comment was raised by third parties and this is summarised as follows:

- Objection to the loss of the car park as the car park is convenient and well used, its loss would be of detriment to town centre users.

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

6. RESPONSE TO CONSULTATION

6.1. Consultation on this application type is not required. No consultation responses have been received.

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. Whilst this application is not for planning permission, it relates to a S106 agreement that was entered into in connection with the grant of planning permission,

and was deemed necessary in order to make that development acceptable in planning terms.

- 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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- ESD15: The Character of the Built Environment
- BAN8: Bolton Rd Development Area
- INF1: Infrastructure

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- 7.4. The Planning Practice Guidance outlines that planning law allows for the renegotiation of an obligation. Where the obligation predates April 2010, an application may be made to the Local Planning Authority to change the obligation where it ‘no longer serves a useful purpose’ or would continue to serve a useful purpose in a modified way.

- 7.5. Therefore, the Authority must consider whether the obligation serves a useful purpose and whether the modification would continue to serve a useful purpose.

- 7.6. The NPPF, at Paragraph 56, states that: “planning obligations may be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

8. APPRAISAL

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

- Whether the obligation serves a useful purpose
- Whether the modification would continue to serve a useful purpose.

Whether the obligation serves a useful purpose

- 8.2. The obligation which is sought to be varied is the requirement for the retention of the Compton Road Car Park and its operation as a public car park managed by Cherwell District Council.

- 8.3. This obligation is secured at various clauses within the S106 agreement and supplemental agreements.

- 8.4. Clauses 12(a) and 12(b) of the original 1995 S106 agreement secure the parking facilities to be provided in accordance with the operating terms prior to the occupation of the original Castle Quay extension and the retention of these facilities for no other purpose whatsoever without the prior consent of the District Council.
- 8.5. Clause 5 of the 2003 supplemental agreement specifically secures the '*Compton Road Car Park containing not less than eighty-five (85) spaces on land owned by Raglan*'.
- 8.6. In addition Clause 7 of the 2003 supplemental agreement secures the retention and maintenance of the North Canal, South Canal; and Compton Road Car Parks in perpetuity, as delineated on the attached plan as car parks for the Castle Quay development.
- 8.7. It is noted, that other clauses may be required to be varied in order to secure the proposed modification.
- 8.8. The purpose of the obligation is to retain the Compton Road Car Park as a public car park to serve the needs of Banbury Town Centre. Whilst the applicant's case outlines that the existing spaces within Compton Road may not be required, the Authority has received recent complaints citing a lack of public car parking serving the town centre. In addition, during visits to the site by both the Planning and Parking teams, the car park has been full or close to capacity during the working week and standard opening hours of the town centre. As such, Officers consider that currently there remains demand and a need for the number of spaces provided at Compton Road and the usage of the car park.
- 8.9. In addition, the Town Centre is going through a period of change with no certainty over the future requirement for car parking. Policies contained within the Local Plan, such as Banbury 8 allocate areas for future development. Specifically, Banbury 8 allocates the Bolton Road Development Area of which the Bolton Road Car Park is included. This policy does not require the retention of the public car park, although envisages that car parking would be part of the mixed use redevelopment of the site (including 200 dwellings). The LPA has not received any applications for the site, however, the Local Plan allows for development up to 2031, and given the scale of development the policy allows for it is unlikely that much, if any of the public car park at Bolton Road would be retained, along with the increasing requirement for car parking to serve the site as well as Banbury Town Centre. Therefore, a loss of parking on other public sites within the town centre area may prejudice the ability of the Bolton Road Development Area to deliver the aspirations of the allocation.
- 8.10. Furthermore, Castle Quay 2 is currently under construction and is a large-scale development incorporating a mix of uses. Some assumptions were made when the application for Castle Quay 2 was determined in regards to the requirement for car parking. On the basis of the retention of the existing town centre car parks (where reasonable and not allocated/approved for redevelopment), some allowances were made for a reduction in the number of parking spaces to be delivered on site. The Compton Road Car Park was considered as part of the existing town centre parking provision, and lies in close proximity to the development. Until such a time as the Castle Quay 2 development is open and operational, and surveys of parking provision within the town centre are carried out during its operation, the Authority cannot conclude with any degree of certainty that the Compton Road Car Park would not be required to ensure sufficient town centre car parking capacity in the long term.
- 8.11. As outlined above, the Compton Road Car Park and its retention serves the purpose of ensuring an adequate supply of car parking for Banbury Town Centre. The car park contributes to the wider public parking provision in the Town Centre, and

supports the usage of the Town Centre facilities. In addition, the cumulative public parking provision is considered important to both the existing facilities and future developments either under construction or allocated, supporting the usage and growth of the Town Centre and its facilities. The Compton Road Car Park supports the local community and the growth of Banbury through the contribution it makes to the public car parking. Therefore, the obligation is considered to still meet the tests at Paragraph 56 of the NPPF and to meet the requirements of the PPG in serving a useful purpose, and the Authority is reasonable in retaining this obligation.

Whether the modification would continue to serve a useful purpose

- 8.12. The modification sought seeks to remove the requirement to retain the Compton Road Car Park as a public car park. Whilst it is acknowledged that agreeing to remove the obligation would facilitate potential future redevelopment of the site, weight cannot be applied to this consideration of any potential future development, which would need to be subject to separate assessment via a separate application for planning permission.
- 8.13. Consideration can only be given to the modification sought and the allowances. As outlined above, the usefulness of this obligation is the contribution the car park makes to the provision of public car parking and the support this provides for the usage of the Town Centre. In addition, the car park would contribute, albeit it modestly, to the growth of Banbury through the contribution to meeting the parking needs of future Town Centre developments.
- 8.14. The modification proposed would remove the requirement to retain the public car park. As such, Officers consider that this modification would fail to continue to serve a useful purpose as required by the Planning Practice Guidance, as the site would no longer be retained for public parking, therefore, the usefulness detailed above would fall away.
- 8.15. Therefore, the modification would fail to continue to serve a useful purpose.

9. CONCLUSION

- 9.1. For the reasons outlined above, Officers consider the obligation as secured in the S106 agreement and supplemental agreements continues to serve a useful planning purpose and meets the tests set out at Paragraph 56 of the NPPF, contributing to meeting the parking needs of the existing Town Centre and its future growth. This satisfies the PPG in demonstrating a need to retain the obligation and the reasonableness of the Authority in retaining this obligation.
- 9.2. The modification sought would remove the obligation and with it, the usefulness associated with the original obligation. This does not satisfy the PPG and therefore, Officers recommend the obligation is not varied.

10. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

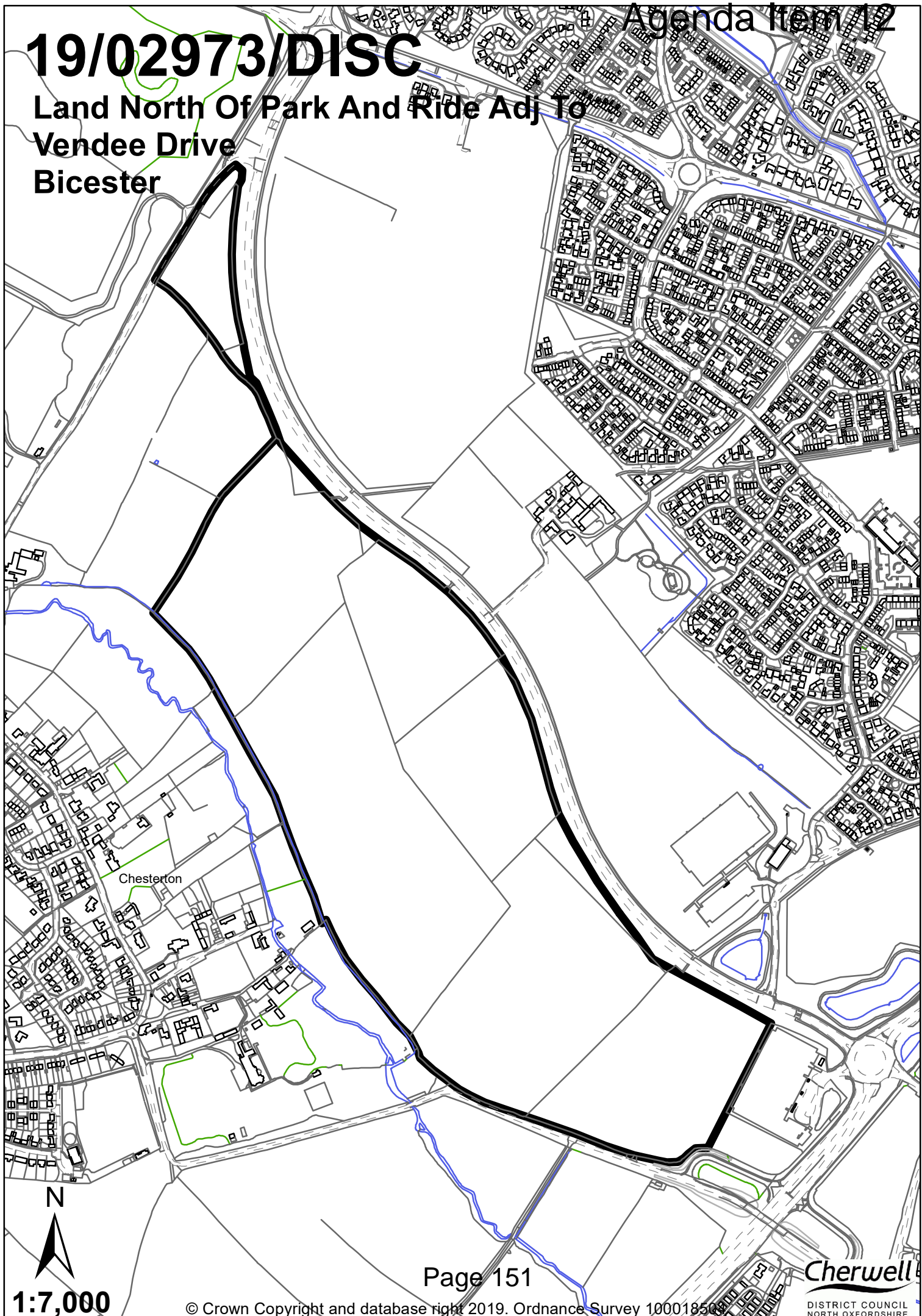
The obligation to retain the Compton Road Car Park continues to serve a useful and necessary purpose in supporting Banbury Town Centre and its future growth through the provision of adequate public car parking to serve the town centre facilities and local community. It therefore remains necessary to make development acceptable in planning terms, remains directly related to the Castle Quay development, and is fairly and reasonable related in scale and kind. As such, the modification fails to serve a useful purpose as outlined within the Planning Practice Guidance and is contrary to Policies SLE4, ESD15 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the National Planning Policy Framework.

CASE OFFICER: Samantha Taylor

TEL: 01295 221689

19/02973/DISC

Land North Of Park And Ride Adj To
Vendee Drive
Bicester



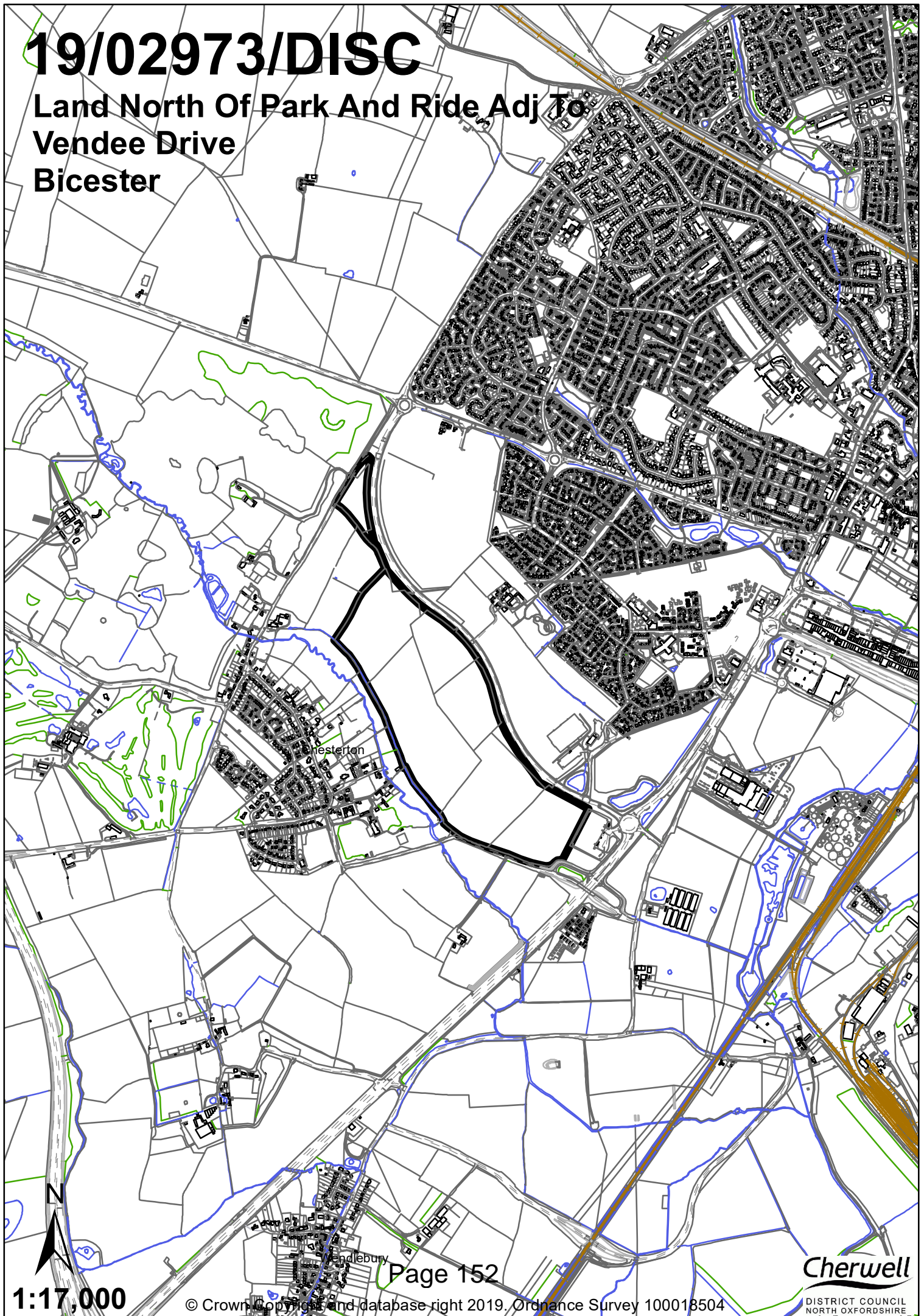
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19/02973/DISC

Land North Of Park And Ride Adj To
Vendee Drive
Bicester



Bicester

Sandlebury

Case Officer: Linda Griffiths

Applicant: Cherwell District Council

Proposal: Discharge of Conditions 7 (proposed means of access), 9 (details of dog & litter bins, and interpretation boards), 10 (details of pedestrian bridges) - change of use from agricultural(arable) to informal recreation with public access - of 19/01351/CDC

Ward: Fringford and Heyfords

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

Reason for Referral: The Council is the applicant

Expiry Date: 17 February 2020

Committee Date: 12th March 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the south west of Bicester between Chesterton Village and the B4030 Vendee Drive, directly north of Bicester Park and Ride. It comprises 44 hectares of agricultural land. The site is reasonably level but falls away towards the south and west, while rising towards the northern most part of the site. The site is generally bounded by mature deciduous hedgerows. The Kingsmere development is situated to the east of the application site on the opposite side of Vendee Drive.
- 1.2. A small area of CPRE (Campaign to Protect Rural England) managed woodland (0.7ha) is located at the north west corner of the site, and a balancing pond which has been created in respect of the SUDS drainage infrastructure for the Kingsmere Phase 2 development is also situated in the northern part of the site.

2. CONSTRAINTS

- 2.1. The application site is within an archaeological constraint priority area and the Chesterton Conservation Area lies immediately to the west of the site. Gagle Brook runs close to the western boundary between the site and Chesterton Village.
- 2.2. Two public rights of way cross through the site, to the northern and southern part of the site, these being footpath numbers 161/2/10 and 161/1/10.
- 2.3. The site constraints have also identified that the site could be potentially contaminated and lies within a minor aquifer. A number of protected species may also be present within the site. The land is classified best and most versatile category 2 and 3 agricultural land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks to discharge a number of conditions attached to the planning permission relating to the change of use of the land for informal recreation purposes (application number 19/01351/CDC refers). The conditions relate to the submission of new maintenance and pedestrian gates into the site (condition 7), submission of details relating to dog bins, litter bins and interpretation boards (condition 9) and details of any proposed pedestrian bridges that will be required over existing ditches (condition 10).

4. RELEVANT PLANNING HISTORY

- 4.1. The site forms part of the South West Bicester Phase 2 development which was granted outline planning permission in May 2017 (reference 13/00847/OUT). Phase 2 is a strategic allocation in the Cherwell Local Plan 2011-2031 under Policy Bicester 3 and has consent for up to 709 dwellings. The Section 106 Agreement attached to the outline consent secures the transfer of this land to the District Council on first occupation of the dwellings on Phase 2 Kingsmere, for recreation purposes and the creation of a community woodland. The transfer of this land to CDC is imminent.
- 4.2. An application for the change of use of this land for informal recreation purposes was considered and approved by the Planning Committee in October 2019 (19/01351/CDC refers). This application seeks to discharge a number of conditions attached to that planning consent.

5. RESPONSE TO CONSULTATION

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

CONSULTEES

- 5.2. OCC HIGHWAYS: **no objections** to conditions 7 and 10. **No comment** in respect of condition 9.
- 5.3. OCC PUBLIC RIGHTS OF WAY: **No Objection** subject to the amendments which remove the proposed kissing gates from the proposal and replaces them with single openings of not more than 1.2m wide in accordance with the submitted detail for both the northern and southern pedestrian access points.

6. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

- Policy Bicester 3 – SW Bicester
- ESD10 – Protection and enhancement of biodiversity and natural environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C32 – Provision of facilities for disabled people

6.3. 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)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

7. APPRAISAL

Condition 7

- 9.1. This condition requires detail of the proposed maintenance gates and pedestrian gates, together with a time frame for their installation. The applicant met on site with the Public Rights of Way officer from OCC to discuss and agree the public access requirements and nature of the gates. The installation of mobility kissing gates on the position of the southern and northern Public Rights of Way (PRoW) off Vendee Drive was not advised by the Public Rights of Way Officer because under Section 147 of the Highways Act 1980, OCC powers are limited to only authorising styles and gates where they are necessary for the prevention of ingress or egress of animals, which is not the case here. It is therefore proposed that the kissing gates will not be installed and that the PRoW points of access shall be open 1.2m wide openings, defined by a 150mm square timber post either side of the entrance in compliance with BS5709:2018 Gaps, gates and stiles specification. The posts are to be of locally sourced oak set in concrete foundations. The existing post and wire fencing shall be replaced with sturdy timber post and rail. The surface will remain as a natural regenerating sward. A galvanised field gate is proposed for maintenance access which is acceptable to OCC.
- 9.2. Having regard to the above comments, the application has been amended accordingly. The proposed galvanised steel field gate is appropriate for this rural location and the 1m wide opening now proposed in lieu of kissing gates is acceptable. It is recommended therefore that this condition can be discharged as submitted.

Condition 9

- 9.3. This condition requires detail of dog and litter bins and interpretation boards, together with their locations to be submitted and agreed. It is proposed that the dog and litter bins, and the interpretation boards will be placed within the vicinity of the access points, a further interpretation board will also be placed near the pedestrian entrance of the balancing pond field. The interpretation boards will be low lectern type boards suitable for children, and a larger noticeboard type which will be used to

show informative plans and visualisations. The bins and boards will be installed in concrete foundations.

- 9.4. Having regard to the above, it is considered that the board and bin types proposed are acceptable and appropriate for this rural location and it is recommended that this condition can therefore be discharged accordingly.

Condition 10

- 9.5. This condition requires details of the pedestrian bridges which will be necessary over existing drainage ditches to be submitted and approved. The bridges proposed are to be constructed of timber sleepers with hand rail to one side and will be a minimum of 1m wide. Each bridge will be dug into the bank to provide firm level ground to ensure the bridge is level and secure.
- 9.6. The bridge design proposed is considered acceptable for a rural location and for the use proposed, that is walkers, who will be the main users of this new recreation facility. It is therefore recommended that this condition can be discharged.

8. PLANNING BALANCE AND CONCLUSION

- 8.1. The proposed details comply with the relevant Development Plan policies and guidance and are acceptable, and it is therefore considered that the conditions should be discharged accordingly.

9. RECOMMENDATION

RECOMMENDATION – **APPROVAL** AS SET OUT BELOW

Condition 7

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

Condition 9

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

Condition 10

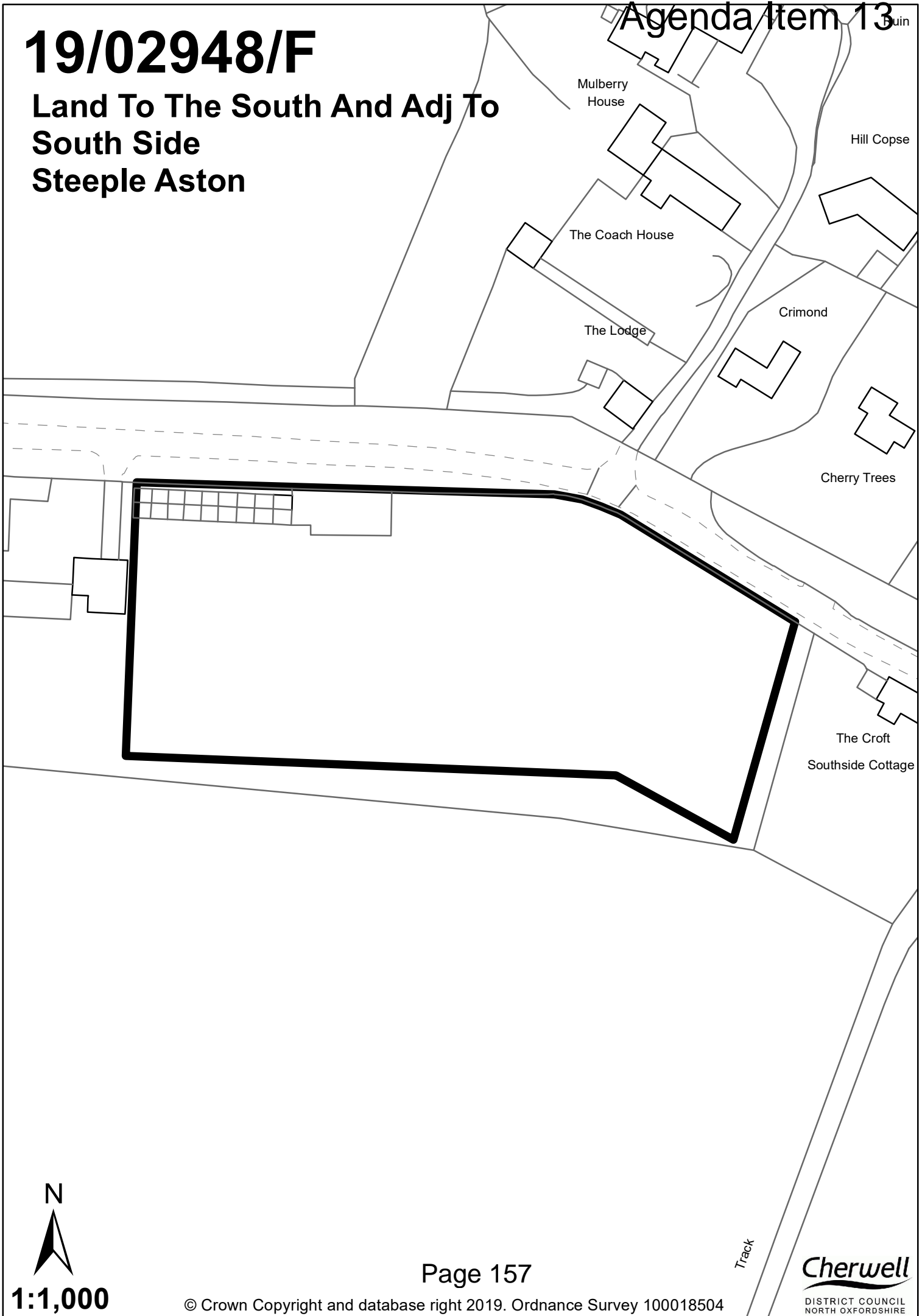
Approval is given for the details and locations of the pedestrian bridges as shown on drawing numbers ES/LS/001 Rev C and as clarified and explained in the applicant's written statement accompanying the application.

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

19/02948/F

Land To The South And Adj To South Side Steeple Aston



Mulberry House

Hill Copse

The Coach House

Crimond

The Lodge

Cherry Trees

The Croft
Southside Cottage

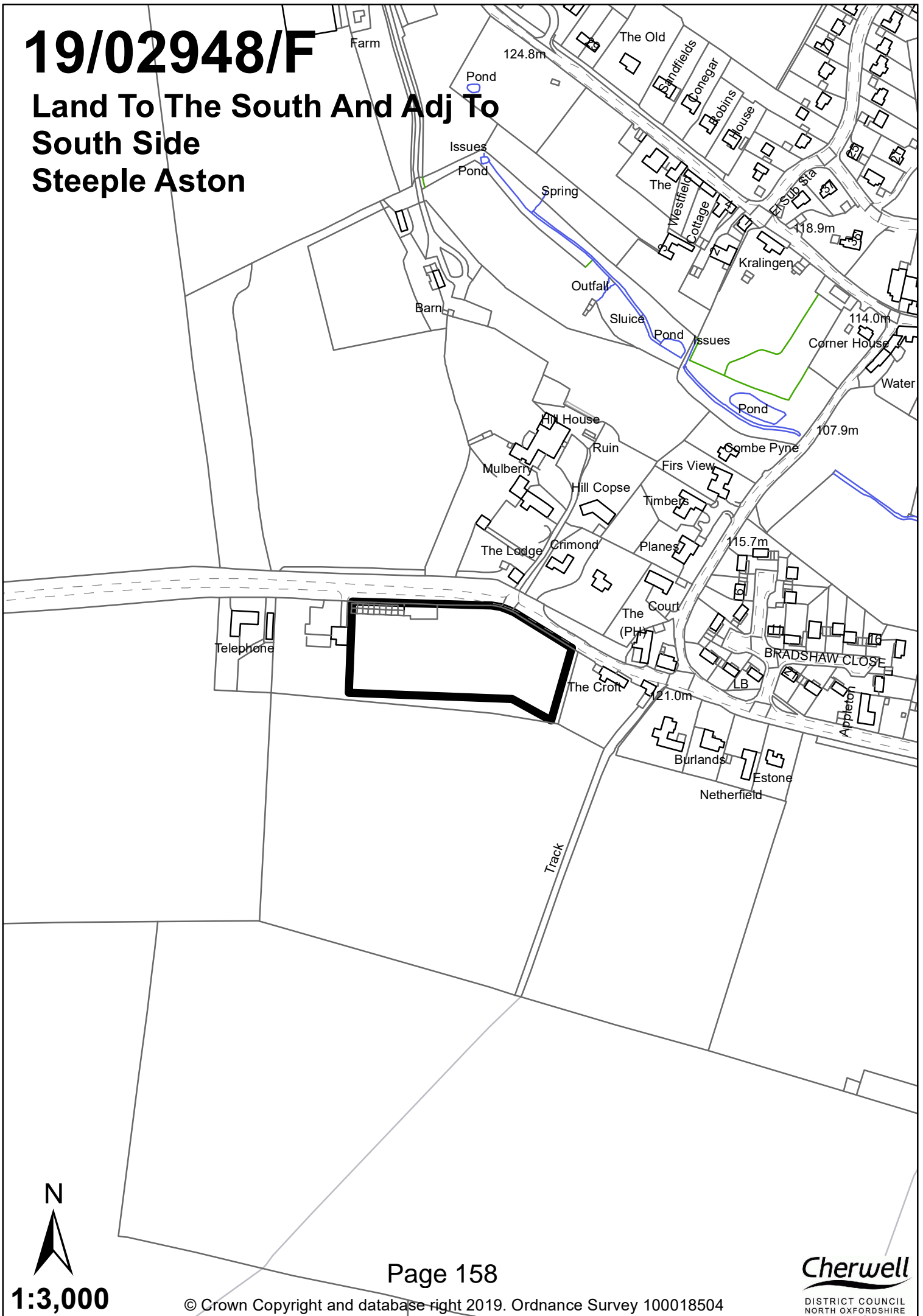
Track



1:1,000

19/02948/F

Land To The South And Adj To South Side Steeple Aston



1:3,000

Case Officer: Bob Neville

Applicant: Rectory Homes Ltd

Proposal: Erection of 10 no. two storey residential dwellings with access off South Side including a new pedestrian footway, parking and garaging, landscaping and all enabling and ancillary works

Ward: Deddington

Councillors: Cllr Hugo Brown
Cllr Mike Kerford-Byrnes
Cllr Bryn Williams

Reason for Referral: Major development (10no Dwellings)

Expiry Date: 9 April 2020

Committee Date: 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks full planning permission for the erection of 10no two storey residential dwellings on the edge of the village of Steeple Aston, with access off South Side. Proposals would also include a new pedestrian footway, parking and garaging, landscaping. Proposals would provide 2no 2-Bed, 5no 3-Bed, 1no 4-Bed and 2no 5-bed dwellings, constructed in a natural Cotswold stone finish walls under slate roofs

Consultations

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

- CDC Design and Conservation, CDC Ecology and CDC Strategic Housing

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

- Recreation & Leisure, Environmental Protection, Landscape Services, National Air Traffic Systems, Local Highways Authority, Lead Local Flood Authority, Archaeology, OCC Education and Thames Valley Police.

The following consultees are **in support** of the application:

- Steeple Aston Parish Council and Mid-Cherwell Neighbourhood Plan Forum

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

Planning Policy and Constraints

In terms of site constraints, the application site sits adjacent the Steeple Aston Conservation Area. The site is within a Mineral Conservation Area and an area known to be affected by Radon Gas. There are records of a number of protected and notable species as being present within the vicinity of the site. A Public Right of Way runs from South Side east of the site and crosses open countryside south of the site.

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

report.

Conclusion

The key issues arising from the application details are:

- Principle of Development;
- Housing Density and Mix;
- Design and Impact on the Character of the Area;
- Highway Safety;
- Residential Amenity;
- Flood-risk and Drainage;
- Ecology and Biodiversity.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. The proposals represent residential development that would not make effective and efficient use of land or be of an appropriate housing mix that would meet the needs of the District;
2. By virtue of their siting, layout and design the proposals represent inappropriate development that would not contribute positively to an area's character and identity by creating or reinforcing local distinctiveness; detracting from the character and appearance of the adjacent Conservation Area and rural edge of village setting.
3. It has not been demonstrated that the proposals would not be to the detriment of protected species or their habitats and further that the proposals would result in a nett gain in biodiversity at the site.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a largely undeveloped site located to the south western edge of Steeple Aston. The site previously appeared to include a number of agricultural buildings. However, these have largely been clear along with the extensive vegetation which previously covered the site. A commercial garage exists to the west of the site and residential properties exist to the north and east. To the south of the site is open countryside.

2. CONSTRAINTS

- 2.1. The application site sits outside but adjacent to the Steeple Aston Conservation Area. The site is within a Mineral Conservation Area and an area known to be affected by Radon Gas. There are records of a number of protected and notable species as being present within the vicinity of the site. A Public Right of Way runs from South Side east of the site and crosses open countryside south of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for the erection of 10no two storey residential dwellings on the edge of the village of Steeple Aston, with access off

South Side. Proposals would also include a new pedestrian footway, traffic calming measures, parking and garaging, landscaping. Proposals would provide 2no 2-Bed, 5no 3-Bed, 1no 4-Bed and 2no 5-bed dwellings, constructed in a natural Cotswold stone finish walls under slate roofs.

4. RELEVANT PLANNING HISTORY

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

CHS.272/88 - (Outline) Three houses. Application refused on the grounds of constituting development beyond the built-up limits of the village, contrary to development plan, and resulting in detrimental impacts on visual amenity and an undesirable precedent being set.

17/02414/F - Erection of 6 no. two-storey residential dwellings with access off South Side, including parking and garaging, landscaping and all enabling and ancillary works. Application withdrawn following officers advising that the application was to be refused as inappropriate residential development beyond the built-up limits of the village.

18/01482/F - Erection of 6 no. two-storey residential dwellings with access off South Side, including parking and garaging, landscaping and all enabling and ancillary works. Application withdrawn by applicants for a reason unknown to officers.

19/01177/F - Erection of 10 no. two-storey residential dwellings with access off South Side, including a new pedestrian footway, parking and garaging, landscaping, and all enabling and ancillary works. Application withdrawn following officers raising significant concerns in relation to: the principle of development (lack of compliance with the provisions of the MCNP); inappropriate layout and housing type; lack of affordable housing; highway safety; ecology; lack of LAP provision and potential environmental health issues, given proximity of commercial garage adjacent and lack of appropriate assessment of potential impacts on residential amenity.

5. PRE-APPLICATION DISCUSSIONS

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

- 19/02090/PREAPP - Erection of 10 No two storey residential dwellings with access off South Side including a new pedestrian footway, parking and garaging, landscaping and all enabling and ancillary works.

5.2. Applicant advised that due to a lack of supporting information within the submitted scheme that a definitive response could not be given as to the acceptability of the proposals and whether such an application would be supported. Whilst general support for the principle of developing the site was offered, a number of issues that needed to be satisfactorily resolved were highlighted to the applicant; including: siting, design and materials; highways; ecology; lack of affordable housing; lack of open space provision; drainage; residential amenity. Response issued 12/11/2019.

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 **12 February 2020**, although

comments received after this date and before finalising this report have also been taken into account.

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

- Highway safety issues;
 - poor visibility at access to the site;
 - visibility affected by sunlight;
 - unsafe pedestrian link to the village;
 - proposed footpath should be widened;
 - the proposed build out should be relocated;
 - Existing highway safety issues highlighted.
- Unsustainable location that will promote car use.
- Concerns raised with regards to the application process, including the lack of a site notice and the publishing of Parish Council comments against the application on the Council's website.

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. STEEPLE ASTON PARISH COUNCIL (SAPC): **No objections.** Whilst indicating support for the application, noting potential S106 benefits to village facilities, also comments on securing Thames Water's assurances that the sewerage system can cope.

7.3. MID-CHERWELL NEIGHBOURHOOD PLAN FORUM (MCNPF): **No objections.** The MCNPF notes the changes made to the previous scheme and improvements that have been made. Whilst the MCNPF, on balance, supports the application it also notes that: Policy PH3 (Adaptable Housing Policy) '*has been ignored*', and that the spirit of compliance with Policy PH1 (Open Market Housing Schemes Policy) '*has now been watered-down*' as a result of the proposed housing mix.

CONSULTEES

7.4. BUILDING CONTROL: No comments received.

7.5. CAMPAIGN TO PROTECT RURAL ENGLAND: No comments received.

7.6. DESIGN AND CONSERVATION: **Objects.**

7.7. ECOLOGY: **Objects.** The Ecologist notes the need for method statements for avoidance of harm being required for reptiles and badgers, mitigation for loss of habitat to birds, bats and reptiles, and further that the proposals do not demonstrate a nett gain in biodiversity as required by both local and national policy guidance.

7.8. ENVIRONMENTAL HEALTH: **No objections subject to conditions.** Conditions required in relation to securing appropriate noise mitigation measures (as set out in

accompanying Noise Impact Assessment); assessment of land contamination and the inclusion of Electrical Vehicle (EV) charging points.

- 7.9. LANDSCAPE SERVICES: **No objections** subject to revised landscaping details and securing a S106 Agreement in respect of: open space maintenance and off-site contributions towards the upgrade of worn out play equipment identified by the SAPC.
- 7.10. LONDON AND OXFORD AIRPORT: No comments received.
- 7.11. MINERALS AND WASTE: No comments received.
- 7.12. NATIONAL AIR TRAFFIC SYSTEMS: **No objections.**
- 7.13. PLANNING POLICY: No comments received.
- 7.14. OCC ARCHAEOLOGY: **No objection.**
- 7.15. OCC EDUCATION: **No objections** subject to S106 to secure contributions towards the expansion of secondary capacity serving the proposed development.
- 7.16. OCC LOCAL HIGHWAY AUTHORITY (LHA): **No objections**, subject to standard conditions and S278 and S106 Agreements. Conditions required in respect of: access, vision splays parking/manoeuvring areas, surfacing and drainage and the need for an appropriate Construction Traffic Management Plan. S106 required to secure Public Transport Service Contributions and requirement for further S278 Agreement to be in place prior to implementation. S278 Agreement required to secure work to create a bell-mouth junction to provide access from the site on to South Side and Off-site highway works, including a length of 1.2m wide footway, coloured virtual footway, priority build-out feature, signing, lining and lighting.
- 7.17. OCC LEAD LOCAL FLOOD AUTHORITY (LLFA): **No objections** subject to conditions in relation to securing an appropriate drainage strategy for the site based on SUDs principles and including future maintenance.
- 7.18. RECREATION AND LEISURE: **No objections**, subject to a S106 to secure: Community Hall Facilities; Outdoor Sport Provision and indoor sport provision.
- 7.19. STRATEGIC HOUSING: **Objects.** Whilst the number of houses proposed on this site is set below the threshold that would trigger the requirement to provide affordable housing, it is considered that there is capacity to provide an increased number of dwellings; with more efficient use of land as required by Policy BSC2 of Cherwell Local Plan 2011-2031 Part 1. There is currently an identified affordable housing need within the village, and this proposal could contribute to meeting this need.
- 7.20. THAMES VALLEY POLICE ADVISOR: **No objections** subject to a condition seeking to secure Secured by Design accreditation. Further, comments on some minor design changes being required to enable the scheme to meet such standards and the lack of attention within the Design and Access Statement to addressing matters of crime and disorder.
- 7.21. WASTE AND RECYCLING: No comments received.
- 7.22. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial*

assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

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

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Potentially 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 2018-2031 (MCNP) and the following Neighbourhood Plan Policies of the are considered relevant:

- PD1: Development at Category A Villages
- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PD6: Control of Light Pollution
- PH1: Open Market Schemes
- PH3: Adaptable Housing
- PH5: Parking, Garaging and Waste Storage Provision

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Steeple Aston Conservation Area Appraisal 2014
- Cherwell Residential Design Guide SPD (CRDG) (July 2018)
- Developer Contributions SPD (February 2018)
- Annual Monitoring Report (AMR) (December 2018)
- Housing Land Supply in Oxfordshire: Ministerial Statement of 12th September 2018
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of Development;
- Housing Density and Mix;
- Design and Impact on the Character of the Area;
- Highways Safety;
- Residential Amenity;
- Flood-risk and Drainage;
- Ecology and Biodiversity.

Principle of Development

9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996 as well as a number of Adopted Neighbourhood Plans; in respect of this application this includes the Mid-Cherwell Neighbourhood Plan.

Policy Context

- 9.3. The NPPF's key objective is to support the achievement of sustainable development through the planning system, recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2031 which looks to support sustainable development.
- 9.4. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12).
- 9.6. Cherwell District Council can demonstrate a 4.6-year supply of deliverable housing sites (i.e. less than the 5-year supply required in the NPPF). Notwithstanding this, the Written Ministerial Statement of 12th September 2018 provides for a temporary change to housing land supply policies as they apply in Oxfordshire. Until the adoption of the Joint Statutory Spatial Plan, the Oxfordshire Authorities are required to demonstrate a 3-year supply of deliverable housing sites (as well as meeting their requirements in respect of the Housing Delivery Test). As such, policies for determining the application are only to be considered out of date (in accordance with paragraph 11d – footnote 7 of the NPPF) where a 3-year supply of deliverable sites cannot be demonstrated. A 3-year supply can be demonstrated in this case and so the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.7. Policy ESD1 of the CLP 2031 states that measures will be taken to mitigate the impact of development within the District on climate change. This will include distributing growth to the most sustainable locations as defined by Policy Villages 1 and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.8. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Steeple Aston is recognised as a Category A village where new residential development will be restricted to conversions, infilling and minor development within the built-up area of the settlement.
- 9.9. Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.10. The MCNP established settlement boundaries for the Category A villages within its Plan area. The application site falls outside of the identified settlement boundaries. Policy PD1 of the MCNP relates to new development at Category A villages within its Plan area, and states that any residential development which is outside the

settlement areas of these villages must have particular regard to all the following criteria:

- a) The site should be immediately adjacent to the settlement area
- b) The site should not be the best and most versatile agricultural land and the use of previously developed land is particularly likely to be acceptable.
- c) The development should conserve and, where possible, enhance the landscape.
- d) The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of other heritage assets (see Appendix K: Heritage and Character Assessment).
- e) The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston and Middle Aston.

9.11. Policy PD1 identifies the total *approximate, indicative* number of additional dwellings permitted during the Plan period either within the settlement areas of these villages, or adjacent to them, as being 20no for Steeple Aston.

9.12. Saved Policy H18 of the CLP 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. The proposals do not find support under Policy H18.

9.13. *Assessment*

9.14. The proposals are for open-market housing beyond the built-up limits of the village and therefore would not find support under Policy Villages 1 of the CLP 2031 or saved Policy H18 of the CLP 1996.

9.15. The MCNP was 'made' in 2019 and forms part of the Development Plan. In assessing new residential development on the edge of Category A villages regard must be had to the provisions of Policy PD1 as set out above. Policy PD1 is considered to be in conformity with Policy Villages 2 of the CLP 2031 and largely reflects its provisions and aims. However, given that Policy PD1 is a more recently adopted policy, specific (in this instance) to Steeple Aston, officers consider that greater weight should be given to this policy in consideration of the principle of development in this instance. In assessing the proposals against these criteria in turn, officers consider the following points to be relevant:

- a) The site sits immediately adjacent the western boundary of the village and in broad terms development of the site would – albeit set back from the highway – continue the general linear form of the existing settlement pattern as seen on the southern side of South Side.
- b) Data provided to the Council by Natural England shows the land to be Class 5 (very poor) agricultural land.
- c) The introduction of significant new residential development on the site would obviously change the character and appearance of the site at this location. The site is currently largely devoid of any significant built form, albeit that

officers are aware from historic aerial photography that there have previously been agricultural structures on the site. The proposed development would be contained within the existing site boundaries and any impacts on the wider landscape could largely be mitigated through an appropriate landscaping scheme, enhancing the site boundaries, to ensure the surrounding landscape character would largely be conserved.

- d) The proposals would not give rise to coalescence with any other nearby settlement.

Conclusion

- 9.16. In light of the above the principle of residential development on the site could be acceptable and accords with the provisions of Policy PD1 of the MCNP in so far as it relates to the principle of residential development at this site. However, overall acceptability of the proposals is dependent on other material considerations, such as density, housing mix, design and impact on heritage assets, ecology and highway safety.

Housing Density and Mix

Policy Context

- 9.17. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.18. The NPPF (Para. 117) states that: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*.
- 9.19. Further at Para. 122 that: *Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) *local market conditions and viability;*
 - c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) *the importance of securing well-designed, attractive and healthy places.*
- 9.20. Policy BSC2 of the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031) reflects the aims of national guidance and requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare (DPH) unless there are justifiable planning reasons for lower density development.

- 9.21. Policy BSC4 of the CLP 2031 states that: *'New residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities'*. Further that: *'The mix of housing will be negotiated having regard to the Council's most up-to-date evidence on housing need and available evidence from developers on local market conditions'*
- 9.22. Policy PH1 of the MCNP is considered to be in line with Policy BSC 4 of the CLP 2031 and requires that: in developments of 10 dwellings or more, the indicative mix should be: 30% 1 or two bedrooms, 46% 3 bedrooms and no more than 24% with 4 bedrooms or more.

Assessment

- 9.23. The proposals are for 10no dwellings on a site of 0.93Ha resulting in a proposed density of 10.8 DPH; this is significantly below the density required under Policy BSC2. The applicants contend that the low density should be considered acceptable in light of the edge of village setting, and also provide comparisons with other existing smaller developments immediately to the north of the site and along Water Lane north-east of the site. Whilst officers note these comments, it is also noted that there are more recent significant developments on the edge of the village, which are considered more comparable to the current site, including Coneygar and Shepherds Hill, and these have achieved greater densities (23 DPH & 26 DPH respectively), whilst also contributing much needed affordable housing.
- 9.24. The NPPF (Para. 123) states that: *'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site'*.
- 9.25. At 0.93Ha the site would normally be expected to provide in excess of the affordable housing threshold in Policy BSC3 (11 or more dwellings). This policy states includes the wording *'...all development that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings, will be expected to provide at least 35% of new housing as affordable homes on site'*.
- 9.26. The MCNP notes (e.g. at para 1.11.2) a particular requirement for the provision of Affordable Housing. The Vision Statement of the MCNP sets out a need for small-scale affordable housing. MCNP housing policy objective H2 seeks to "ensure that affordable housing is provided within any local developments". This is reiterated in para 2.3.3 with regard to how the MCNP will deliver on its objectives, and para 3.3.2 states that, along with objective H1, H2 "will...help to achieve the provision of affordable housing and a mix of housing types and sizes..."
- 9.27. The Council's Strategic Housing Team objects to the application considering that the site could accommodate a greater number of dwellings and trigger the threshold for affordable housing under Policy BSC3 of the CLP 2031. Further advising that: *'Appraisal of the CDC Housing Register and the Oxfordshire Strategic Housing Market Assessment informs our affordable housing requirements. The housing proposed on this site is a mix of semi-detached and detached 2, 3 and 4-bedroom houses. Our register currently shows there are 4 households with a local connection who require 1-bed, 2-bed and 4-bed houses; some affordable housing provision would help with this need'*. The case officer supports the views of the Housing Team, in that the site could achieve a greater density, and it is considered that this could be achieved without the site appearing overly cramped or to the significant detriment of the character of the surrounding area; through a more appropriate housing mix and the use smaller dwelling types.

- 9.28. The Oxfordshire Strategic Housing Market Assessment (SHMA 2014) provides the evidence base and conclusions on a strategic mix of housing for the relevant policies of the current Development Plan. This identifies a mix for market housing of 5% 1-Bed, 25% 2-Bed, 45% 3-Bed and 25% 4-Bed for Oxfordshire, albeit identifying that there is a greater need for 3-bed properties within Cherwell. Policy PH1 of the MCNP is considered to be in general consistency with Policy BSC 4 of the CLP 2031 and requires that: *'in developments of 10 dwellings or more the indicative mix should be: 30% 1 or two bedrooms, 46% 3 bedrooms and no more than 24% with 4 bedrooms or more'*. At a mix of 20% 2-bed, 50% 3-bed and 30% 4/5-Bed the current scheme is not considered to comply with the provisions of Policy PH1 MCNP or Policy BSC4 of the CLP 2031.
- 9.29. Officers consider that this lack of compliance with appropriate housing further adds weight to the case for the LPA requiring smaller, more affordable dwellings as part of any development of this scale. The application site has the capacity to take additional development and, given development of the site is considered acceptable in principle, could meet identified needs as expressed in the Strategic Housing Team's comments previously supplied and the objectives of the Mid Cherwell Neighbourhood Plan. Put simply, the current proposal would conflict with the Vision Statement, objectives and relevant policies of the MCNP.
- 9.30. During the preparation of this report a late offer was received from the applicants to deliver the two proposed 2-bedroom units as shared ownership tenure homes; in some respects, acknowledging the Council's concerns with regards to the lack of affordable housing provision. Given the timing of this offer officers have not had an opportunity to undertake appropriate consultation on the proposed revised scheme. However, notwithstanding, it should be noted that two affordable units out of a development of 10 would still be below the requirements of Policy BSC3 of the CLP 2031, which would require 35% affordable provision of an appropriate mix (4no units in a scheme of 10). Notwithstanding officer's concerns in relation to the low density and lack of affordable housing provision, should the Council resolve to grant permission the two proposed 2-bedroom units as shared ownership tenure homes would need to be secured by way of an appropriate S106 agreement.

Conclusion

- 9.31. The proposals are not considered to provide appropriate mix of housing that would either meet the identified needs of the village or district as a whole. Further by virtue of the proposed low density the proposals would not be an effective and efficient use of land. The current proposal is therefore contrary to Policies PH1 of the MCNP, Policies BSC2 and BSC4 of the CLP 2031 and Government guidance within the NPPF.

Design and impact on the character of the area

Legislative and policy context

- 9.32. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.33. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that: *"New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and*

public spaces, and buildings configured to create clearly designed active public frontages". Policy PD5 of the MCNP further reflects these provisions and aims

- 9.34. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.35. The Council's Residential Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of continuous building forms along principle routes and adjacent to areas of the public open space, the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.36. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally 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, or impact on areas judged to have a high level of tranquillity.
- 9.37. The site affects the setting of a 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.*

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.

- 9.38. 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

- 9.39. The site sits at the entrance to the village, with the Steeple Aston Conservation Area, including the approach road into the village, adjacent the site. Views of the site from the public domain would be experienced from both the adjacent highway (South Side) and the PRow which crosses land to the south of the site. Proposals would see a linear form of development on the rural edge of the village, set back off the highway, behind boundary wall treatment, private access road and landscaping. The rear boundary of the site would be reinforced with additional landscaping.
- 9.40. The Steeple Aston Conservation Area Appraisal (SACAA) pays particular attention to the immediate context and location of the site. The proposed development lies immediately adjacent to the 'Peripheral areas' which are described in the appraisal: *'As the name suggests, these areas are set at the extreme edges of the historic core*

and have a less formal feel to them when compared with the traditional streets. Despite being separated, these entrances to the village are similar in their low-key rural approaches to the historic areas'. The properties along South Side are not overly large, but are often of high quality. Simple and elegant proportions are the most striking factor along this road, with a mixture of detached houses and small runs of terraced cottages.

- 9.41. The specific area around the proposed development is described separately within the SACAA, *'Leading out of the village west again, the tree cover creates a tunnel effect when viewed from the junction with Water Lane. This tunnel of trees is replicated on both Fir Lane and South Side, together with green verges and a lack of dwellings fronting the highway'*.
- 9.42. The CRDG reflects the provisions and aims of Policy ESD 15 advising that new development should promote a harmonious composition of buildings that contributes to the overall legibility and character of the place; respecting traditional settlement form and character and utilising building types which reflect local traditions and can be successfully grouped together. Further that new development should avoid estates with a homogenous, *'could be anywhere'* character, use of inflexible, standard house types which cannot be grouped effectively and the use of detached houses on small plots when a terraced form is more appropriate.
- 9.43. In terms of proposed materials these are likely to be acceptable, being relatively consistent with those in use within the village officers remain concern with regards to the layout and some of the proposed building types. Specific materials and construction could be secured by way of appropriate conditions.
- 9.44. Whilst the Council's Design and Conservation Officer does not discount the principle of development on the site, she raises a number of concerns with regards to the proposals as currently submitted; considering the overall scheme to be very suburban in form, with a variety of generic house types that are not based on local precedent. This echoes the case officer's opinion with regards to the proposed scheme; in particular, it is noted that Plots 4 and 7 are gable fronted properties, which are not considered typical of the Cherwell vernacular. Plot 10 is considered to further jar with the overall scheme, sitting as more of an appendage in relation to the rest scheme as opposed to a harmonious continuation of the built form.
- 9.45. The scheme proposes large executive style homes with large double garages immediately adjacent the existing village boundary, at a low density. The density increases within the development towards the western edge of the site; with it being noted that Plots 1-3 cover a larger proportion of the site than Plots 6-10. This is contrary to that which officers would expect to see on the edge of rural villages, with development becoming more loose-knit on the periphery of the settlement. This is considered contrary to the existing pattern of residential development at this edge of village location.
- 9.46. The proposals include significant new landscaping, particularly along the boundaries of the site, which is largely welcomed by officers. The Landscape Officer recommends some amendments to the proposed landscaping; however, these have not been pursued by officers given the overall recommendation. It is considered the proposed landscaping would assist in mitigating the visual impacts of the proposed development particularly to views from the south and limiting any visual intrusion into the open countryside; and appropriate details could be secured by way of condition were the Council minded to approve the application.
- 9.47. The Conservation Officer raises further concerns with regards to the proposed traffic calming measures, including the proposed build-out and associated signage which

would have a significant impact on the character and appearance of the Conservation Area at this location. Whilst there would be clear benefits in terms of highway safety this has to be weighed against the detrimental visual impacts as a whole. In this respect it is considered that the proposals as a whole would result in harm to the character and appearance of the Conservation Area, with the level of harm being considered 'less than substantial'.

Conclusion

- 9.48. The proposals are not considered to reflect or reinforce local distinctiveness or the existing pattern of residential development within the area; contrary to the provisions and aims of the relevant Development Plan policies. Thereby detrimentally impacting on the character and appearance of the area and failing to reflect or preserve the character or appearance of the Conservation Area. This harm would be 'less than substantial'.
- 9.49. The NPPF (Para. 196) advises that where a development proposal would 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. It is considered the limited public benefit gained in providing additional housing would not outweigh the harm that would be caused in this instance, and further the conflict with development plan policy identified above. The proposals therefore conflict with the relevant policies of the Development Plan and are therefore considered unacceptable in this regard.

Highway Safety

Policy Context

- 9.50. The NPPF (Para. 108) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.51. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users;
 - and 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.
- 9.52. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.

Assessment

- 9.53. The application is supported by a Transport Statement and an associated Road Safety Audit. The details of the application have been assessed by the Local

Highways Authority (LHA) who raise no objections, subject to conditions securing further details in respect of access, vision splays parking/manoeuvring areas, surfacing and drainage and the need for an appropriate Construction Traffic Management Plan. The LHA further require a S106 to secure Public Transport Service Contributions and requirement for further S278 Agreement to be in place prior to implementation of any approved development. The S278 Agreement is required to secure work to create a bell-mouth junction to provide access from the site on to South Side and off-site highway works, including a length of 1.2m wide footway, coloured virtual footway, priority build-out feature, signing, lining and lighting.

- 9.54. Concerns have been raised in Third Party correspondence with regards to a number of highway safety related issues including comments in respect of the lack of visibility and the safety of pedestrians accessing the wider village and its associated facilities. The LHA has reviewed these concerns and maintain their position as to the overall acceptability of the scheme in terms of highway safety. Whilst officers note the Third Party concerns, given the technical assessment that has been undertaken by the LHA and it has been concluded that the proposals are considered to be acceptable in terms of highway safety officers see no reason to disagree with the LHA's assessment.
- 9.55. The proposals whilst sited on the edge of the village would be served by access with appropriate visibility that complies with relevant standards for a site within the existing 30mph speed limit. The development would also be served by appropriate parking provision within the site for the levels of accommodation proposed.
- 9.56. The proposals include traffic calming measures and pedestrian connectivity back into the village as detailed with the submitted Transport Statement, which the LHA considers appropriate and which in its opinion would represent an improvement to the safety of pedestrian movements above the current situation in this location. The LHA advises: *"OCC are satisfied that the proposals will offer a significant improvement for pedestrians moving to/from the west side of the village to the centre. The virtual footway concept has been used successfully in other locations within Oxfordshire (and elsewhere) and is considered appropriate in this situation, in conjunction with a build-out feature that will reduce vehicle speeds and will effectively reduce traffic flow to a single lane along the length of the virtual footway."*

Conclusion

- 9.57. In light of the LHA's advice, officers conclude that the proposal would not have a significant adverse impact upon the safe and efficient operation of the highway network subject to conditions, S106 contributions and an obligation to enter into a S278 agreement. It is considered that notwithstanding the objections raised above that the requirements of the LHA could be secured by appropriate conditions and the necessary legal agreements, were the Council be minded to approve the application; to ensure that the proposals would be acceptable in terms of highway safety.

Flooding Risk and Drainage

Policy Context

- 9.58. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.59. Policy ESD7 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

- 9.60. A site-specific Flood Risk Assessment & Development Drainage Strategy (FRA) prepared MJA Consulting has been submitted in support of the application. The Environment Agency's flood maps indicate that site is not within a higher risk flood zone and are within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere as a result of proposal.
- 9.61. The site is in a location that is not identified as being at higher risk of flooding. The FRA includes a drainage strategy for the site which has been assessed and largely considered acceptable by the County Council as LLFA. The LLFA recommends a number of conditions to ensure that the proposals represent a sustainable form of development that would be compliant with the principles of SUDs. It is again considered, that notwithstanding the objections raised above, that the requirements of the LLLFA could be secured by appropriate conditions, were the Council be minded to approve the application; to ensure that the proposals would be acceptable in terms of flood-risk and drainage.
- 9.62. Comments have been made by SAPC in respect of the capacity within the existing sewerage system. The applicant indicates that sewerage would be disposed of by way of mains sewer. As noted within the submitted FRA the proposals would require the permission of Thames Water to connect to the existing sewerage system, which is presumed would not be granted if there was a capacity issue. Should a situation arise whereby connection to the existing sewer system be refused then the developer would then need to look at an alternative on-site solution.

Conclusion

- 9.63. Officers consider that, in light of there being no technical objections being raised, and subject to appropriate conditions securing an appropriate surface water drainage scheme for the site, based on sustainable drainage principles and an acceptable sewage drainage strategy, the proposals are considered acceptable in terms of flood-risk and drainage.

Residential Amenity

Policy Context

- 9.64. 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 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

- 9.65. The proposals would provide acceptable internal layouts and external amenity space that would provide for a good standard of living, and are considered acceptable in this regard.
- 9.66. Given the rural context of the site and relationship of the proposed development with surrounding properties it is considered that the proposals would not likely result in any significant detrimental impacts on the residential amenity (loss of light, loss of outlook, over-domination or loss of privacy) of surrounding properties and could be considered acceptable in this respect.

9.67. Concerns had previously been raised by officers at the pre-application stage with regards to potential detrimental impacts arising from the operation of the adjacent commercial garage to the west of the site. In this respect the current application is supported by a noise assessment. The report highlights potential noise issues arising from the use of an external compressor at the garage and recommends mitigation measures including the introduction of an acoustic screen. The detail of report and proposed mitigation is considered acceptable by the Council's Environmental Protection Team.

Conclusion

9.68. Given the above, officers are satisfied that the development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers.

Ecology Impact

Legislative context

9.69. 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.

9.70. 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.

9.71. 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.

9.72. 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.

9.73. 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

9.74. 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.

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

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

9.77. Policy ESD10 of the CLP 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.

9.78. 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.

9.79. 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

9.80. 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')

- 9.81. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is in a rural location, with unmanaged grassland and mature natural boundary hedgerow and trees, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers and reptiles.
- 9.82. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA 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.
- 9.83. 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.
- 9.84. The application is supported by a detailed Ecological Assessment and Ecological Mitigation and Management Plan prepared by Southern Ecological Solutions. The Ecological Assessment identified that whilst bat emergence and reptile survey did not provide any evidence of bats or reptiles being present on the site, given the nature of the site and its natural boundaries that there was some ecological potential and a number of proposed mitigation measures are put forward.
- 9.85. The Council's Ecologist has assessed the submitted reports and whilst raised no significant concerns with regards to protected species actually on site, noted that method statements for avoidance of harm are required for reptiles and badgers and mitigation for loss of habitat to birds, bats and reptiles is also needed.
- 9.86. Without knowing whether the impacts and loss of habitat can be satisfactorily be mitigated the Council cannot fulfil its statutory duty with regards to protected species and their habitats.
- 9.87. The Ecologist also considers that the submitted information is also insufficient in terms of its assessment and proposed enhancements to demonstrate that the proposed development would provide a net gain in Biodiversity opportunities at the site rather than just mitigating loss that would be caused by the proposed development.

Conclusion

9.88. It is considered that there is insufficient information to enable the LPA to appropriately and fully assess the impact on protected species and their habitats and to conclude that protected species would not be unacceptably harmed or any such harm mitigated against by the proposed development, and further that proposals would provide for a nett gain in biodiversity at the site; contrary to the provisions and aims of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF in respect of Conserving and enhancing the natural environment.

Other Matters

9.89. Notwithstanding the Officer's recommendation of refusal, should Members resolve to approve the application, a S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, social and community facilities can be mitigated. This includes the provision of affordable housing offered at the late stage by the applicant. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

9.90. The following are sought through this application, but Officers have not entered into negotiations with the applicant in respect of these matters due to the recommendation:

- Affordable housing – The provision of two proposed 2-bedroom units as shared ownership tenure homes
- Open space provisions to include the laying out and regulation of such areas and arrangements for the long-term management and maintenance including the provision of commuted sums towards surface water drainage features, public open space and hedgerows.
- Contribution towards the enhancement of public transport services; including improvements to the bus service that connects Steeple Aston to Banbury and Oxford.
- An obligation to enter into a S278 Agreement prior to the commencement of the development.
- Contribution towards the expansion of secondary capacity serving the proposed development.
- Contribution towards the refurbishment/improvements at community facilities in Steeple Aston.
- Contribution towards offsite outdoor sports towards one-off capital expenditure for the existing Football Ground within Steeple Aston as additional usage is envisaged. Projects include top dressing of the field, new fencing and gates to the field area; provision of outdoor gym equipment; provision of an additional cricket net. And further the resurfacing with tarmac of the adjacent basketball court.

- Contribution towards off-site indoor sports towards the improvements at Sports and Recreation Centre in Steeple Aston (which will serve the new residents)
- Contributions towards waste and recycling bins

9.91. Given that there is no legal agreement in place to secure the above referenced matters (notwithstanding the applicant may be prepared to enter into such an agreement), it is necessary for a refusal reason to be imposed as there is no certainty that the infrastructure necessary to make the development acceptable in planning terms will be secured.

Contamination

The Environmental Protection Team notes the potential for land contamination arising from the adjacent commercial garage use. Further investigation is recommended to further assess potential risks. Given this conclusion, planning conditions could be recommended to require further contaminated land assessment and to secure appropriate mitigation if this application were to be recommended for approval and as recommended by the Council's Environmental Protection Team.

Human Rights and Equalities

9.92. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

9.93. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

9.94. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties will be invited to the public meeting of the Planning Committee and have the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

9.95. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

Duty under The Equalities Act 2010

- 9.96. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.97. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

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. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. Given the above assessment it is considered that the proposals represent an inappropriate form of development, which fails to reflect or reinforce local distinctiveness, and which would detrimentally impact on the character and appearance of the area and adjacent Conservation Area and its significance as a Designated Heritage Asset. Further that the proposed scheme is at a density and housing mix that would be neither an effective and efficient use of land neither or meet the housing needs of the district.
- 10.4. Whilst the proposals would potentially provide additional housing that would contribute to the District’s housing land supply it is considered that this benefit not outweigh the environmental harm identified above and as such the proposals would therefore not represent a sustainable form of development.
- 10.5. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposal conflicts with the relevant Policies of the Development Plan outlined above and therefore permission should be refused.

11. RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. By virtue of its siting, layout and design the proposals represent an inappropriate form of residential development, which fails to reflect or reinforce local distinctiveness, and which would detrimentally impact on the character and appearance of the area and adjacent Conservation Area. Further that the proposed scheme is at a low density and of a housing mix that would neither be an effective and efficient use of land or meet the housing needs of the District. Contrary to the provisions and aims of Policies PD1, PD5 and PH1 Mid-Cherwell Neighbourhood Plan 2018-2031, Policies Villages 1, BSC2,

BSC3, BSC4 and ESD15 of the CLP 2031 and Government guidance contained within the National Planning Policy Framework.

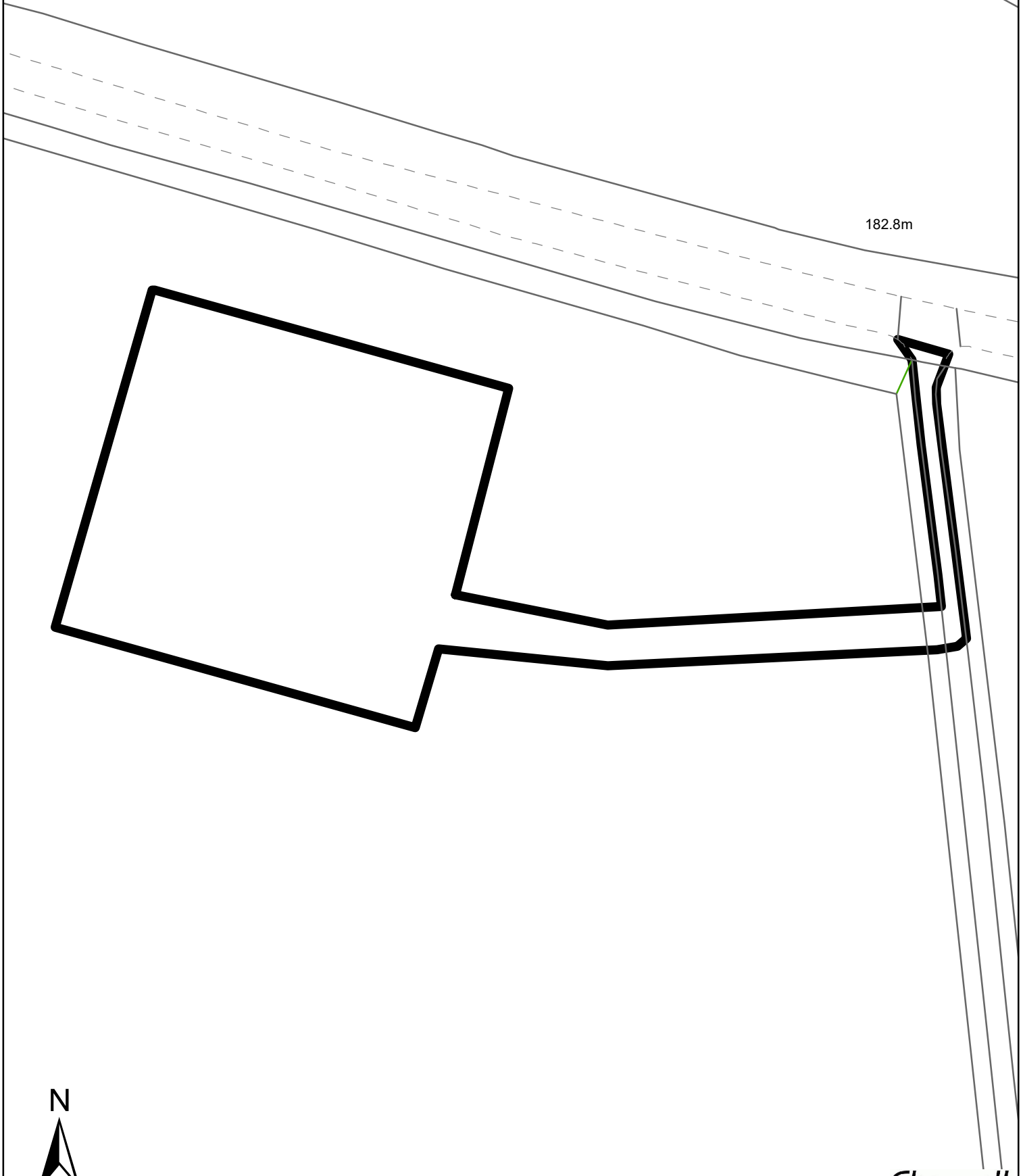
2. By virtue of a lack of appropriate ecological information within the application the applicants have failed to demonstrate that the proposals would not detrimentally impact on protected species and their habitat, to conclude that protected species would not be unacceptably harmed by the proposed development. Further, that it has not been demonstrated that proposals would provide a nett gain in biodiversity at the site; contrary to the provisions and aims of Policy ESD10 of the CLP 2031 and Government guidance contained within the National Planning Policy Framework in respect of Conserving and enhancing the natural environment.
3. In the absence of the completion of a satisfactory Section 106 Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Bob Neville

TEL: 01295 221875

19/02992/F

OS Parcel 4278 North West Of Lessor Grange
Milcombe



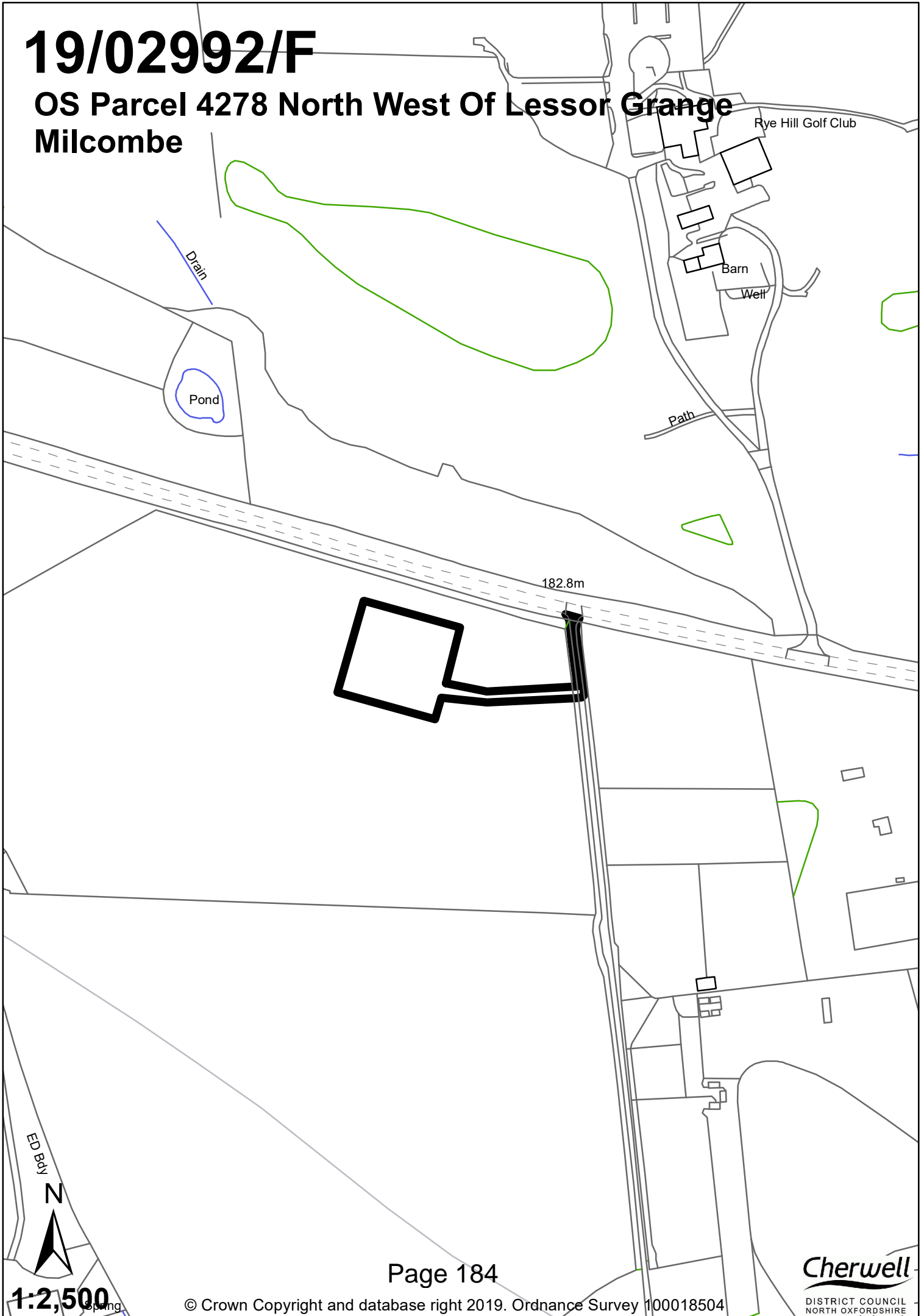
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19/02992/F

OS Parcel 4278 North West Of Lessor Grange Milcombe



Case Officer: Bob Neville

Applicant: Mr Bertrand Facon

Proposal: Erection of cattle shed, manure store and associated hardstanding.
Amendment to approved cattle shed 18/01724/F.

Ward: Deddington

Councillors: Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes

Reason for Referral: Major development

Expiry Date: 31 March 2020

Committee Date: 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks planning permission for an amended design from that previously approved (consent ref. 18/01724/F) for a cattle shed, manure store and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural building would measure 40m x 25m with an overall height to ridge of 7.8m. Walls would be constructed of half-height concrete panels with Yorkshire boarding above, under a dark green plastisol coated box profile steel sheet roof. The proposed building differs from the previously approved building by way of incorporating first floor vet and office accommodation in the southern end of the building, served by an external staircase. The proposed manure store would be an open structure (10m x 15m) on a concrete pad with concrete panel side walls (2m high).

Consultations

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

- Milcombe Parish Council, CDC Landscaping & OCC Highways

No letters of objection or support have been received.

Planning Policy and Constraints

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

Conclusion

The key issues arising from the application details are:

- Relevant planning history
- Principle of development
- Visual amenity, and impact on the character of the area
- Highway safety

- Residential amenity
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that, subject to conditions, the scheme meets the requirements of relevant CDC Development Plan policies and therefore that the proposals are acceptable.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of agricultural land located on the road between Milcombe and Wigginton Heath within open countryside. The village of Milcombe lies ~1km (0.6miles) to the east of the site, Rye Hill Golf Club lies ~280m to north-east of the site, with Lessor Grange some 480m to the south east of the site. Whilst the site itself is relatively level, land levels drop to the north and east of the site. The site is located adjacent the highway with an existing access and private drive serving Lessor Grange and associated farm. The site is bounded by a mature boundary hedgerow with trees adjacent the highway, whilst sitting within an area of open countryside characterised by agricultural fields with typical agricultural boundary hedgerows.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. Public Rights of Way (ref. Bridleway 409/7/10 and 298/5/20) cross land west and south of the site. There are no other significant site constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application comes following the previous approval of applications 18/01724/F, 18/01707/F and 18/01708/OUT (detailed below), which looked to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. This application is submitted to seek planning permission for a revised design of the proposed cattle building approved under application 18/01724/F.
- 3.2. The proposed agricultural building would measure 40m x 25m with an overall height to ridge of 7.8m. Walls would be constructed of half-height concrete panels with Yorkshire boarding above, under a dark green plastisol coated box profile steel sheet roof. The proposed building differs from the previously approved building by way of incorporating first floor vet and office accommodation in the southern end of the building, served by an external staircase. The manure store would be an open structure (10m x 15m) on a concrete pad with concrete panel side walls (2m high).
- 3.3. The proposals also include an area of hardstanding around the proposed barn and landscaping around the perimeter of the site.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/01724/F	Erection of cattle shed, manure store and associated hardstanding	Application Permitted
18/01707/F	Erection of straw and machinery storage barn and associated hardstanding	Application Permitted
18/01708/OUT	OUTLINE - Erection of agricultural workers dwelling	Application Permitted

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 **7 February 2020**.

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. MILCOMBE PARISH COUNCIL: **No objections**

CONSULTEES

7.3. ECOLOGIST: No comments received.

7.4. LANDSCAPE OFFICER: **No objections** to this minor change.

7.5. OCC HIGHWAYS (LHA): **No objections** subject to standard conditions in respect of access, parking and manoeuvring, surfacing, drainage and protection of visibility splays.

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)

- PSD 1: Presumption in Favour of Sustainable Development
- SLE 4: Improved Transport and Connections
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (as amended February 2019) (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Principle of development
- Visual amenity, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology and Biodiversity

Principle of development:

Policy context

- 9.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.
- 9.3. The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses.

- 9.4. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.

Assessment

- 9.5. The principle of development has previously been considered acceptable with the granting of planning permission 18/01724/F. This permission remains extant and could yet be implemented.
- 9.6. The amendments now proposed under this current application are considered relatively minor in the context on the development scheme as a whole, and do not introduce any further significant considerations that would result in the principle of development not being considered in the same favourable light.
- 9.7. The applicant has indicated that the proposals at Lessor Grange (an existing farm with a holding of some 150Ha, with cattle and sheep) relate to a proposed new, cutting-edge embryo transfer breeding enterprise, specialising in in-vitro fertilisation (IVF) and embryo transfer (ET). The proposed building would be for the housing and handling of cows, with facilities for calving, with a further building for agricultural storage (straw and machinery) previously approved under separate application 18/01707/F.
- 9.8. The Council has previously accepted that there is a genuine agricultural need for a building in the location proposed, which would support both existing farm operations and also the further expansion of the existing farming business including the potential new in-vitro fertilisation (IVF) and embryo transfer (ET) enterprise.

Conclusion

- 9.9. The principle of the erection of a new farm building in this rural location is therefore again considered acceptable in general sustainability terms. Overall acceptability is subject to further considerations discussed below.

Visual amenity, and impact on the character of the area:

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. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 9.12. Saved Policy C28 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.
- 9.13. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally 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, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.14. The proposed new agricultural building is of typical utilitarian modern agricultural style with concrete panel and Yorkshire timber boarded walls under a green profiled metal roof; which are relatively commonplace within the countryside. The proposed building and associated storage building (previously approved under 18/01707/F) would sit around an area of hardstanding with access taken of the existing access road leading to Lessor Grange. Views of the proposals from the public domain would largely be limited to those experienced when passing on the adjacent highway, with further localised views from within the site itself.
- 9.15. The design of the building is amended from that previously approved under 18/01724/F by way of replacing a single storey lean-to element on the southern elevation with a full height bay, incorporating first floor vet and office accommodation served by an external staircase. The proposed manure store and extent of the associated hardstanding would not change from that previously approved.
- 9.16. As was noted previously the building will be relatively large at 40m x 25m x 7.8m. However, the overall footprint and positioning of the building would not change from that previously approved. It would be screened to some extent by the existing boundary hedgerow. It is considered that the addition of the first-floor element would not increase the potential visual impacts of the proposed building to any greater extent than the previously approved scheme – the overall scale of the building would not change.
- 9.17. The previous consent was subject to a condition in relation to additional landscaping, to better screen and soften the appearance of the proposed new development. The Council's Landscape Officer again raises no objections to the proposals subject to the approval of an appropriate detailed landscaping and planting scheme; including not only the proposed new landscape belt to the northern boundary but also appropriate native hedgerows to the southern and western boundaries, sympathetic to the agricultural/rural context. It is considered that the required details and planting specifications could be secured through an appropriately worded condition attached to any such permission.

Conclusion

- 9.18. It is considered that, subject to the implementation of an appropriate landscaping scheme, the proposed building would not have any further significant impacts above those previously assessed and considered acceptable with the granting of permission 18/01724/F. Overall it is considered that the proposed building would not be visually intrusive within the landscape or incongruous when seen either from the public realm from the adjacent highway. The siting and agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government Guidance and therefore considered acceptable in this regard.

Highway safety:

Policy context

- 9.19. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.20. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and

- 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.

9.21. Policy SLE4 of the CLP 2031 echoes the aims of the NPPF in supporting sustainable transport opportunities in new development.

Assessment

9.22. The LHA raises no objections on highway safety grounds, subject to conditions in relation to access, parking and manoeuvring within the site, and the surfacing and drainage of such and further the protection of visibility splays at the point of the access onto the adopted highway, in line with their previous recommendation of application 18/01724/F; and officers see no reason not to agree with this opinion.

9.23. The proposed amendments to the previously approved scheme would not introduce any further significant impacts on the local road network or highway safety above those previously assessed and considered acceptable.

9.24. The site is served by an existing access, which would not be affected by the proposals, with access to the proposed development being taken off the existing private access road serving Lessor Grange; allowing sufficient space for vehicles to leave the main adopted highway before entering the proposed site. Visibility at the access onto the adopted highway is considered to be good and the maintenance of vision splays could again be secured through an appropriate condition attached to any such permission.

Conclusion

9.25. It is considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Residential amenity:

Policy context

9.26. Policy ESD15 of the CLP 2031 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

9.27. The site is situated ~1km (0.6miles) west of the village of Milcombe and Rye Hill Golf Club lies ~280m to north-east of the site. Again, the proposals would have no greater impact on residential amenity than the previously approved scheme. Manure would be stored within a proposed new storage area bounded by concrete panel walls, and periodically emptied for spreading on land within the farm, a common practice on rural farmsteads. Officers remain of the opinion that, given the distance from residential properties, the proposals would not result in any significant odour issues, above those often experienced in such rural locations, to the extent that would warrant a reason to refuse planning permission on these grounds alone.

Conclusion

9.28. Given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on residential amenity and in officer's opinion the application is therefore considered acceptable in this respect.

Ecology and Biodiversity:

Policy context

9.29. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the

intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.

- 9.30. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*.

Assessment

- 9.31. The proposals would not have any greater impact on ecology and biodiversity at the site above that previously assessed and considered acceptable under the permitted scheme 18/01724/F. There have been no significant changes to the context of the site since the assessment and approval of the previous consent.
- 9.32. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals and no records of protected species identified within the immediate vicinity of the site.
- 9.33. Whilst no formal comments have been received from the Council's Ecologist (CE) during the current application it was previously noted that no objections were raised in respect potential impacts on ecology and biodiversity at the site, subject to conditions in relation to ensuring that no inappropriate lighting is installed and that a net gain in biodiversity is achieved.
- 9.34. The CE previously noted the presence of a pond around 100m away; however, it is separated by a road and should amphibians be present they are unlikely to be using this part of this site in any significant way as there is more suitable habitat adjacent. Further that there are two parcels of significant woodland adjacent to the field, one at least is likely to be Priority /Section 41 habitat and that these are likely to support bats at least in foraging. The CE advised that there should be minimal lighting on site with no overspill into adjacent vegetation, to avoid impacts on the use of the surrounding vegetation by bats and other nocturnal wildlife. It is again considered that whilst no lighting is indicated on the submitted plans, that this could be managed by way of an appropriate condition attached to any such permission, to ensure the protection of any protected species, should such be present.
- 9.35. There are records of badgers in relatively close proximity. However, the proposals here set the buildings some distance from the hedgerow, with a proposed landscaping buffer on intervening land, so should the hedgerows be used for commuting they are less likely to be affected. The applicant should be aware that if there are setts present within this hedgerow there are legal restrictions on how close to a sett works can take place before a licence is required to avoid disturbance; and this could be conveyed through an appropriate informative attached to any such permission.

Conclusion

- 9.36. As with the previously approved scheme, the proposals would include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in

biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

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 overarching objectives, to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The principle of the development of an agricultural building in this location has previously been assessed and considered acceptable with the granting of permission 18/01724/F. Officers consider that the amended design now proposed would not introduce any further significant impacts or considerations, that would result in the proposals now not being seen in the same favourable light; given that the context of the site and development plan policy context has not significantly changed since the previous approval.
- 10.3. The proposal would not adversely affect residential amenity or local highway safety and, further subject to approval of further details being secured in relation ecology and biodiversity, the proposals would not be to the detriment of such matters, Having regard to the scale and form of the proposals, they are considered to be sympathetic to the rural context and, subject to conditions regarding landscaping, the proposals would not significantly adversely affect the character of the site or its setting within the wider landscape.
- 10.4. The proposals would provide social and economic benefits by supporting both the existing agricultural operations at the farm its future expansion through the proposed embryo transfer breeding enterprise. The proposals are not considered to be of any significant detriment to the environment and would potentially provide additional opportunities for biodiversity at the site.
- 10.5. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site, which would be broadly consistent district's Development Plan policies, which look to support agricultural enterprise and promote new forms of sustainable development. The application is therefore recommended for approval as set out below.

11. RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Supporting Statement dated December and drawings numbered KCC2395/02A, KCC2395/06A and KCC2395/10 01/20cb.

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

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

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

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

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

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

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

- 6 Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including construction and drainage.

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

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

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation

of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

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

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

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

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

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

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

INFORMATIVE NOTES TO APPLICANT

- 1 **Ecology** - Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.

- 2 Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use.

Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

- 3 **Environmental Protection** - It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

CASE OFFICER: Bob Neville

TEL: 01295 221875

19/01774/F

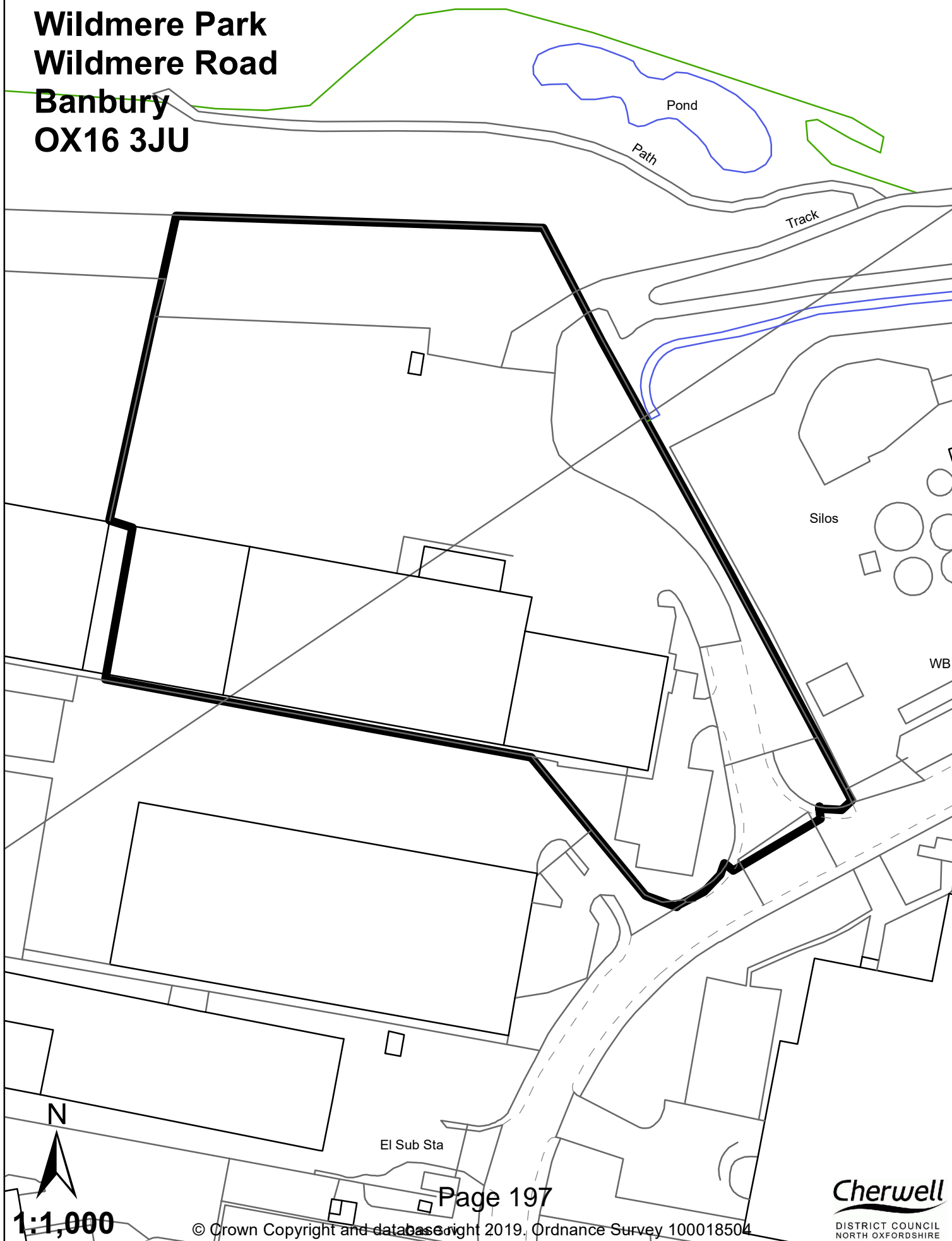
Unit 2-4

Wildmere Park

Wildmere Road

Banbury

OX16 3JU



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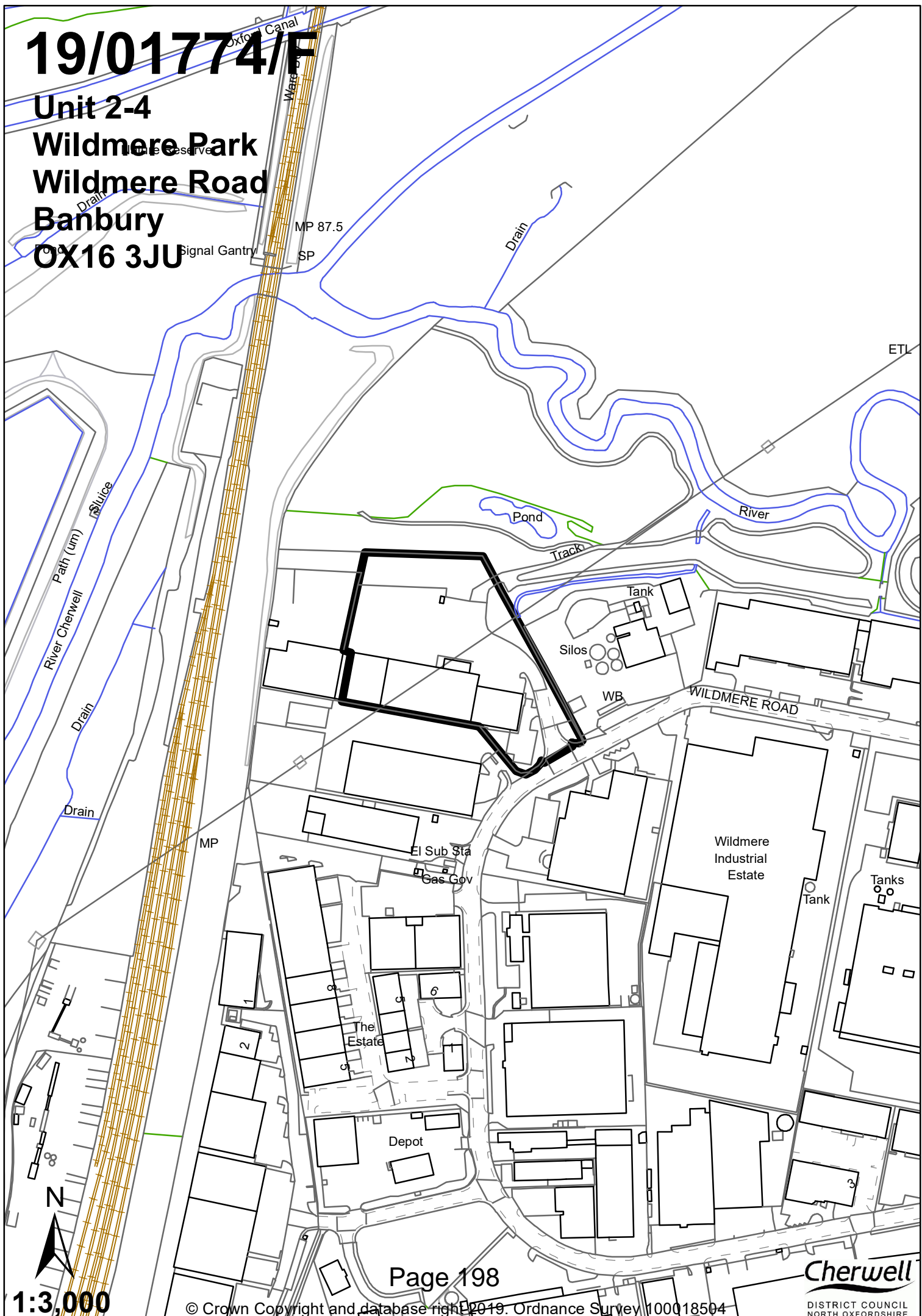
Unit 2-4

Wildmere Park

Wildmere Road

Banbury

OX16 3JU



1:3,000

Case Officer: Bob Neville

Applicant: Mr David Apperly

Proposal: Alterations and extensions to Units 2-4 to create additional industrial office space.

Ward: Banbury Grimsbury And Hightown

Councillors: Cllr Andrew Beere
Cllr Shaida Hussain
Cllr Perran Moon

Reason for Referral: Major development (1,409 sq m additional floorspace)

Expiry Date: 16 March 2020

Committee Date: 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The application seeks planning permission for the extension of 3no units (2-4 Wildmere Park), to provide additional industrial storage and office floorspace. The proposed extension would be off the northern elevation of the existing row of buildings; proposed to be constructed in materials of a similar appearance (profiled metal cladding to walls and roof) to those on the existing buildings, providing an additional 390 sq m of B1a (office) and an additional 1,019 sq m of B8 (storage) floorspace. Proposals would utilise the existing access off Wildmere Road and would include revised parking arrangements and landscaping.

Consultations

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

- Local Lead Flood Authority OCC

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

- Banbury Town Council, Building Control, Environment Agency, Environmental Protection, Local Highways Authority OCC, Minerals & Waste OCC, Network Rail and Thames Water

The following consultees have not responded to the consultation on the application:

- Economic Development, Planning Policy, Southern Gas Network and Thames Valley Police Design Advisor.

No letters of objection or support have been received during the application.

Planning Policy and Constraints

- The site is an existing employment site (allocated within the Development Plan) in an establish commercial area of Banbury.
- The site is within an area of higher flood-risk (Flood Zones 2 & 3), albeit an area identified as benefitting from defences within the Cherwell Level 1 Strategic Flood Risk Assessment.

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

Conclusion

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character of the area
- Highway Safety
- Flood-risk and Drainage
- Environmental protection

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

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to three existing commercial units, in a wider group of five units known as Wildmere Park, situated in an existing industrial employment area in north east Banbury, with existing access road taken off Wildmere Road. Units 1-4 of Wildmere Park are currently occupied by 'DAR' lighting whilst Unit 5 is occupied by 'Scania' truck services. The Wildmere Park site is bounded by landscaping to the north, existing industrial warehousing to the south and the railway line to the west. The site for the proposed extension is currently an area of concrete and tarmac hardstanding and used as vehicle parking and manoeuvring and service yard area.

2. CONSTRAINTS

- 2.1. The site is within an area of higher flood-risk (Zone 2 & 3, albeit an area identified as benefitting from defences within the Cherwell Level 1 Strategic Flood Risk Assessment). The site is within an area of potentially contaminated land. The site is within a 250m mineral infrastructure safeguarding zone (surrounding Banbury Rail Depot Hennef Way Banbury). The site is also within a consultation zone for Southern Gas Network medium pressure pipeline, which runs under Wildmere Road. A Public Right of Way (ref. Footpath 120/78/30) cross the existing access following the route of Wildmere Road.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the extension of 3no units (2-4 Wildmere Park), to provide additional industrial storage and office floorspace. The proposed extension would be off the northern elevation of the existing row of buildings on an area of existing concrete and tarmac hardstanding; proposed to be

constructed in materials of a similar appearance (profiled metal cladding to walls and roof) to those on the existing buildings, providing an additional 390 sqm of B1a (office) and an additional 1019 sqm of B8 (storage) floorspace. Proposals would utilise the existing access off Wildmere Road and would include revised parking and landscaping.

- 3.2. Amended parking layout details have been received during the application in response to comments by the Local Highways Authority and the proposals now indicate that extended units would be served by parking for 32no cars (including 3no disabled spaces) and 12no HGV vehicles.
- 3.3. Further amended and additional details have also been submitted during the course of the application and proposals now also include the addition of Solar Photo Voltaic Panels and Electrical Vehicle (EV) charging points.
- 3.4. Unfortunately, the application has gone beyond its original statutory target date as a result of additional/amended information being considered particularly in relation to flood-risk assessment; looking to address comments initially made by the Environment Agency. An extension of the determination period has therefore been agreed to allow for appropriate consultation and consideration of the revised details.

4. RELEVANT PLANNING HISTORY

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

Relevant history relating to actual site:

- 4.2. CHN.88/276 - Extension to transport depot comprising 4no factory warehouse units. Application Granted.
- 4.3. 07/01002/F - Upgrading and extension to existing warehouse consisting of new roof, new cladding to north, east and part south elevation, 2no extensions to north elevation, car parking layout, resurfacing, landscaping, boundary fence and gates. Application Granted.
- 4.4. 10/00103/NMA - Non-material amendment to 07/01002/F to relocate vehicle doors in north elevation of unit 1 and changes to fenestration to east and new roof light to north elevation. Application Granted.

Relevant history relating to land opposite and north of Unit 1-5 Wildmere Park Wildmere Road Banbury

- 4.5. 15/00476/F - Erection of 3no industrial units with B1, B2 and B8 use with trade counters. Application Granted.
- 4.6. 17/00015/DISC - Discharge of conditions 10 (biodiversity enhancement), 13 (landscaping), 15 (trees) and 16 (arboricultural method statement) of 15/00476/F. Split decision issued, with details being approved in relation to conditions 10, 15 and 16 and the details for condition 13 being refused.
- 4.7. 18/00334/DISC - Discharge of Conditions 3 (parking areas), 4 (drainage), 5 (contamination), 6 (contamination 2), 7 (contamination 3), 8 (contamination 4), 10 (biodiversity enhancement), 11 (lighting strategy) and 13 (landscaping) of 15/00476/F. Application Granted.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 October 2019**.

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. BANBURY TOWN COUNCIL: **No objections.**

CONSULTEES

7.3. BUILDING CONTROL: **No objections.** Proposals will require building regulations approval.

7.4. ECONOMIC DEVELOPMENT: **No comments received.**

7.5. ENVIRONMENTAL PROTECTION: **No objections**, following the submission of revised plans (including the provision of PV Panels and EV charging points) and additional information in respect of air quality impact assessment.

7.6. ENVIRONMENT AGENCY: **No objections**, subject to a condition, requiring the development to be in accordance with the mitigation strategy set out within the submitted Flood Risk Assessment; following the submission of a revised Flood Risk Assessment during the application.

7.7. LOCAL LEAD FLOOD AUTHORITY OCC (LLFA): **Objects**, to initial submission.

Commenting that proposals:

- Not aligned with Local or National Standards.
- In Flood Zone – EA evidence of approval to develop required.
- Insufficient evidence provided to enable a full technical assessment of the proposal.

No further comment received at the time of preparation of this report following the submission of a revised FRA, looking to address previous comments and revised comments of the Environment Agency.

7.8. LOCAL HIGHWAYS AUTHORITY OCC (LHA): **No objections**, following the submission of revised and additional information.

7.9. MINERALS AND WASTE OCC: **No objections.**

7.10. NETWORK RAIL: **No objections.**

7.11. PLANNING POLICY: **No comments received.**

7.12. SOUTHERN GAS NETWORK: **No comments received.**

7.13. THAMES VALLEY POLICE DESIGN ADVISOR: **No comments received.**

7.14. THAMES WATER: **No objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- SLE1: Employment
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Assessment
- ESD7: Sustainable Drainage System (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the natural environment
- ESD13: Local Landscape Protection
- ESD15: Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Strategic Flood Risk Assessment (SFRA)

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 Safety
- Flood-risk and Drainage
- Environmental protection

Principle of Development

Policy Context

- 9.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having three dimensions: economic, social and environmental; and seeks to secure support for the sustainable growth and expansion of all types of business. Further that 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 (NPPF Para. 80).
- 9.3. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.4. Policy SLE1 of CLP 2031 relates to employment development and looks to protect existing employment land and buildings for employment (B class) uses, whilst offering support to new employment development that is focused on existing employment sites.

Assessment

- 9.5. The proposals seek to extend existing B1/B8 units within an existing and well-established industrial area within the built-up limits of Banbury. The proposals would allow for increased operational floorspace supporting business opportunities at the site, in line with the provisions and aims of the development plan policies identified above.
- 9.6. It is noted that the Council has previously supported the principle of the development of additional new units at the site with the approval of application 15/00476/F. The current proposal could not be developed in addition to the previously approved scheme given the context of the site and relationship of the two developments; in particular that the conditions of the 2015 permission could not be adhered to if the current proposal (should it be granted permission) was carried out. As such the proposals assessed under this application would allow for an alternative form development through the extension of the existing units as opposed new build units.

Conclusion

- 9.7. The proposals would not result in any change of use of the site, merely an expansion of the authorised existing uses which would not likely result in significant detrimental environmental impacts. As such they are considered acceptable in terms of general sustainability and the location of the site, with overall acceptability subject to further considerations discussed below.

Design, and impact on the character of the area

Policy Context

- 9.8. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 9.9. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
- 9.10. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.

Assessment

- 9.11. Given the context of the site and its relationship with surrounding commercial buildings views of the proposed extended units would be fairly localised and largely limited to those within the site and glimpsed views up the access road. The existing units are of utilitarian/functional design in keeping the character of the surrounding commercial area.
- 9.12. The main expansion of the storage use would appear as an extension to the existing building of similar form and utilising similar materials, with two storey flat-roofed office accommodation as further subservient additions. The proposals would be seen in the context of the existing commercial units and would not appear out of place or visually intrusive within the site's wider setting.
- 9.13. The application is also supported by a proposed landscaping scheme, which looks to provide additional planting along the northern boundary thereby enhancing this natural green boundary through additional woodland planting.

Conclusion

- 9.14. The proposed extension and alterations are considered to be sympathetic to the character and appearance of the site and would not adversely affect the visual amenities of the wider area. Overall and subject to conditions the proposals accord with the development plan policies identified above in terms of potential visual impacts and the application is therefore considered acceptable in this regard.

Highway Safety

Policy Context

- 9.15. The NPPF (Para. 108) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport and advises that in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - 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.
- 9.16. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4

states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”.

Assessment

- 9.17. The LHA has assessed the application and whilst initially raising an objection in respect of the proposed parking layout, lack of cycle parking and lack of detail within the submitted Transport Statement, these objections were subsequently removed following the submission of revised and additional information, which were considered to satisfactorily address the issues raised.
- 9.18. The existing access off Wildmere Road would not be directly affected by the proposed development and would be retained to serve existing and proposed extended units. Access through the site would also be retained to provide access to Unit 5 (Scania Trucks). The proposals whilst increasing operational floor space are unlikely to result in any significant increase in vehicular movements to or from the site.
- 9.19. Following the submission of revised plans the proposals would provide appropriate levels of vehicle parking (32no Cars and 12no HGV spaces) for the proposed development which the LHA advises is an acceptable level of provision.
- 9.20. Proposals include both Electrical Vehicle (EV) charging points and cycle parking, thereby promoting the use of more sustainable forms of transport in line with both local and national policy guidance.
- 9.21. An extant permission 15/00476/F (for three new additional units) exists on the site. If the Council were to resolve to grant permission to the current scheme 19/01774/F, officers consider that the two schemes could not be lawfully implemented together given the physical conflict between the two layouts. It would therefore be a case of either of the schemes being fully implementable, but not both.

Conclusion

- 9.22. Subject to suitably worded conditions, the proposals include both appropriate access and parking and manoeuvring within the site to ensure that the proposals would not have a significant impact on the safety and convenience of highway users and is therefore considered acceptable in terms of highway safety.

Flood-risk and Drainage

Policy Context

- 9.23. Policy ESD6 of the CLP 2031 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.
- 9.24. Policy ESD7 of the CLP 2031 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

- 9.25. The site is an existing row of industrial units and area of concrete and tarmac hardstanding that benefit from existing drainage provision at the site. A site-specific Flood Risk Assessment (FRA) prepared Flow Drainage Design has been submitted in support of the application; this has further been updated during the course of the application in response to officer and consultee comments. As noted above the Environment Agency's flood maps indicate that the site lies within Flood Zones 2 & 3.
- 9.26. Guidance within the PPG advises that the industrial use proposed here as having a 'less vulnerable' flood vulnerability classification, and that such uses are acceptable within Flood Zone 3a areas; but that within such areas essential infrastructure should be designed and constructed to remain operational and safe in times of flood.
- 9.27. Whilst initially raising an objection in respect of the lack of detail within the supporting FRA the Environment Agency (EA) has subsequently withdrawn its objection in response to the submission of a revised FRA, and subject to the development being carried out in accordance with the detail of the FRA and in accordance with the mitigation measures, i.e. that the new extension will incorporate flood resilient construction methods up to the climate affected flood level of 94.00m AOD (Above Ordnance Datum).
- 9.28. The FRA demonstrates that the proposals would remain safe in the event of flooding. Whilst there would be an increase in the built form there would be no increase in impermeable area as a result of the works, and therefore no increase in run-off rates to the surface water network.
- 9.29. Also relevant to the EA's latest advice / lack of objection is that the current proposals and the extant permission could not both be carried out; and the net impact in terms of flood risk is not significantly different between the two schemes.
- 9.30. Whilst the objection of OCC's Drainage Team is noted, its position is somewhat in conflict with the EA's revised position. Further comment has been requested from OCC on this matter. However, at the time of the preparation of this report no updated comments had been received.
- 9.31. With respect to the proposed drainage strategy submitted with the application drainage would be connected through the existing systems serving the site. This is in line with the existing situation and similar to the previously approved extant scheme for the three new units (15/00476/F) at the site, with drainage being approved in 2018 under application 18/00334/DISC.

Conclusion

- 9.32. It is considered that the proposals can be appropriately drained and are appropriate in the context of the potential flood-risk of the site; incorporating flood resilience techniques. Subject to the proposals complying with the detail of the submitted FRA the proposals are considered not likely to result in any increased flood-risk to the site or surrounding areas and as such could be considered acceptable in terms of flood-risk and drainage.

Environmental protection

Policy Context

- 9.33. At the heart of the NPPF is a presumption in favour of sustainable development and this is entrenched in the core principles of the NPPF. In pursuing sustainable

development positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life should be sought. These aims are echoed within the CLP 2031, which contains a number of specific policies which seek to secure sustainable forms of development in new-build.

- 9.34. Policy ESD1 of the CLP 2031 states that measures will be taken to mitigate the impact of the development within the District on climate change.
- 9.35. Policy ESD3 of the CLP 2031 states that all development proposals will be encouraged to reflect high quality design and high environmental standards and to demonstrate sustainable construction methods.
- 9.36. Policy ESD5 of the CLP 2031 states that the Council will support renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact.
- 9.37. Saved Policy ENV1 of the CLP 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.38. Saved Policy ENV12 of the CLP 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site, the development is not likely to result in contamination of surface or underground water resources or the proposed use does not conflict with the other policies in the plan.

Assessment

- 9.39. During the application further information was received in respect of sustainable construction and potential for use of renewables within the scheme, in response to officer and consultee comments. The application is supported Renewable Energy Feasibility Study which looked at the design principles informing the development with a view to reducing energy consumption and carbon emissions and a further Air Quality Assessment assessing the potential impacts on the nearby Air Quality Management.
- 9.40. Amended plans have been received during the course detailing additional sustainability measures to be incorporated within the scheme including the provision of EV charging points and solar PV panels to the roof of the development. The Council's Environmental Protection Team has assessed details of the submitted reports, raises no objections and support the proposed sustainability measures.
- 9.41. The proposals are on an area of land identified as having the potential for contamination associated with the historic use of the site. The proposals are unlikely to be affected by potential contamination to any greater extent than is the current situation. However, an appropriate condition can be applied in respect of any further unsuspected contamination to ensure that any potential risks from land contamination to the future users of the land and neighbouring land are minimised.

Conclusion

- 9.42. The proposals are consistent with both local and national guidance and aims in the encouragement of the use of sustainable design and construction measures. The development would comply with Policies ESD 1, 2 and 3, Saved Policies ENV1 and

ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF and are considered acceptable in this regard.

Ecology and Biodiversity

Legislative context

- 9.43. 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.
- 9.44. 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.
- 9.45. 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.
- 9.46. 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.
- 9.47. 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

- 9.48. 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.
- 9.49. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.50. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.51. 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.
- 9.52. 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.
- 9.53. 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

- 9.54. 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
- 9.55. 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')
- 9.56. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site whilst not considered to contain any significant features of ecological and biodiversity value there are a number of mature trees and hedgerows that bound the site, and therefore has the potential to be suitable habitat for bats, breeding birds and badgers.
- 9.57. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the LPA has to consider itself whether the development meets the three derogation tests listed above.
- 9.58. 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.
- 9.59. The application is supported by a detailed Ecological Assessment prepared by Tyler Grange which highlights that whilst the majority of the development will take place on the existing hard standing the proposals would result in the minor loss of some features of ecological potential including ornamental shrub planting, improved grassland and partial loss of species-poor hedgerows; but further that the woodland and associated vegetation, hedgerow and the majority of the improved grassland will be retained and will remain unaffected by the proposal.
- 9.60. Given the context of the site and the nature and scale of the proposed development and finding of the submitted ecological appraisal, officers consider that the potential for any significant detrimental impacts on any significant features of ecological or biodiversity value to be relatively low. The submitted report makes a number of recommendations, mitigation and enhancements which are considered are considered to be an appropriate response to the level of potential ecological impacts in this instance and that these could be secured by way of appropriate conditions; to ensure protection of any habitats of importance to biodiversity conservation from any loss or damage and would provide a nett gain in biodiversity at the site; in accordance with Policy ESD10 and national guidance.

Conclusion

- 9.61. Officers are satisfied, on the basis of the evidence within the submitted ecological appraisal and in light of the proposed mitigation and enhancements, that subject to appropriate conditions, that the welfare of any European Protected Species found to be present at the site and their habitats would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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.
- 10.2. In reaching an informed decision on planning applications there is a need for the LPA to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. The proposed development is contained within the existing confines of the existing allocated employment site and would provide additional warehousing and office operational floor space consistent with the existing use of the site and surrounding area. The proposed development would not cause harm to the character and appearance of the area, given the sympathetic design approach of the proposed warehouse and office extension to the context and that the site is screened by existing buildings. Subject to conditions, the proposed development would not cause harm to the safety of the local highway network, any features of ecological value, sustainable drainage systems or potential flood-risk at the site.
- 10.4. Given the above assessment and in light of current guiding national and local policy set out in the report, your officers consider that the proposal amounts to sustainable development and is therefore recommended for approval.

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

CONDITIONS:

Time Limit

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

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

Compliance with Plans

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

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with

Government guidance contained within the National Planning Policy Framework.

Ecology and Biodiversity

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

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

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

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

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

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

Parking and Manoeuvring

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

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

Sustainability measures

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

Reason: To maximise opportunities for sustainable transport in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government

guidance contained within the National Planning Policy Framework.

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

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

Flood-risk and drainage

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment, prepared by Flow Drainage Design, reference 1951, Issue 2, dated 27 January 2020, and the following mitigation measures it details:
 - Flood resilience measures shall be incorporated into the structure to a minimum level of 94.00m AOD.

These mitigation measures shall be fully implemented prior to the first use/occupation of the development hereby approved, and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

Contamination

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Cherwell District Council

Planning Committee

12 March 2020

Appeals Progress Report

Report of Assistant Director Planning and Development

This report is public

Purpose of Report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

2.1.1 New Appeals

19/00970/LB – Bowler House, New Street, Deddington, OX15 0SS – Single storey rear extension forming new Sun Room
Officer recommendation – Refusal (Delegated)

19/01913/F – Rose Cottage, Woodstock Road, Kidlington, OX20 1QE – Two storey side extension
Officer recommendation – Refusal (Delegated)

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

18/01332/F - Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton – Appeal by Mr C Smith and Mr R Butcher - Change of use of land to use as a residential caravan site for 3 gypsy families, each with two caravans and an amenity building; improvement of existing access, construction of driveway, laying of hardstanding, installation of package sewage treatment plant and acoustic bund

Method of determination: Public Inquiry

Key Dates:

Start Date: 29.01.2019 **Inquiry date:** 15.10.2019 **Decision:** Awaited
Officer recommendation – Refusal (Committee)

19/00464/F - Land OS Parcel 8751 South West Of Moorlands Farm, Murcott - Change of use of land for the siting of a mobile home (log cabin)

Method of determination: Hearing – 26th February 2020

Key Dates:

Start Date: 11.12.2019 **Statement Due:** 15.01.2019 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/00621/F – Huckleberry Farm, Heathfield, Kidlington, OC5 3DU - Continued use of transportable building to be made permanent (Retrospective)

Method of determination: Hearing – 11th February 2020

Key Dates:

Start Date: 08.11.2019 **Statement Due:** 13.12.2019 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/00634/F – Plot of Land South of 1 Greystones Court, Kidlington – New dwelling

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/01214/F – Old Forge, Wroxton Lane, Horley, OX15 6BB - Change of Use from an office to a one-bedroom bungalow

Method of determination: Written Reps.

Key Dates:

Start Date: 22.01.2020 **Statement Due:** 26.02.2020 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/01623/F – 30 Somerville Drive, Bicester, OX26 4TU - Erection of new two storey dwelling including new vehicle access

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/02020/F – 2 Springfield Avenue, Banbury, OX16 9HT - Two storey extension to front of property

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 24.12.2020 **Statement Due:** N/A **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

Enforcement appeals

18/00057/ENFB – The Kings Head, 92 East Street, Fritwell, OX27 7QF.
Appeal against the enforcement notice served for change of use to residential.
Method of determination: Written Reps.

Key Dates:

Start Date: 08.01.2020 **Statement Due:** 19.02.2020 **Decision:** Awaited

2.4 Forthcoming Public Inquires and Hearings between 13th March 2020 and 16th April 2020

None

2.5 Results

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Mr M Banks for OUTLINE - New dwellings, garaging, access and external works. Land And Buildings, The Junction Of Spring Lane, Chapel Lane, Little Bourton (19/00301/OUT)
Officer recommendation – Refusal (Delegated)**

The Inspector considered the main issues to be the principle of development, the impact on the character and appearance of the area and whether the development would provide a safe and suitable access.

The Inspector agreed with the Council that the development site was located outside of the built-limits of the village and that Policy Villages 1 did not therefore apply, and that the proposal also conflicted with Policy H18 as no essential need had been provided. The Inspector therefore held that the principle of development was not acceptable. The Inspector added that even if the site was to be classed as within the built up limits, its surrounds were rural and the site related more to the countryside than the village. He did not agree with the appellant that the footpath marked the edge to the village or that the proposals were backland development or that the site was previously developed land but, he opined, even it was, those attributes in themselves would not justify allowing the appeal.

The appeal site is currently an undeveloped field with a verdant character. The Inspector agreed with the Council that the proposal would result in an urbanising encroachment that would be highly visible and harmful to the character and appearance of the area and would reduce the openness of the countryside. The Inspector held that the harm could be adequately overcome at the reserved matters stage through its design.

The red line on the submitted plans did not extend to the highway. The Local Highway Authority had objected to the application as the proposal would be effectively marooned from the highway with no possible access. The Inspector found that it was not clear that a vehicular access could be gained to the site and that, as a result, residents would have to park on the public highway which would cause harm to the safety of the local highway network.

Accordingly, the Inspector upheld the Council's decision and dismissed the appeal.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Kelly Wheeler, Business Partner, 01295 225170,
Kelly.wheeler@cherwell-dc.gov.uk

Legal Implications

5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

Risk Management

5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Sarah Stevens, Interim Senior Manager, Development Management
Contact Information	sarah.stevens@cherwell-dc.gov.uk