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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 13 August 2020
Time: 4.00 pm
Venue: Virtual meeting

Membership

Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Chris Heath
Councillor David Hughes
Councillor Cassi Perry
Councillor George Reynolds
Councillor Les Sibley

Councillor Maurice Billington (Vice- Chairman)

Councillor John Broad
Councillor Phil Chapman
Councillor Ian Corkin
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Lynn Pratt
Councillor Barry Richards
Councillor Katherine Tyson

Substitutes

Councillor Mike Bishop
Councillor Surinder Dhesi
Councillor Tony Ilott
Councillor Ian Middleton
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Sean Woodcock

Councillor Conrad Copeland
Councillor Timothy Hallchurch MBE
Councillor Tony Mephram
Councillor Richard Mould
Councillor Fraser Webster
Councillor Barry Wood

AGENDA

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

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

3. **Requests to Address the Meeting**

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

4. **Minutes** (Pages 1 - 33)

To confirm as a correct record the Minutes of the meeting of the Committee held on 16 July 2020.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

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

Planning Applications

- | | | |
|----|--|---------------------|
| 7. | Saltway Farm, Broughton Road, Banbury, OX16 9UL (Pages 36 - 46) | 20/00904/F |
| 8. | 36 Bridge Street, Banbury, OX16 5PN (Pages 47 - 54) | 20/01130/CDC |
| 9. | Coach Park, Compton Road, Banbury (Pages 55 - 63) | 20/00329/CDC |

Review and Monitoring Reports

10. **Appeals Progress Report** (Pages 64 - 72)

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.

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

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 5 August 2020

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Virtual meeting, on 16 July 2020 at 4.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
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

Substitute Members: Councillor Richard Mould (In place of Councillor Hugo Brown)
Councillor Barry Wood (In place of Councillor Chris Heath)

Apologies for absence: Councillor Maurice Billington
Councillor Hugo Brown
Councillor Chris Heath
Councillor Simon Holland

Officers: Sarah Stevens, Interim Senior Manager – Development Management
Caroline Ford, Principal Planning Officer
James Kirkham, Principal Planning Officer
Rebekah Morgan, Principal Planning Officer
Bob Neville, Senior Planning Officer
Amy Sedman, Enforcement Team Leader
George Smith, Planning Officer
Samantha Taylor, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

7. Bicester Gateway Business Park, Wendlebury Road, Chesterton.

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.

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

8. Bicester Heritage Buckingham Road 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.

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

9. Land South East Of Town And Country Scaffolding Ltd, Tramway Road, Banbury.

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

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

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

10. Land To Rear of 1 and 2 Langford Park Cottages, London Road, 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.

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

11. 112 Mold Crescent, Banbury, OX16 0EU.

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

Councillor Barry Richards, Declaration, as the applicant was known to him and he would not take part in the debate or vote on the application.

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

12. Jamar, 5 Hightown Leyes, Banbury, OX16 9NP.

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.

13. Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1204).

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 Barry Wood, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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 meeting for the duration of the item.

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

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

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

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

14. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1203).

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

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

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 meeting for the duration of the item.

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

Councillor Ian Corkin, Non Statutory Interest, As a member of the Executive and would leave the meeting for the duration of the item.

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

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

15. General Foods Sports and Social Club, Spiceball Park Road, Banbury, OX16 2PA.

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

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

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 meeting for the duration of the item.

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

Councillor Ian Corkin, Non Statutory Interest, As a member of the Executive and would leave the meeting for the duration of the item.

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

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

16. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1105).

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

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

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 meeting for the duration of the item.

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

Councillor Ian Corkin, Non Statutory Interest, As a member of the Executive and would leave the meeting for the duration of the item.

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

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

37 **Requests to Address the Meeting**

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

38 **Minutes**

The Minutes of the meeting held on 18 June 2020 were agreed as a correct record and would be signed by the Chairman in due course.

39 **Chairman's Announcements**

The Chairman made the following announcement:

1. At her request as a reminder for Members, the Interim Senior Manager Development Management would circulate details of the 'Member Call In' procedures for planning applications to all Members.

40 **Urgent Business**

There were no items of urgent business.

41 **Bicester Gateway Business Park, Wendlebury Road, Chesterton**

The Committee considered application 20/00293/OUT an outline application (Phase 1B) including access (all other matters reserved) for approximately 4,413 sqm B1 office space (47,502 sqft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, up to 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/ 8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards at Bicester Gateway Business Park Wendlebury Road Chesterton for Mr Cutler.

Emma Lancaster of Albion Land addressed the Committee in objection to the application.

Paul Troop of Bicester Bike User Group addressed the Committee in objection to the application.

Philip Clarke, Chairman of Chesterton Parish Council addressed the Committee in support of the application.

Richard Cutler of Bloombridge Development addressed the Committee in support of the application.

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

Resolved

- (1) That permission be granted for application 20/00293/OUT subject to:
- a) Planning conditions drafted to cover the following headline matter:
 1. Restriction to the development/uses applied for
 2. Requirement to submit a reserved matters application
 3. Timescale for submission of reserved matters
 4. Plans for approval
 5. Vegetation clearance undertaken outside the bird nesting season
 6. Retention of vegetation except to allow for means of access
 7. Agreement of finished floor levels (with levels no less than as set out in the FRA)
 8. Requirement to provide details of ecological enhancement measures
 9. Requirement for protected species checks (site walkovers)
 10. Requirement to provide details of sustainable design measures including the provision of on-site renewable energy technologies.
 11. The achievement of BREEAM very good standard
 12. Restriction of permitted development rights to ensure all required service infrastructure be provided underground unless otherwise granted through a reserved matters application
 13. Requirement for the provision of a phasing plan
 14. Requirement to provide a Construction Method Statement
 15. Requirement to provide a Construction Environmental Management Plan (CEMP) for Biodiversity
 16. Requirement to provide an Arboricultural Method Statement including tree protection measures
 17. Requirement to provide a Training and Employment Management Plan
 18. Requirement to provide a surface water drainage scheme including long term management and maintenance arrangements
 19. Requirement to provide a foul drainage scheme
 20. Requirement to provide full details of accesses, footways, cycleways
 21. Conditions as necessary relating to the public rights of way
 22. Conditions relating to archaeology to require further work pre-reserved matters and then to require a watching brief and details of development within the area to be preserved in situ.
 23. A series of conditions relating to contaminated land.
 24. Requirement for an odour assessment
 25. Requirement for details of any required piling
 26. Requirement for a noise survey to ensure that residential dwellings can be appropriately mitigated to ensure they are not unduly impacted by noise

27. Requirement to agree details of tree works on land to the south of the site
28. Requirement for phased travel plans
29. Requirement for a Landscape and Ecology Management Plan
30. Requirement for the provision of electric vehicle charging infrastructure
31. Occupation restriction until all required water upgrades are completed or a phasing plan has been agreed to ensure all development is provided with sufficient water infrastructure
32. Requirement for a car park management plan
33. Requirement for details of external lighting to be approved
34. Requirement for a scheme of public art to be first agreed.

b) The completion of a S106 legal agreement

The precise form and wording of the conditions and heads of terms of the legal agreement to be agreed by Planning Committee no later than end of October 2020 and prior to the legal agreement being completed and the planning permission issued.

It was further resolved:

- (2) That authority be delegated to the Assistant Director Planning and Development to refuse application 20/00293/OUT in the event an extension of time is not agreed to enable the application to be reported back to Planning Committee, due to the lack of a satisfactory S106 agreement to ensure the impacts of the development can be made acceptable.

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Bicester Heritage Buckingham Road Bicester

The Committee considered application 19/02708/OUT an outline application to provide new employment units comprising of 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 at Bicester Heritage, Buckingham Road, Bicester for Bicester Motion.

At its 13 February 2020 meeting the Planning Committee had agreed to hold a pre-committee site visit for the application. Due to the current Coronavirus restrictions a site visit was not possible at this time. With the agreement of the Planning Committee, Bicester Motion had supplied drone footage of the site which was played to the Committee prior to the officer's presentation.

Pamela Roberts of Campaign to Protect Rural England, addressed the Committee in objection to the application.

Dan Geoghegan, the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02708/OUT subject to:
- 1) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):
 - a) Strategic Highways Contribution (Skimmingdish Lane) - £219,397
 - b) Traffic Regulation Order - £6,240
 - c) Travel Plan Monitoring Fee - £2,040
 - d) Highway Works 1 (Banbury Road Roundabout) – Cost TBC
 - e) An obligation to enter into a Section 278 agreement
 - 2) The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit and Plans

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

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

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

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

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance

with the following plans and documents:

Plans

- 5002854-RDG-Z05-ST-PL-A-0012 – Site Location Plan A
- 5002854-RDG-Z05-ST-PL-A-0010 Rev D – Site Location Plan B
- 5002854-RDG-Z05-ST-PL-A-0030 Rev H – Indicative Layout Plan
- 5002854-RDG-Z05-ST-PL-A-0090 Rev H – Parameter Plan: Proposed Land Use
- 5002854-RDG-Z05-ST-PL-A_0092 Rev K – Parameter Plan: Proposed Developable Area
- 5002854-RDG-Z05-ST-PL-A-0094 Rev K – Parameter Plan: Existing and Proposed Heights and Massing
- 5002854-RDG-Z05-ST-PL-A-0096 Rev F – Parameter Plan: Proposed Open Space/Landscape
- 5002854-RDG-XX-ST-PL-C-0503 Rev B – Surface Water Drainage Strategy

Documents

- Planning Statement prepared by Edgars dated November 2019
- Design and Access Statement prepared by Ridge and Edgars dated June 2019
- Heritage Report prepared by Worlledge Associates dated November 2019
- Archaeological Desk Based Assessment prepared by Oxford Archaeology dated September 2018
- Landscape Character and Visual Impact Assessment prepared by Anthony Stiff Associates Ltd dated November 2019
- Arboricultural Implications Assessment prepared by Brian Higginson (On Centre Surveys Ltd) dated April 2019
- Flood Risk and Drainage Assessment prepared by Ridge dated November 2019
- Phase 1 Land Contamination and Ground Condition Report prepared by Crestwood Environmental Ltd dated July 2018

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.

4. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in the interests of well-planned development, in accordance with Policies ESD15, Bicester 8

and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Design

5. Prior to the submission of any reserved matter application, a Design Code shall be submitted to and approved in writing by the Local Planning Authority covering at least such matters as the distribution of land uses, forms of buildings, identification of building frontages, materials, boundary treatment positions and types, strategic landscape, servicing, parking and sustainability features. Thereafter the reserved matters shall be made in accordance with the agreed Design Code.

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with Policies ESD13, ESD15 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

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

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

Reason: In the interests of visual amenity, to preserve the character

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

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

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping

10. Each reserved matters application shall be accompanied by an updated Landscape Character and Visual Impact Assessment considering the impact of the final design of the building(s), identifying any changes to the level of impact, and setting out how the building(s) have been designed to reduce impact.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Highways

12. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:

- The CTMP must be appropriately titled, include the site and

planning permission number.

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with guidance contained in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. No development shall take place until full specification details (including construction, layout, surface finish and drainage) of the turning areas which shall be provided within the curtilage of the site so that motor vehicles, including HGVs, refuse vehicles and fire tenders

may enter, can turn and leave the site in a forward direction, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall always be retained for the manoeuvring of motor vehicles thereafter.

Reason: In the interest of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the 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.

14. No development shall take place until a plan showing car parking provision for an agreed number of spaces to be accommodated within the site to include layout, surface details, and drainage, has been submitted to and approved in writing by the Local Planning Authority. The number of spaces to be provide shall be based on an indicative breakdown of the Gross Internal Area (GIA) between the proposed land uses and in line with the County Council's car parking standards. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interest of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. 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 to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of the development, the submitted Framework Travel Plan shall be revised and resubmitted for approval in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in accordance with the measures and recommendations contained in the approved Framework Travel Plan.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained

within the National Planning Policy Framework.

Drainage

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, to include a fully detailed list of all SuDS features to be used on site, has been submitted to and approved in writing by the Local Planning Authority.

The detailed design shall be based on the principles as set out in: Ridge Flood Risk and Drainage Assessment, 12th November 2019. 5002854-RDG-XX-ST-PL-C-0503-B-F.A.S.T. - Surface Water Drainage DRAWING 5002854-RDG-XX-XX-DOC-C-0552 App D SW Drainage Strategy 5002854-RDG-XX-XX-DOC-C-0552 App E Source Control Calc 5002854-RDG-XX-XX-DOC-C-0552-3.0-F.A.S.T. - Flood Risk and Drain REPORT and shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates.

The surface water drainage scheme shall be implemented in accordance with the approved detailed design prior to the first use of any building commencing and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

18. No buildings hereby permitted shall be brought into use until confirmation has been provided to the Local Planning Authority that either:

- a) all water and wastewater network upgrades required to accommodate the additional flows from the development have been

completed; or

b) an infrastructure phasing plan has been agreed with Thames Water to allow additional business units to first be brought into use. Where an infrastructure phasing plan is agreed no use of the buildings shall take place other than in accordance with the agreed 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, to comply with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

Contaminated Land

19. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation (Stage 2 contaminated land report) in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

20. If contamination is found by undertaking the work carried out under condition 19, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

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

21. If remedial works have been identified in condition 20, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 20. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority

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

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

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

Ecology

23. The development hereby approved shall be carried out in accordance with the recommendations set out in the Ecological Assessment carried out by Ecology Solution dated November 2019.

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

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

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

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

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

Noise

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

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

Electric Vehicle Charging

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

Reason: To ensure energy and resource efficiency practices are incorporated into the development and sustainable modes of transport encouraged in accordance with Policies SLE4 and ESD 1 - 5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

Lighting

29. Details of all external lighting including the design, position, orientation, illumination and its intensity together with any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed, operated and retained in accordance with the approved scheme at all times thereafter.

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

BREEAM

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

Reason: To ensure sustainable construction, reduce carbon emissions and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.

Energy Strategy

31. No development shall take place until an Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. This should include proposals to reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. It should also propose ways in which carbon emissions will be reduced and low carbon measures be embodied into the proposals. The development shall proceed in accordance with the approved Strategy.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Use

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and subsequent amendments, the buildings hereby approved shall be used only for purposes falling within Class B1 (c), B2, B8 and/or D1 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or reenacting that order and for no other purpose(s) whatsoever.

Reason: In accordance with Policy Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

33. Any building hereby approved that is used for purposes falling within Class D1 shall only be so used ancillary to or in association with other permitted uses taking place within the land outlined in blue on Drawing No: 5002854-RDG-Z05-ST-PL-A-0010 Rev D – Site Location Plan B.

Reason: To define the permission, and in the interests of highway safety and well-planned development, In accordance with Policies SLE4, ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

It was further resolved:

- (2) That authority be delegated to the Assistant Director Planning and Development to refuse permission for application 19/02708/OUT if the statutory determination period for application 19/02708/OUT expired on 17 July 2020 and the section 106 agreement/undertaking was not completed and the permission was not able to be issued by that date and no extension of time had been agreed between the parties, for the following reason:

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

43 **Land South East Of Town And Country Scaffolding Ltd, Tramway Road, Banbury**

The Committee considered application 20/00247/F for the erection of three B1 (c) light industrial units at Land South East of Town and Country Scaffolding Limited, Tramway Road, Banbury for Mr R Levenston.

Mark Schmull of Arrow Planning Limited addressed the Committee in support of the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00247/F subject to:
 - 1) 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 a financial contribution towards the provision of new bus stop infrastructure on Tramway Road.
 - b) The safeguarding of a footpath/cycle way route on the northern boundary of the site (adjacent to the River Cherwell) and option to transfer this land to the Council at no cost to the Council.
 - 2) 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: Application forms, Preliminary Arboricultural Assessment, Flood Risk Assessment and Drainage Strategy (issue 02), Preliminary Ecological Appraisal (May 2020), Reptile Survey (Report No: RT-MME-150960-02), Reptile Mitigation Strategy (Report No: RT-MME-150960-01 Rev A), Bat Survey (Report No: RT-NME-152681-01), Otter and Water Vole Survey and Mammal Hole Monitoring (Report RT-NME-152681-02) and drawing numbers 0700 003, 0705 008, 0706 001, 0710 003, 0771001, 0720 002, 19-088/310 P2, 19-088/311 P1.

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.

Detailed Drainage Strategy

3. Development shall not begin until a detailed surface water drainage scheme for the site, in accordance with the approved Drainage Strategy drawing 19-088 / 310 P2, has been submitted to and approved in writing by the planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied and shall be managed and maintained in perpetuity with the agreed details. The scheme shall also include:
 - A Flood Exceedance Conveyance Plan;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
 - Explanation of "Flood" on PN 2.000 SP2Reason: To ensure the site is appropriately drained and does not contribute to flood risk in the locality in accordance with the National Planning Policy Framework.

4. Prior to occupation of the development hereby permitted, a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:
 - As built plans in;
 - Photographs to document each key stage of the drainage system when installed on site;
 - Photographs to document the completed installation of the drainage structures on site.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.

Arboricultural Method Statement and Protection Plan

5. No development shall commence until an Arboricultural Method Statement and Protection Plan has been submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the approved details.

Reason: To protect the existing trees and vegetation on site in the interests of visual amenity and ecology and the significance of the Oxford Canal Conservation Area. To accord with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework.

Construction Environmental Management Plan

6. No development shall commence until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site

together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with approved CEMP.

Reason: To safeguard the amenity of the neighbouring occupiers including residential moorings on the Oxford Canal and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and advice in the National Planning Policy Framework.

Landscaping and Boundary Treatment

7. 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.
- (d) details of the proposed boundary treatment

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

Reason: To protect the visual amenity and ecology of the area including the setting of the Oxford Canal Conservation Area. To accord with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. 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.

Electrical vehicle charging points

9. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the car park or a scheme showing the provision of electrical vehicle charging points to serve the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of any building.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Renewable Energy

10. No development shall commence above slab level until a feasibility assessment for the potential of on-site renewable energy provision has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 and ESD5 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

External Materials

11. No development shall commence above slab level until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

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

Plant and machinery

12. Prior to the installation of any mechanical plant, such as extraction equipment, into any of the buildings hereby permitted, full details of its appearance, noise output and/or odour suppression shall be submitted and approved in writing by the Local Planning Authority. This may require the submission of a noise report to BS4142:2014

(or future amendments). The development shall be carried out in strict accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the amenity of the neighbouring occupiers including residential moorings on the Oxford Canal and to comply with Policy ESD15 of the Cherwell Local Plan, Saved Policy ENV1 of the Cherwell Local Plan 1996 and advice in the National Planning Policy Framework.

External lighting

13. No external lights/floodlights shall be erected on the land or building unless a scheme of lighting including lux plans has been first submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and shall be retained as such thereafter.

Reason - In order to safeguard the amenities of the area and ecology and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2015, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

Contamination

14. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - This site has been previously land filled. Although the site investigation concluded that the site does not pose a threat to controlled water, there is the possibility that undetected contamination may exist on site.

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - Given the land filling operation it is not possible to exclude the possibility of unexpected contamination existing on site. Details of piling operations would be required to confirm that there is no danger that contamination may be mobilized.

Flood Risk Compliance

16. The development shall not be carried out other than in accordance with the submitted Flood Risk Assessment, prepared by Bradbrook Consulting, reference 19-088, dated 10 January 2020 and the Drainage Layout and Levels Drawing, prepared by Bradbrook

Consulting, reference 19-088 / 310, revision P1, dated 8 January 2020, and the following mitigation measures it details:

- Finished floor levels should be set no lower than 91.20m AOD.
- There shall be no raising of existing ground levels.

These mitigation measures shall be fully implemented prior to occupation 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 ensure the site is appropriately in respect of Flood Risk and does not contribute to flood risk in the locality in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 part 1 and Government guidance in the National Planning Policy Framework.

Parking and Manoeuvring

17. The development shall not be used or occupied until the parking and manoeuvring areas have been provided in accordance with the plan hereby approved and have been constructed, laid out, surfaced, drained and completed in accordance with specification details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with government guidance contained within the National Planning Policy Framework. Specification details are required prior to commencement of development to ensure the details are appropriate before groundwork is commenced.

Vision Splays

18. The vision splays shall not be obstructed by any object, structure, planting or other material.

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

Cycle parking

19. Prior to the first use or occupation of the development hereby permitted the cycle parking as shown on the approved plans shall be provided in accordance with the approved plans, except that they shall be covered. The said cycle parking facilities shall be permanently retained and maintained thereafter 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.

PD withdrawal

20. Notwithstanding the provisions of Class H of Part 7, Schedule 2 of

the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved building shall not be extended or altered without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

BREEAM very good

21. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision. Verification of this standard shall be submitted and approved in writing within 3 months of the first occupation of any part of the building hereby permitted

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with ESD3 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. The development hereby approved shall be carried out in strict accordance with:

- Reptile Mitigation Strategy RT-MME-150960 Rev A May 2020 (which includes monitoring and protection during construction)
- Recommendations R1, R2, R3, R4 of Bat Surveys RT-MME-152681-01 July 2020
- Recommendations R1, R2, R3, R4, R5 of Otter and Water Vole Survey RT-MME-152681-02 (interim) July 2020
- Recommendations R1, R6, R10, R11 of updated Preliminary Ecological Assessment RT-MME-151182 Rev B May 2020

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

23. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings, planting and bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the

Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

44 **Land To Rear of 1 and 2 Langford Park Cottages, London Road, Bicester**

The Committee considered application 20/01195/F for the demolition of an existing garage and the erection of 2no single storey dwellings at the rear of 1, 2 & 3 Langford park cottages at Land to the rear of 1 and 2 Langford Park Cottages, London Road, Bicester for Stuart Newynskyj and Alan Tucker. This application was a re-submission of application 19/02416/F.

Councillor Dan Sames, local Ward Member addressed the Committee in support of the application.

Stuart Kirkwood of SK Architects addressed the Committee in support of the application.

It was proposed by Councillor Lynn Pratt and seconded by Councillor Ian Corkin that application 20/01195/F be approved with appropriate conditions contrary to the officer recommendation as these were much needed single storey homes within easy reach of local amenities.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01195/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)

45 **112 Mold Crescent, Banbury, OX16 0EU**

The Committee considered application 20/01427/F for alterations, a rear extension, removal of a chimney and conversion of an existing 3 bed dwelling into 2 independent flats at 112 Mold Crescent, Banbury, OX16 0EU for Mr Balbir S Dhesi.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01427/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 application form and drawings numbered: 00-ST-001/A, 00-ST-02/A, 00-PR-01/A and 00-PR-02/A

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.

Transport

3. Prior to the first 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.

4. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, the parking area shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. 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.

46

Jamar, 5 Hightown Leyes, Banbury, OX16 9NP

The Committee considered application 20/01444/F for the erection of one, 3-bedroom residential dwelling at Jamar, 5 Hightown Leyes, Banbury, OX16 9NP for Mr Mike Bishop.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01444/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 application form and drawings numbered: 001, 104, 105 and 106.

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. No development shall commence above slab level unless and until a detailed schedule of materials and finishes for the external walls and roofs of the development hereby approved, including samples of such materials, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved 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.

Transport

4. Prior to the first occupation of the development hereby approved, the parking area shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. 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 and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework

5. Prior to the first occupation of the development hereby approved, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence above slab level unless and until a Construction Traffic Management Plan, which shall identify:
 - Access and parking arrangements for construction vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details

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

7. No development shall commence above slab level until a scheme for

a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Waste and Recycling

8. Prior to the first occupation of the development hereby approved, full details of the arrangements for the storage of waste and recycling bins including the siting, design, construction, materials, and finished appearance of any bin store enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the bin store shall be completed and made available for use in accordance with the approved details and shall remain available for use as such thereafter.

Reason: In the interests of the general amenity of the area, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Permitted Development Rights

9. Prior to the first occupation of the dwelling the approved window in the first-floor side (western) elevation of the dwelling shown on drawing no. 103 shall be glazed with obscured glass that achieves a minimum of level 3 obscurity and shall be non-opening below a height of 1.7 metres taken from internal finished floor level and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

47 Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1204)

The Committee considered application 20/01204/DISC for the discharge of Condition 3 (external lighting) in relation to Block A (Hotel) of 17/00284/REM at land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Ian Wallace.

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

Resolved

- (1) That permission be granted for application 20/01204/DISC in accordance with Condition 3 Block A Hotel, Lighting Application, 941-Banbury Castle Quay, Project 8388, Rev J-LA, Dated 12.06.2019.

48 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1203)**

The Committee considered application 20/01203/DISC for the discharge of Condition 2 (materials) of application 17/00284/REM at land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Ian Wallace.

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

Resolved

- (1) That permission be granted for application 20/01203/DISC in accordance with Condition 2 - Additional Materials to Blocks B and C. Leslie Jones Architecture, 3787, Report on Revised Planning Drawings and Changes, dated 13th September 2019.

49 **General Foods Sports and Social Club, Spiceball Park Road, Banbury, OX16 2PA**

The Committee considered application 20/01104/DISC for the discharge of condition 3 (parking space specification) of 17/01113/F at General Foods Sports and Social Club, Spiceball Park Road, Banbury, OX16 2PA for Cherwell District Council.

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

Resolved

- (1) That permission be granted for application 20/01104/DISC in accordance with Condition 3 - Proposed Ground Floor Plan Cq2-Lja-E0-00-Dr-A4300 Block D – Social Club Drainage G.A Cq2-Mjm-Sc-B2-Dr-C-1575

50 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1105)**

The Committee considered application 20/01105/DISC for the discharge of condition 18 (Arboricultural Method Statement) of application 16/02366/OUT at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Mr Ian Wallace.

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

Resolved

- (1) That permission be granted for application 20/01105/DISC in accordance with Condition 18 – Arboricultural Method Statement. Leslie Jones Architecture, 3787, Report on Revised Planning Drawings and Changes, dated 13th September 2019.

51 **Appeals Progress Report**

The Assistant Director Planning 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.

52 **Planning Enforcement Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning enforcement cases at Cherwell District Council and updated the Committee on the current position regarding case numbers and how the team was operating during the COVID19 pandemic.

Resolved

- (1) That the contents of the report be noted.

The meeting ended at 7.25 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

13 August 2020

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

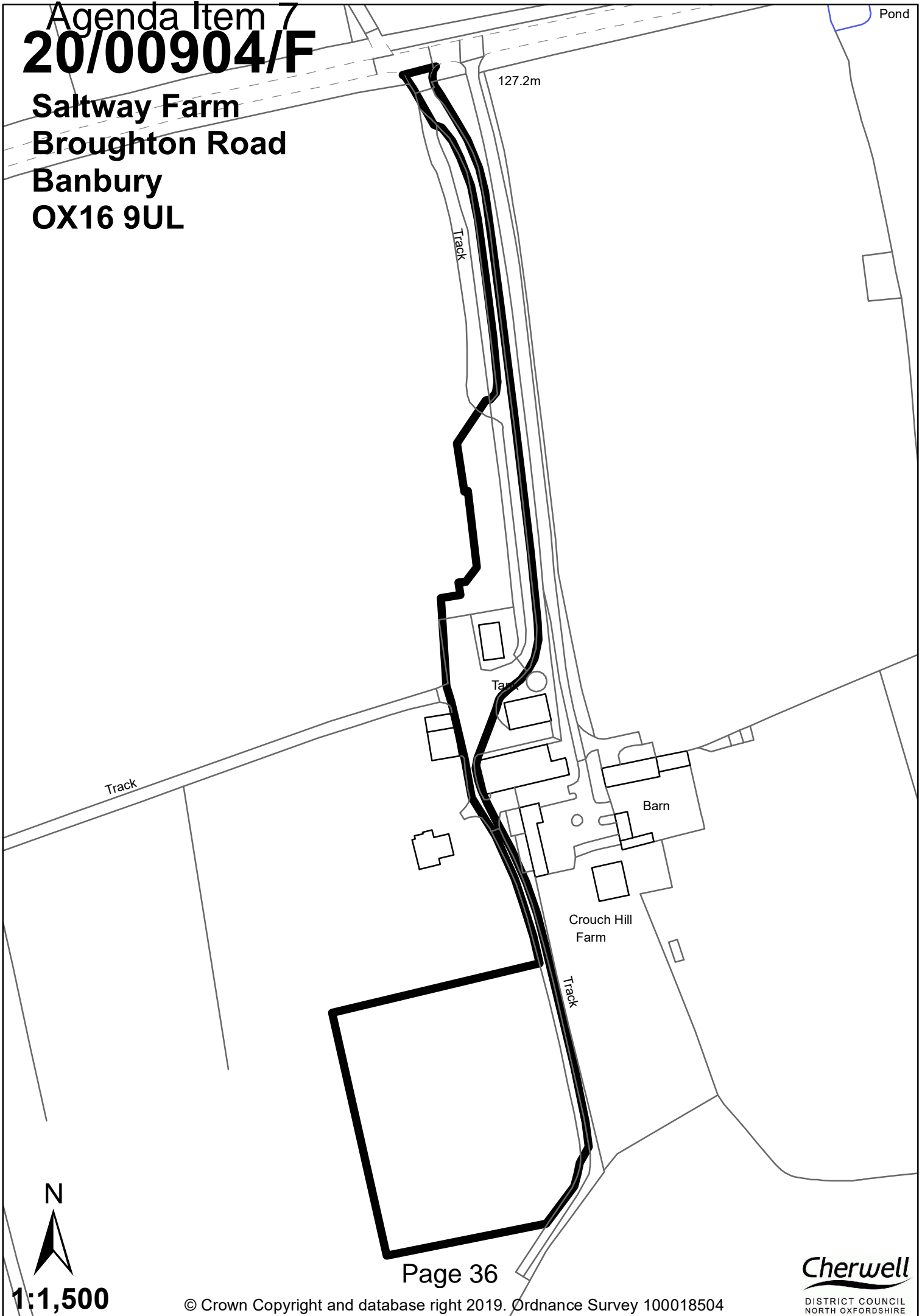
Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Saltway Farm, Broughton Road, Banbury, OX16 9UL	20/00904/F	Banbury Calthorpe and Easington	*Grant Permission	George Smith
8	36 Bridge Street, Banbury, OX16 5PN	20/01130/CDC	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor
9	Coach Park, Compton Road, Banbury	20/00329/CDC	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor

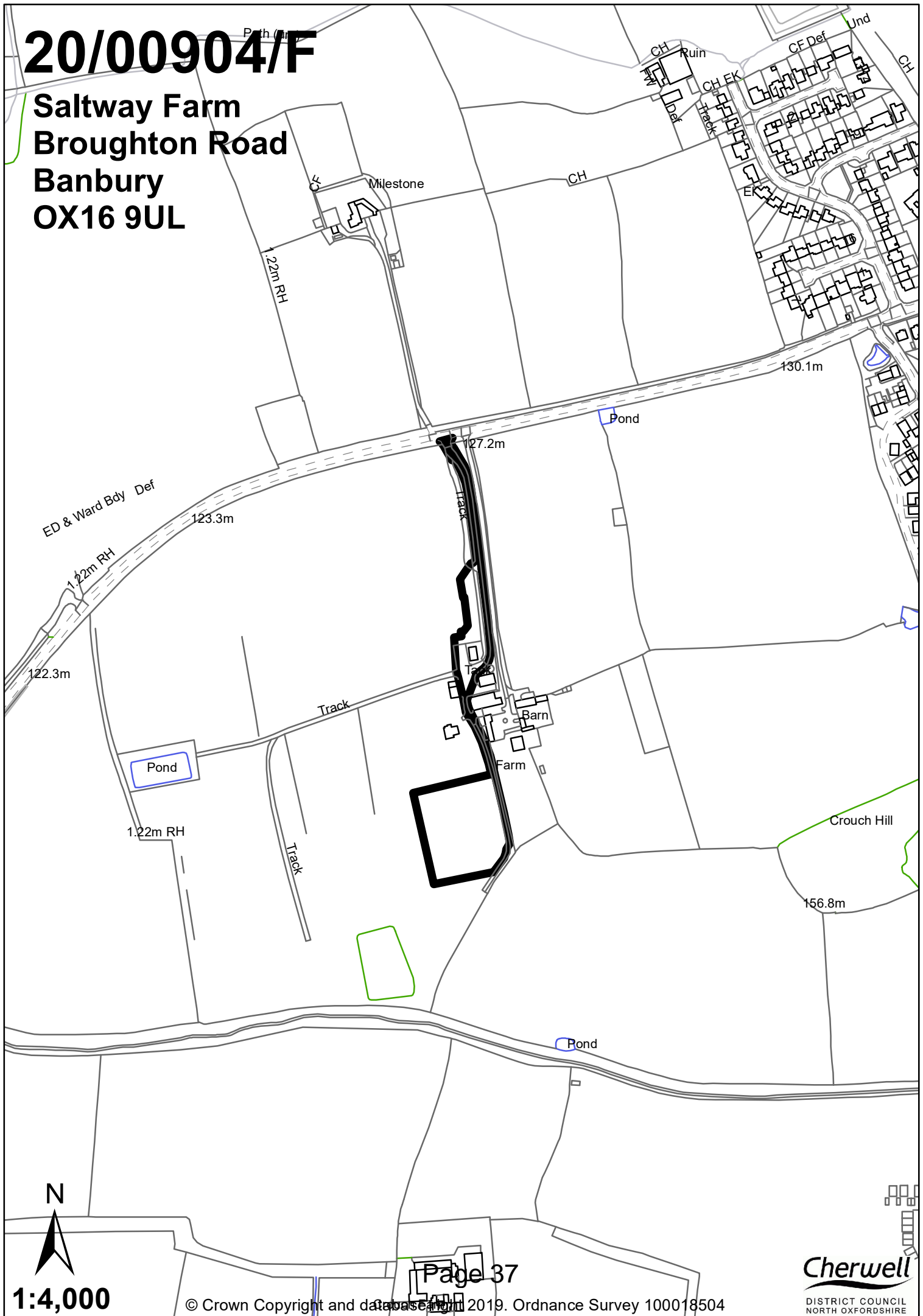
Agenda Item 7
20/00904/F

Saltway Farm
Broughton Road
Banbury
OX16 9UL



20/00904/F

Saltway Farm
Broughton Road
Banbury
OX16 9UL



N
1:4,000

Case Officer: George Smith

Applicant: Nigel & Carole Morris

Proposal: Erection of 3no Agricultural Buildings

Ward: Banbury Calthorpe And Easington

Councillors: Councillor Colin Clarke
Councillor Keiron Mallon
Councillor Tony Mepham

Reason for Referral: Over 1,000 square metres of floor space created

Expiry Date: 19 August 2020

Committee Date: 13 August 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Permission is sought for 3 agricultural barns to be built at Saltway Farm.

Consultations

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

- Banbury Town Council, CDC Environmental Health, OCC Highways, OCC Drainage

No consultee raised **objections** to the application.

No third-party representations have been received.

Planning Policy and Constraints

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
- Amenity of neighbouring occupiers
- Flood risk & drainage

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

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located behind a farm to the south of Broughton Road and west of Banbury. The land rises from the road towards the farm and the farm complex consists of a farm house (Saltway Farm) and a grouping of agricultural buildings. A new building is currently under construction to be used as a farm shop and café, on land to the north of the existing farm buildings towards Broughton Road. Crouch Hill Barn and Crouch Hill Farm are residential properties which exist to the northeast of the site. Approximately 300m to the east of the site is Crouch Hill, a local landmark which has several footpaths leading up to it.

2. CONSTRAINTS

2.1. The application site is located approximately 35m from an area containing the protected and notable species; Yellowhammer, Dunnock and Dwarf Goose.

2.2. There are no other site constraints relevant to this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning consent for the erection of 3 agricultural barns on this site. The barns are currently located at Deerfield Farm in Bodicote, proposed to be relocated to this site. The barns would be accessed via a track which runs past Saltway Farm. The track and the hardstanding for the barns are already in situ. Each barn is to be clad in green profiled sheeting.

3.2. Building 1 is 30.5m x 15.25m (100 x 50ft) with an eave's height of circa 5.2m and ridge at circa. 7m.

3.3. Building 2 is 37.5 x 15.25m (90 x 50ft) with an eave's height of circa. 4m and ridge at circa. 5.5m.

3.4. Building 3 is 37.5 x 15.25m (90 x 50ft) with a max eave's height of circa. 4.7m and ridge at circa. 5.8m.

4. RELEVANT PLANNING HISTORY

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

4.2. **20/00905/F** – Erection of 1no Agricultural Barn – 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, 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 **8 July 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **No objections**

OTHER CONSULTEES

7.3. CDC ENVIRONMENTAL HEALTH: **No objections**

7.4. OCC HIGHWAYS: **No objections** subject to condition relating to use of the barns

7.5. OCC DRAINAGE: **No objections** subject to conditions

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD6: Flood Risk
- ESD7: Sustainable Drainage Systems
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD15: 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 (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Highway safety
- Amenity of neighbouring occupiers
- Flood risk & drainage

Principle of Development

Policy Context

9.2. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.

9.3. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

9.4. Paragraph 83 of the Framework states that planning should enable the sustainable growth and expansion of all types of business in rural areas. Policy AG2 of the Cherwell Local Plan 1996 (Saved Policies) recognises that new farm buildings may be acceptable in principle in the countryside and makes provision for farm buildings and associated structures to be sited and sympathetically designed so that they fit into their rural setting and should normally be so sited that they do not intrude into the landscape or into residential areas.

Assessment

9.5. The applicant's supporting statement sets out the size and location of the current agricultural enterprise. This is as follows:

- 1.1 hectares at Deerfield Farm, Bodicote
- 14 hectares at Saltway Farm, Banbury (application site)
- 29.8 hectares at Top Barn Farm, Sibford Gower
- 4.1 hectares at Wykham Lane, Bodicote

9.6. The applicant states that the existing farm buildings are currently on a different site at Deerfields Farm, Bodicote, but that these are not available to the applicant after 14 December 2020, due to housing redevelopment the applicant is proposing on that site. The loss of that land, and for similar reasons the loss of land at Tappers Farm, Bodicote, cannot reasonably be held to justify the current proposal.

- 9.7. The new barns proposed would mainly be used for storage of hay and straw, but one of the barns would also be used for machinery, tractors and trailers.
- 9.8. Upon the officer site visit (29th July 2020), the application site had been surfaced and hay bales and some trailers are being stored on the site in open air. On this basis alone, it is clear to officers that there would be a functional need for the new agricultural buildings in this location.
- 9.9. Given its acceptability rests on it being necessary for agricultural purposes, and because Part 3 of the GPDO would, in the future, allow for various other uses of the building including residential use, and because of the site's socially and environmentally unsustainable location for various other uses including residential, a suitably worded condition would need to be imposed to limit the building's use to agriculture; subject to which the proposal complies with Policies PSD1 and ESD1 of the CLP 2031.

Conclusion

- 9.10. On this basis, officers are satisfied that the barns would serve a functional purpose and that they are acceptable in principle and compliant with saved Policy AG2 of the CLP 1996 and relevant paragraphs of the NPPF. However, the overall acceptability of the proposals is also clearly dependant on other matters as discussed below, in particular the proposals' impact on the landscape and character and appearance of the surrounding area.

Design, and impact on the character of the area:

Policy Context

- 9.11. 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.
- 9.12. 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.
- 9.13. 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.
- 9.14. 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 would not normally be permitted if they would cause undue visual intrusion into the open countryside or would demonstrable harm to important natural landscape features and topography, or would be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 9.15. Policy ESD15 of the CLP 2031 states that: "*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.*"

Assessment

- 9.16. The site is located outside of the western edge of Banbury, in open countryside. The barns are of a scale and design typical of agricultural structures and are located in open countryside, where these types of buildings can be expected to be viewed. In any case, a green profiled sheeting would be used which would aid the buildings assimilating as best as possible into the rural landscape.
- 9.17. The barns in situ would be seen from the road to the north. Pedestrians walking along the Broughton Road, if they were to look towards the site, would be able to see the barns in position. However, the barns would be over 300m away from this road, so views towards the barns from passing traffic would be glimpsed at best with it unlikely that road users would look towards the site at this speed. In any case, the barns would also be viewed in the same context as the existing farmhouse, other buildings further to the north, and the surrounding countryside.
- 9.18. Whilst the Crouch Hill footpaths are located approximately 300m to the east, it is considered that clear views of the new barns would not be gained from here. There is a dense hedgerow on the eastern boundary of the application site which would provide a good level of screening, whilst at Crouch Hill there are only views towards the west on the most westerly footpath around the perimeter, due to intervening trees and other vegetation.

Conclusion

- 9.19. Overall, therefore, Officers consider that the proposed barns would not result in any significant harm to the visual amenities of the site and its setting within the rural context, or the character and appearance of the area. The proposal thus accords with Policies ESD13 and ESD15 of the CLP 2031, AG2 and C28 of the CLP 1996 and relevant paragraphs of the NPPF.

Highway safety

- 9.20. The LHA (Local Highway Authority) has assessed the proposals and raises no objections on highway safety grounds; and officers see no reason to disagree with this opinion.
- 9.21. The proposed site would utilise an existing access from the road to the north and would not result in any significant intensification of this access.
- 9.22. It is considered that the proposals would not result in any significant detrimental impacts on the safety and convenience of other highway users and are therefore acceptable in terms of highway safety. For the reasons outlined in the principle of development section, Officers also concur with the LHA requested condition relating to use of the barns remaining as agriculture.

Amenity of neighbouring land users

- 9.23. Given the nature of the proposal and its relationship with surrounding properties (whereby there are other agricultural buildings in closer proximity) there is negligible impact on any residents or adjacent land users, and thus is acceptable in this regard.

Flood Risk and Drainage

Policy

- 9.24. Policy ESD6 of the Cherwell Local Plan (2011-2031) Part 1 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) towards areas at lower risk of flooding.

- 9.25. Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 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

- 9.26. The site lies wholly in Flood Zone 1 (the low probability of flooding 1 in 1000). However, given its scale, the application has been accompanied by a Flood Risk Assessment (FRA) and outline Drainage Strategy. The application submission suggests the use of cellular soakaways and to direct surface water drainage to the ground. On this basis, Oxfordshire County Council Drainage recommends conditions for a detailed design, management and maintenance plan for surface water drainage using sustainable drainage methods. On this basis, Officers see no reason to disagree with the recommendations of the Drainage Officer and recommend these conditions is attached to any consent given.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

11. RECOMMENDATION

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

CONDITIONS/REASONS FOR REFUSAL

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:
- 001 – Site Location Plan
 - 105 Rev A – Proposed Block Plan
 - 108 – Barn 1 Plans and Elevations
 - 109 – Barn 2 Plans and Elevations
 - 110 – Barn 3 Plans and Elevations

- Flood Risk Assessment (20/064 – April 2020)

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

Use of Barns

3. 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 (as amended), and for no other purpose whatsoever.

Reason: To ensure that the development is used for agricultural purposes only, compatible with its isolated rural location, and because certain other uses would result in an unsustainable form of development, and in accordance with Policies PSD1 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Detailed Drainage Strategy

4. No development shall take place until a Detailed Design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”
- Detailed design drainage layout drawings of the SuDS proposals including cross section details.
- Details of how water quality will be maintained during construction.
- Infiltration test results to BRE365 to be submitted.
- Evidence of groundwater depth test results to be submitted.
- Discharge Rates, discharge volume, sizing of features - attenuation volume, detailed drainage layout with pipe numbers, SUDS, network drainage calculations, phasing

The approved drainage system shall be carried out in strict accordance with the approved Detailed Design prior to the first use of the buildings and shall be maintained as such thereafter.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Outline Design Infiltration

5. The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a

surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site;
- A timetable for implementation;
- Site investigation and test results to confirm infiltrations rates

The approved surface water drainage scheme shall be carried out in strict accordance with the approved Detailed Design prior to the first use of the buildings and shall be retained as such thereafter.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans

6. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan, (including contact details of any management company)

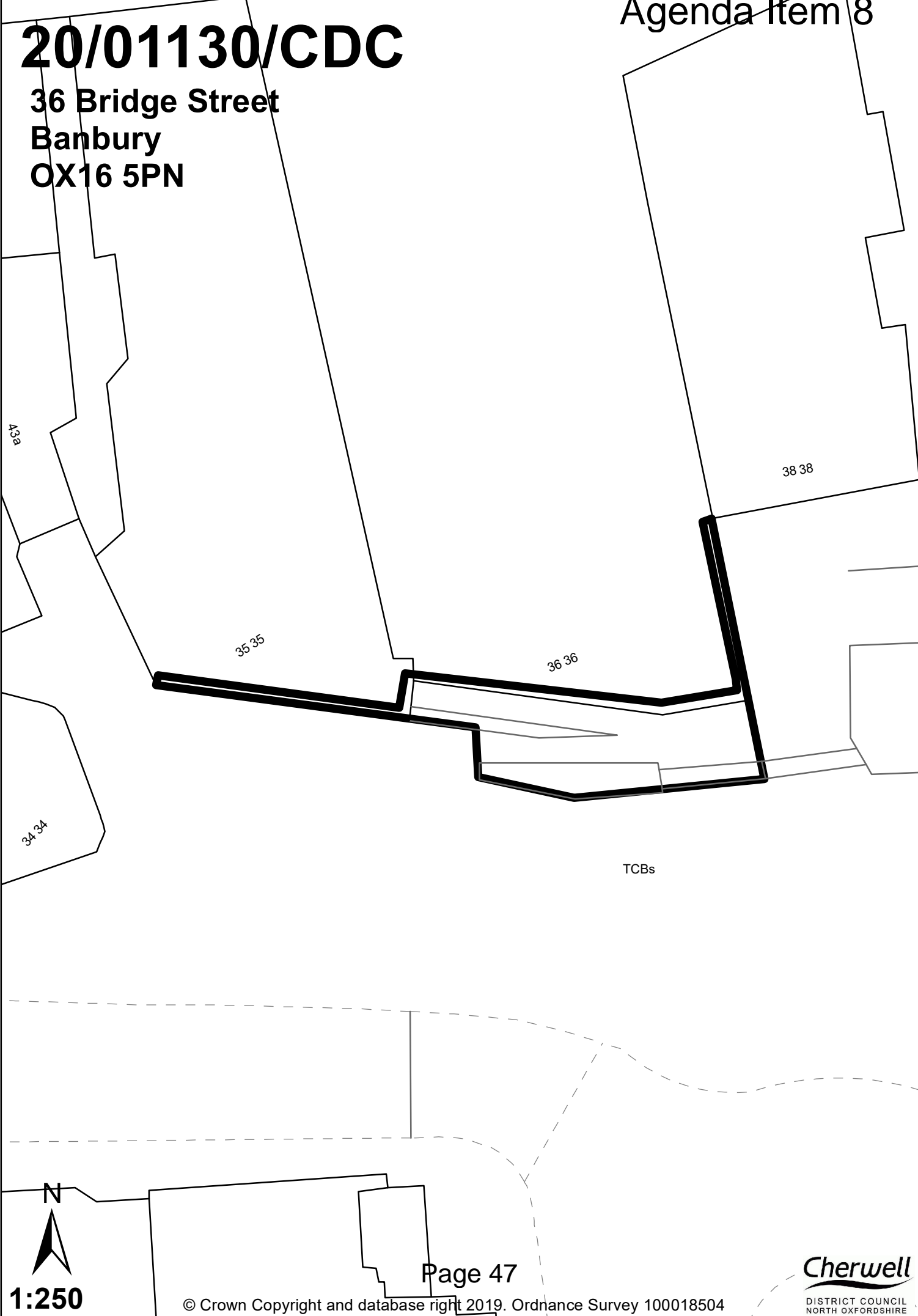
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

CASE OFFICER: George Smith

TEL: 01295 221899

20/01130/CDC

36 Bridge Street
Banbury
OX16 5PN



20/01130/CDC

36 Bridge Street
Banbury
OX16 5PN

36 to 37

73 to 74

82 to 83

FB

Oxford Canal

Towing Path

Chamberlaine Court

Tourist Centre Mus

Boat Yard

FB

92.1m

Mooring Posts

66

47

48 to 50

60

11

12

14

15

16

8

25

24

23

22

20a

20b

19

18

17

21

43a

43

38

56

52

35

36

TCBs

93.1m

9

4

3

1

Bank

Hall

LB

EI

94

88

88a

89

90

93.9m

63 to 67

BROAD STREET

Bank

2

4

5

6

7

Electricity Sub Station

29 to 31

28

27

24 to 26

20 to 23

19

18

1 to 6

The Malthouse

Malthouse Walk



1:1,000

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: External elevation alterations to existing brick facade, including facade finish materials & shopfront

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Dhesi and Councillor Perry

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 25 June 2020

Committee Date: 13 August 2020

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the former Marks and Spencer retail unit within Castle Quay, Banbury Town Centre. Following the closure of this store, the unit remains vacant. The unit has an A1 use.
- 1.2. The site is a prominent unit, within the Market Place/Bridge Street location.

2. CONSTRAINTS

- 2.1. The application site is within the Banbury Conservation Area and is situated in relatively close proximity to a number of Listed Buildings, which add to the character of the area.
- 2.2. Part of the site falls within Flood Zone 2.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Proposal

- The application seeks full planning permission for the following external alterations:
 - Render over the brick façade on Market Place, with a horizontal line detailing
 - Retention of existing archways, with shopfronts pulled forwards towards the arches
 - Painting of the brickwork adjacent to the Wild Lime Public House
 - New paving and balustrading to the entrance area, with render applied to the retaining walls

- 3.2. Whilst it is noted that signage is shown on the submitted plans, this matter is not for consideration as advertisement consent would be required. As such, an informative

is recommended to ensure that signage is not erected without advertisement consent.

- 3.3. Internal alterations are shown on the plans, dividing the large retail unit into two, with a new pedestrian link. These proposals do not require planning permission as the permitted development rights for the building are intact, and these allow for the subdivision of retail units.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. 20/01966/M106 – Modification to section 106 agreement, to remove the requirement for the store to be occupied by Marks and Spencer for a period 5 years. No decision made.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. Advice was given in respect of the proposals, and the documentation that should be submitted as part of an application. Concern was raised regarding the loss of the archway detail, finished render details and removal of the first floor windows. Some amendments have been made prior to the submission of the application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **24 June 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **no objections**, the elevational change will lighten this building and improve the appearance of this part of Bridge Street/Market Place

CONSULTEES

- 7.3. CDC CONSERVATION: **no objections**, on balance given the amendments made to the scheme that pre-application advice was sought on. Further information is provided in the below assessment.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

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

- Design, and Heritage Impact

Design and Heritage Impact

Legislative and policy context

- 9.2. The site is within the Banbury Conservation Area and is in close proximity to a number of Listed Buildings which make a positive contribution to the character and appearance of the Conservation Area.
- 9.3. Whilst in relatively close proximity to the Listed Buildings, it is considered that the site does not form part of their setting and it is their contribution to the character of the Conservation Area that is of importance and adds to its significance.
- 9.4. 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.*
- 9.5. 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

- 9.6. Informal pre-application advice was sought, and guidance from the Conservation Team was provided. Below provides an assessment of the advice that was given and the current proposal.
- 9.7. Concerns were raised with the silver pearl render, which is not a material that is in keeping with the character and appearance of the Banbury Conservation Area. Whilst it is accepted that the existing building does not positively contribute to the Conservation Area, this character should be preserved and enhanced, as required by planning policy and legislation. Some amendments to the provision of render have been made, and the application, whilst it retains the use of render, are limited to the front elevation. The finished details of the render are to be provided and will be requested as part of a condition. The side elevation adjacent to the Wild Lime Public House is to be painted white, which is a more traditional and in-keeping elevational treatment within the Conservation Area. It is proposed that artwork may be placed on this elevation, however, no details are provided.
- 9.8. The arches at ground floor level on the front elevation give the building a traditional appearance of the Conservation Area, and it was suggested this form should be retained. The proposal retains the arches, with the shopfront glazing brought forwards to just behind the arches. This retains the traditional archway detail and preserves the character of the area.
- 9.9. It was advised that removal of the first floor windows should be avoided as these add visual interest to the elevations and continue the pattern of fenestration seen through out the Conservation Area, which is important to its character. The proposed plans shows that the first floor windows remain as being removed and the horizontal render pattern applied to the front elevation. In the opinion of Officers this would cause less than substantial harm to the character and appearance of the Conservation Area.
- 9.10. To ensure that the proposals are suitable, further details of the hardstanding, render, artwork and glazing are required by planning condition and form part of this recommendation.
- 9.11. Cumulatively, Officers consider the proposals to alter the external elevations of the retail unit would result in less than substantial harm to the character and appearance of the Conservation Area.
- 9.12. As required by the NPPF, where a proposal would cause less than substantial harm to a designated heritage asset, the public benefits of the proposal must be considered and weighed against the harm caused and where appropriate, securing its optimum viable use.
- 9.13. In this case, there are considerable public benefits arising from safeguarding the optimum viable use of the site for retail purposes through securing an end user for the retail units. The proposals have been developed with a specific retail end user and will help secure the letting of this unit. This would bring back a large retail premises back into use, supporting the needs of the local community as well as the economic growth of the Town Centre.
- 9.14. Therefore, whilst the less than substantial harm caused to the character and appearance of the Conservation Area is regrettable on balance this moderate harm

is outweighed by the considerable public benefits arising by bringing the site back into a public retail use, supporting the community and Town Centre. Therefore, the proposal is considered to comply with ESD15 of the Cherwell Local Plan and Paragraph 196 of the NPPF.

- 9.15. In forming this assessment, the Local Authority has discharged its statutory duty to pay special attention to the desirability of preserving and enhancing the Conservation Area.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

11. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

Location Plan, PMBAM-PWA-00-00-DR-A-0100-G1

Site Plan, PMBAM-PWA-00-00-DR-A-01010G1

Existing & Proposed Elevations, PMBAM-PWA-00-ZZ-DR-A-0105-G1

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.

Details of Render

Full design details of render shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the completed development is in keeping with and

conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

Details of Hardstanding

Full design details of hardstanding shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

Details of the Artwork

Full design details of any artwork on the side elevation (Drawing: Existing & Proposed Elevations, PMBAM-PWA-00-ZZ-DR-A-0105-G1) as shown on shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

Details of Glazing

Full design details of the glazing, sliding doors and infill panels shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

CASE OFFICER: Samantha Taylor

TEL: 01295 221689

20/00329/CDC

**Coach Park
Compton Road
Banbury**

Garden
Centre

Coach Park (public)

Telephone
Exchange

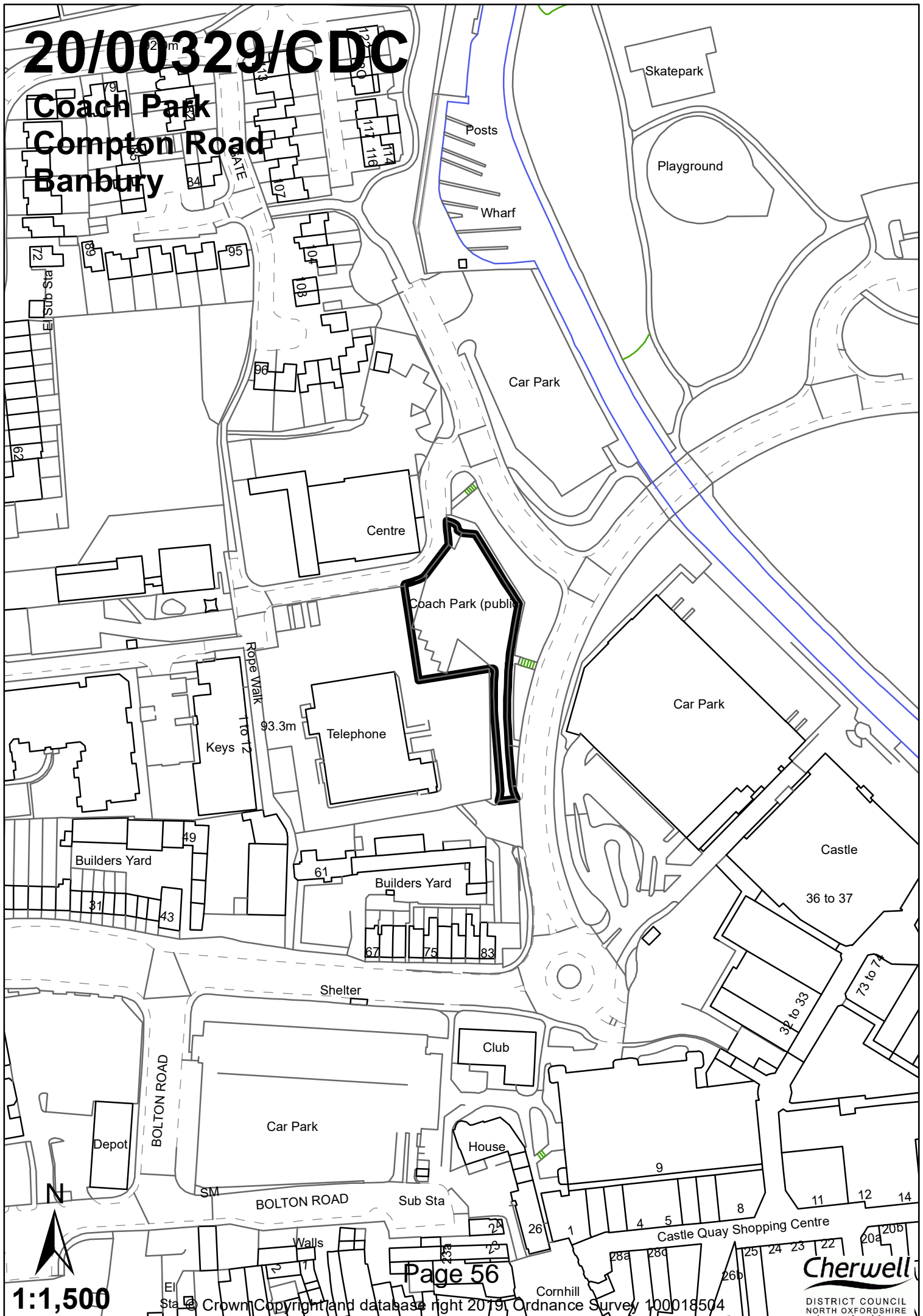
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20/00329/CDC

Coach Park Compton Road Banbury



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Change of use from coach parking to car parking modifications to layout of hardsurfacing and landscaping.

Ward: Banbury Cross and Neithrop

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

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 6 May 2020

Committee Date: 13 August 2020

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on Compton Road, close to the town centre and the Castle Quay 2 development which is currently under construction. The site is currently used as a District Council operated Coach Park.
- 1.2. Further along Compton Road is an existing District Council operated long-stay public car park, a garden centre and access to the Wharf. A cycle and pedestrian route connects the residential housing to the town centre along Compton Road and Cherwell Drive/Castle Street.

2. CONSTRAINTS

- 2.1. The site is within Flood Zone 2.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission to change the use of the coach park to a standard vehicle car park and modifications to the hardsurfacing and landscaping.
- 3.2. The proposal would result in the extension of the block paving to accommodate 40 parking spaces, 1 disabled space and 4 motor cycle spaces. This car park would provide a long stay option allowing the Bolton Road car park to be changed to a short stay car park, allowing more flexible parking options within the Town Centre.
- 3.3. A new landscaping scheme will be implemented, along with the relocation of 2 lighting columns. The existing boundary fence will be retained.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 18/00320/PREAPP – Change of Use from coach lay-by to public car park. The advice given was that further information and evidence detailing the usage of the coach park and appropriate mitigation for displaced coaches would be required to determine whether the proposal would be acceptable in principle.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **27 April 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. BANBURY TOWN COUNCIL: **Comments** questions where buses/coach will be redirected to and, provision of electric charging points and whether the car park will be long/short stay

Officer comments – the planning statement submitted as part of the application confirms that the car park would be used as a long stay car park. In terms of the alternate coach parking locations, additional information has been provided detailing the positions of existing coach parking spaces within the Town Centre, further details are provided below. In terms of electric charging points, a condition requiring the submission of an electric vehicle charging point plan and details of installation has been included.

- 7.3. OCC HIGHWAYS: **no objections** subject to conditions relating to the submission of a signage strategy, access and egress details.

Officer comments - It is noted that a condition was recommended that would require the submission of a plan showing the car parking provision. This plan has been included as part of the submission of the application, therefore a condition is not required.

- 7.4. CDC ENVIRONMENTAL PROTECTION: **no objections** in respect of noise, contaminated land, odour, light or air quality. Notes that electric charging points should be included and a condition is recommended.

Officer comments – noted, a condition has been included as part of the recommendation

- 7.5. THAMES VALLEY POLICE DESIGN ADVISOR: **comments** made in respect of the positioning of motorcycle parking, lighting and provision of CCTV.

Officer comments – the recommendations are noted.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Use Classes Order (1987) as amended

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

Principle of Development

- 9.2. The Town and Country Planning (Use Classes) Order 1987 categories both the uses of a coach park and public car park as ‘sui generis’. There are no permitted changes between these ‘sui generis’ uses and as such full planning permission is required.
- 9.3. Notwithstanding this, the principle of development is reliant upon the demonstration that there is sufficient availability for coach/bus parking with close proximity such that the ongoing needs of the existing usage could be met.
- 9.4. As part of the documents submitted, a usage study which outlines the number of vehicles using the coach park has been provided. The study was carried out one week per month, for a period of 8 months. On any recorded day, the highest number of vehicles using the car park was 7. As such, a minimum of 7 coach parking spaces are required in relatively close proximity to the Compton Road Coach Park. In addition, consideration must be given to the operation of these, whether these are publicly available and long/short stay.
- 9.5. The usage studies indicate that there isn’t a consistent pattern of usage and that the most frequently used times were in the late morning to early afternoon.

- 9.6. There is existing provision within Banbury that is currently not used due to the Compton Road Car Park. The Landscaping Team (who have submitted this application) have confirmed that these spaces are either not in use or are underutilised at the frequently used times of Compton Road.
- 9.7. These alternate spaces are provided at:
- Banbury Bus Station, 5 bays unused by the regular bus services
 - Horse Fair Taxi and Coach Park, 2 bays
- 9.8. As set out above, there are a total of 8 coach/bus bays within close proximity to the site and the Town Centre to meet the maximum recorded usage at Compton Road Car Park.
- 9.9. Consideration must be given to the operation of these bays and whether they can meet the requirements of local bus/coach operators, as at Compton Road.
- 9.10. There are no current restrictions on lay-over times at the bus station, as the spaces are underutilised spaces that formerly had bus services running from these and are no longer used. The remaining 2 spaces at Horse Fair currently have a 15 minute drop-off restriction. The Landscaping Team will apply to have the order changed to allow for a longer lay-over at these spaces, should planning permission be granted. As such, the provision would allow for a variation of usage of the bays, for shorter and longer stays.
- 9.11. Whilst there is 1 additional space that is located along Horse Fair, OCC Highways have confirmed that as this lies within the public highway, this space is not suitable to be used by coaches for parking and is unavailable. This has therefore not been included in the Officer's assessment.
- 9.12. The existing provision within the Town Centre would provide 7 spaces, both short and long stay options. This would be the maximum recorded capacity of the Compton Road Coach Park and demonstrates that there is sufficient provision with close proximity. Therefore, the principle of changing the use from a coach park to a car park is considered acceptable.
- 9.13. Overall, based on the evidence submitted and the comments received from OCC Highways, it is considered that there is existing provision within close proximity to the site that could be used to provide sufficient spaces for coach parking that would allow an alternative use of the Compton Road coach park in principle.

Design and Impact on the Character of the Area

- 9.14. The site contains an existing block paved hard surface with some limited landscaping. Due to the change in land levels, where there is a significant drop from Castle Street to Compton Road, the site itself is not particularly visible.
- 9.15. Additional block paving is to be provided to allow for an extension to the hard surfacing. New tree and shrub planting around the site boundary where appropriate is proposed.
- 9.16. A condition securing matching block paving to the existing is recommended and inclusion of the planting plan as an approved document will ensure that the proposal accords with the character of the existing site and local area. It is therefore considered, that subject to conditions, the proposal would comply with policy ESD15 of the Cherwell Local Plan

Highway Safety

- 9.17. Oxfordshire County Council have raised no objection to the proposals and recommend conditions relating to signage, access arrangements and a S106 obligation to cover the costs of providing adequate signage.
- 9.18. The existing site access from Cherwell Drive would be used, with vehicles using the slip road into the car park. The exit would be used, but amendments to reduce its width and remove the rumble strip would be made. This is because the existing arrangements suit the turning area and safety requirements for coaches which are not required for standard vehicles. Further details of these arrangements are necessary to confirm the vision splays, construction, drainage and layout and are recommended to be secured by a condition.
- 9.19. Within their comments the Highways Officer identifies that whilst not a policy requirement, the provision of electrical vehicle charging points are welcomed. This is noted, and a condition securing the submission of a suitable plan showing the provision of charging points is recommended.
- 9.20. Given the relatively close proximity of the car park entrance to the telephone exchange exit, the Highways Officer notes that for safety reasons appropriate signage and lining must be designed and implemented. A condition securing the installation of appropriate on-site signage is recommended.
- 9.21. A contribution towards the provision of off-site signage directing coaches to the alternative locations is required in order to appropriately direct traffic in the interests of highway safety. This is a reasonable and necessary contribution and therefore, this has been included as part of the recommendation. The exact figure to be provided is not yet agreed, but will be negotiated to ensure that the cost of OCC providing and installing the signage is met.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

11. RECOMMENDATION

RECOMMENDATION –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):

S106 OBLIGATION

A reasonable and proportionate financial contribution (to be negotiated by Officers) to go to Oxfordshire County Council to secure the provision and installation of appropriate off-site directional signs.

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:

Location Plan, Map Ref: CDC 00
Compton Road Car Park Existing and Proposed, CRCP-01
Compton Road Car Park Planting Plan CDCP-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.

Electrical Vehicle Charging Points

3. Prior to the commencement of the works hereby permitted, a scheme for the provision of electrical charging points within the development shall be provided. The electrical vehicle charging points shall be constructed and made available for use prior to the first use of the development and retained in accordance with the approved details thereafter.

Reason – in accordance with policies SLE4, ESD1, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

Signage Strategy

4. Prior to the first use of the car park, a signage strategy for the site shall be submitted and approved by the Local Planning Authority and the signage installed in accordance with the approved details. Thereafter the signage shall be maintained and retained in accordance with the approved details.

Reason- To ensure that traffic is directed appropriately in the interests of highway safety, in accordance with policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Details of Access and Egress

5. No development shall take place until full details of the means of access and egress between the land and the highway including position, layout, construction, drainage and vision splays have been submitted to approved by the Local Planning Authority. Thereafter, the means of access and egress 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.

CASE OFFICER: Samantha Taylor

TEL: 01295 221689

Agenda Item 10

Cherwell District Council

Planning Committee

13 August 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 New Appeals

20/00167/F – Esso, Banbury Service Station, Oxford Road, Bodicote, OX15 4AB - RETROSPECTIVE - to retain storage container to rear of petrol filling station kiosk

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 07.07.2020 **Statement Due:** 11.08.2020 **Decision:** Awaited

Appeal reference – 20/00023/REF

20/02465/LB – Cedar Lodge, North Side, Steeple Aston, OX25 4SE - Creation of jib door and stair, and associated works to include the removal of ceiling joists

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 09.07.2020 **Statement Due:** 13.08.2020 **Decision:** Awaited

Appeal reference – 20/00021/REF

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

19/00831/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - OUTLINE - Residential development of up to 15 dwellings

Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Key Dates:

Start Date: 03.03.2020 **Statement Due:** 09.04.2020 **Decision:** Awaited

Appeal reference – 20/00010/REF

19/02444/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - Outline planning permission for the residential development of up to 14 dwellings - all matters save for the means of access are reserved for subsequent approval - revised scheme of 19/00831/OUT

Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Key Dates:

Start Date: 03.03.2020 **Statement Due:** 09.04.2020 **Decision:** Awaited

Appeal reference – 20/00007/REF

19/00969/F - Bowler House, New Street, Deddington, OX15 0SS – Single storey rear extension forming new Sun Room

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00009/REF

19/00970/LB – Bowler House, New Street, Deddington, OX15 0SS - Single storey rear extension forming new Sun Room

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 20.02.2020 **Statement Due:** 26.03.2020 **Decision:** Awaited

Appeal reference – 20/00008/REF

19/01621/F – 1 Derwent Road, Bicester, OX26 2JA - Retrospective - Replace existing part fence (6 ft 6" high x 17 ft long), part hedge (7-8 ft high) boundary on Dryden Avenue, with new 5 ft high x 6 ft wide wooden fence panels and 1 ft high concrete gravel boards and concrete posts.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 18.06.2020 **Statement Due:** 23.07.2020 **Decision:** Awaited

Appeal reference – 20/00018/REF

19/01685/F – 21 Coppice Close, Banbury, OX16 9SW - Removal of dead/dying leylandii hedge approximately 20 metres. To be replaced with pressure treated close board fencing 1.8m high.

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 01.04.2020 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 20/00015/REF

19/02267/F – 1 Beechfield Crescent, Banbury, OX16 9AR - First floor side extension. Single storey rear extension.

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 27.06.2020 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 20/00017/REF

19/02399/F – Cowpastures Farm, Arccott Road, Piddington, OX25 1AE - Redevelopment of site; demolition of existing buildings and erection of building for B8 use.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 18.06.2020 **Statement Due:** 23.07.2020 **Decision:** Awaited

Appeal reference – 20/00020/REF

20/00174/Q56 – Barn, Folly Farm, Grange Lane, Sibford Ferris, OX15 5EY - Change of Use and conversion of 1no agricultural building into 1no self-contained dwellinghouse (Use Class C3) including associated operational development under Part 3 Class Q (a) and (b)

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 01.07.2020 **Statement Due:** 05.08.2020 **Decision:** Awaited

Appeal reference – 20/00022/REF

Enforcement appeals

None

2.4 Forthcoming Public Inquires and Hearings between 14 August 2020 and 10 September 2020

None

2.5 Results

Inspectors appointed by the Secretary of State have:

1. Dismissed the appeal by Miss Fiona Morrison for Construction of new greenhouse (retrospective). Swallows Barn, Manor Farm Lane, Balscote, OX15 6JJ

Officer recommendation – Refusal (Delegated) 19/02194/F

Appeal reference – 20/00013/REF

The Inspector considered that the main issue of the appeal was the effect of the scheme on the character and appearance of the Balscote Conservation Area. The application sought retrospective permission for a greenhouse located to the side of Swallows Barn, a 1.5 storey barn conversion constructed of natural ironstone close to the centre of the village.

The Inspector stated that the appearance of the greenhouse is one of a domesticated nature in a prominent part of the street scene and existing building line. This is in contrast to the rural character of the area, which becomes even more apparent when travelling away from the centre of the village, as views of the open countryside emerge at the edge of the village. The Inspector concluded that the scheme has resulted in less than substantial harm to the character of the Balscote Conservation Area and is in conflict with Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Paragraph 130 of the NPPF which seek to protect the historic environment and require development to complement, and enhance the character of its context through sensitive siting, layout and high quality design.

The Inspector noted that references were made to paragraphs 14, 17 and 134 of the Framework in the reason for refusal, however, considered that these paragraphs are not relevant to the development or the issues raised.

2. Allowed the appeal by J & R Homes for Erection of 2no one bedroom dwellings - revised scheme of 18/02046/F. 2 Hudson Street, Bicester, OX26 2EP

Officer recommendation – Refusal (Delegated) 19/02861/F

Appeal reference – 20/00012/REF

The Inspector considered the main issue to be the proposal's effect on the character and appearance of the site and surrounding area.

This appeal followed two previous appeals, both dismissed, the last appeal relating to a very similar scheme as this one. The only difference between the two schemes was that the bungalows were now proposed to be set 1.8 metres (6 feet) further back into the site.

The Council's principal case had been that the proposal would have resulted in a cramped form of development, visually incongruous by virtue of its necessary lack of set back compared to the prevailing pattern of development, and that the additional 1.8m set back was not sufficient to address the harm identified by the previous inspector.

The Inspector recognised that the area was characterised by two storey, semi detached dwellings, set back from the road, and that the frontages are

generally open, but found the proposal would have an open and verdant garden to the front of the dwelling and held that the proposed bungalows would provide a transition in scale between existing garages to one side and two-storey dwellings to the other.

On the matter of the set back from the road, the current Inspector noted there was some variety in the locality and not all frontages were uniform in their design and size. The Inspector considered that this variety was particularly apparent around the bend and the way properties are positioned around it. The Inspector held that, although smaller than some of the nearby properties, the frontage for the bungalows would be open and green and not out of keeping with those in the vicinity. Effectively – since it was the only difference between the last scheme and this – the Inspector disagreed with the Council as to whether the 1.8m set back had addressed the previous inspector’s issue.

Consequently, the Inspector found that the proposed development would not harm the character and appearance of the site and surrounding area, would thus comply with Policy ESD15 of the CLP 2031 and saved Policies C28 and C30 of the CLP 1996, and accordingly allowed the appeal.

**3. Allowed the appeal by Mr L Knaggs for Scanlite Digital Electronic LED Full Colour Ticker Display. 10 Banbury Cross Retail Park, Lockheed Close, Banbury, OX16 1LX
Officer recommendation – Non-determination (19/02381/ADV)
Appeal reference – 20/00016/NON**

The main issue for the appeal was the visual impact of the advertisement on the building and the surrounding area.

The Council had contended that, notwithstanding the appeal site’s urbane context, the proposal would result in undue proliferation of signage on one particular unit, resulting in harm to the visual amenity of the locality.

The Inspector disagreed, on the basis of the functional appearance and size of the buildings and the degree to which the existing signage is only visible within the retail park itself. The Inspector acknowledged that the signage would be mobile and would be eye-catching when in the vicinity of the building, but held that it would not appear out of context and would not be incongruous, and therefore allowed the appeal.

The Inspector reminded the Council that while Policy ESD15 was material to the consideration of the appeal proposal, it was not determinative and that powers to control advertisements “may be exercised only in the interests of amenity and public safety”.

4. Dismissed the appeal by Mr John Attley for Erection of a detached dwelling with parking, access, landscaping and associated works. Land To The Rear Of The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley
Officer recommendation – Non-determination (19/02501/F)
Appeal reference – 20/00014/NON

The Inspector considered the main issues to be (i) whether the proposal is inappropriate development in the Green Belt, (ii) whether the proposal would be in a sustainable location; (iii) the proposal's effect on the living conditions of future occupiers; and (iv) the proposal's effect on the character and appearance of the area.

On the first two issues, the Inspector noted the site comprised part of a car park at the rear of the former hotel, and found the land south of the site to be open and undeveloped and that the built frontage in the vicinity was not continuous. Nevertheless the Inspector concluded the proposal would comprise 'limited infilling in a village' and so would not be inappropriate development in the Green Belt or conflict with Policy Villages 1 in terms of the sustainability of the location.

On the issue of amenity, the Inspector found that the proposal would only have a relatively small garden which would be overlooked to the rear and side by adjoining properties and that its front elevation would sit very close to the boundary of the property facing the car park exposed to views from the car park. She concluded that the proposal would fail to provide appropriate living conditions for future occupiers.

On the last issue the Inspector found that, despite the diverse range of styles evident in Horton cum Studley, dwellings in the village sit comfortably within their context and that, in contrast, the proposal was of poor design with a large expanse of unrelieved façade across the entirety of the rear elevation (designed to prevent overlooking to the rear) and a mismatched range of window shapes and sizes. She therefore found the proposal would be visually intrusive and concluded the proposal would adversely affect the character and appearance of the area.

The Inspector held that meaningful weight could not be given to the proposal's limited contribution to housing supply on account of its failure to provide adequate living conditions, and noted the appellant had not provided substantive evidence of its contention that the Council could not demonstrate an adequate supply of housing land. The Inspector noted local residents' concerns regarding access but did not conclude on that matter given the harm she had found in respect of visual and residential amenity.

Accordingly the Inspector dismissed the appeal.

**5. Dismissed the appeal by Mr & Mrs Purewal for Erection of 4no dwelling houses with associated garages, access and landscaping. The Old Vicarage, Fringford Road, Caversfield, OX27 8TH
Officer recommendation – Refusal (Delegated) 19/02075/F
Appeal reference – 20/00011/REF**

The Inspector considered the main issues to be (i) the proposal's effect on the character and appearance of the area, (ii) whether the proposal would be in a suitable location, having regard to the provision of local services; and (iii) the proposal's effects on highway safety.

The Inspector held that the site could be considered to lie within the settlement, but that it had an open undeveloped appearance which contributes to the spacious, rural character of Caversfield. The Inspector found that the proposed dwellings would be relatively closely spaced, would occupy a significant proportion of the site and would result in a relatively dense development that together with the strong element of uniformity would result in a suburban form of development at odds with the open and varied character of the area. She also found that the close proximity of the proposals to the existing hedge would lead to future pressure for removal, further eroding the rural character of the area.

On the second issue, the Inspector noted the bus service but that it provided limited service to destinations further than Bicester and that the lack of street lighting and natural surveillance together with vehicle speeds along Aunt Ems Road would make it less attractive for walking or cycling at night or in bad weather. The Inspector therefore found that future occupiers would be largely dependant on the private car for transport. The Inspector held that although within the built up limits of the village the site did not form a gap and the proposal was not infilling. The Inspector therefore concluded the proposal would conflict with Policy Villages 1 and Policy ESD1.

On the issue of highway safety, the Inspector noted vehicle speeds were between 40 and 60 mph, that the Council-requested speed survey had not been provided by the appellant and that the plans did not show the full extent of visibility splays. The appellant had suggested the use of a Grampian condition as an appropriate way of securing safe access to the site. The Inspector noted she had not been provided with any evidence that highways could not be used to achieve appropriate visibility or that there was no reasonable prospect of the required works being achieved, and therefore concluded that subject to conditions the proposal would not cause harm to highway safety.

The Inspector weighed the proposal's benefits against the harm identified. She also covered the issues of heritage and ecology but found no harm in either respect subject to conditions, and also considered the effect on living conditions, trees, flood risk, drainage and light pollution, all issues raised by local residents in objection.

Accordingly the Inspector 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,
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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:

Matthew Barrett, Planning Solicitor 01295 753798
matthew.barrett@cherwell-dc.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:

Matthew Barrett, Planning Solicitor 01295 753798
matthew.barrett@cherwell-dc.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
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