

Public Document Pack



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 12 August 2021

Time: 4.00 pm

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

Membership

Councillor George Reynolds (Chairman)

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

Councillor David Hughes (Vice-Chairman)

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

Substitutes

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

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

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

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

3. Requests to Address the Meeting

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

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

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

4. Minutes (Pages 5 - 44)

To confirm as a correct record the Minutes of the meeting of the Committee held on 15 July 2021

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

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

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

The Committee to be advised of any scheduled pre-committee site visits.

Planning Applications

8. Land To Rear Of 160 Bloxham Road, Banbury, OX16 9LE (Pages 47 - 62)
21/01578/F

9. Kirtlington Post Office Stores, 1 Troy Lane, Kirtlington, OX5 3HA (Pages 63 - 75)
21/00369/F

10. 21 Lawrence Way, Bicester, OX26 2FR (Pages 76 - 83)
21/00332/F

11. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1407)
(Pages 84 - 99) **21/01407/OUT**

12. Castle Quay 2 Spiceball Park Road, Banbury, OX16 2PA (Pages 100 - 107)
21/00394/ADV

13. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0218)
(Pages 108 - 113) **21/00218/DISC**

Review and Monitoring Reports

14. Appeals Progress Report (Pages 114 - 121)

Report of Assistant Director Planning and Development

Purpose of report

To keep Members informed about planning appeal progress including the scheduling of public inquiries and hearings and decision received.

Recommendations

The meeting is recommended:

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

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 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.

Evacuation Procedure

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

Watching Meetings

Please note that Council meetings are currently taking place in person (not virtually) with social distancing at the meeting. Meetings will continue to be webcast and individuals who wish to view meetings are strongly encouraged to watch the webcast to minimise the risk of COVID-19 infection.

Places to watch meetings in person are very limited due to social distancing requirements.

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

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

Please contact Lesley Farrell, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221591

Yvonne Rees
Chief Executive

Published on Wednesday 4 August 2021

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 15 July 2021 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor David Hughes (Vice-Chairman)
Councillor Maurice Billington
Councillor Andrew Beere
Councillor John Broad
Councillor Colin Clarke
Councillor Patrick Clarke
Councillor Ian Corkin
Councillor Sandy Dallimore
Councillor Mike Kerford-Byrnes
Councillor Tony Mephram
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker

Substitute Members:

Councillor Richard Mould (In place of Councillor Hugo Brown)

Apologies for absence:

Councillor Hugo Brown
Councillor Simon Holland
Councillor Sean Woodcock

Officers:

Alex Chrusciak, Senior Manager - Development Management
Andy Bateson, Team Leader – Major Developments
Wayne Campbell, Principal Planning Officer
Caroline Ford, Principal Planning Officer – Major Projects Planning Team
John Gale, Planning Officer
James Kirkham, Principal Planning Officer
Samantha Taylor, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Lesley Farrell, Democratic and Elections Officer
Natasha Clark, Governance and Elections Manager

Declarations of Interest

8. Land Northeast of Oxford Road, West of Oxford Canal & East of Bankside, Banbury.

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

9. Bicester Eco Town Exemplar Site, Banbury 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.

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

11. Land to rear of 160 Bloxham Road, Banbury.

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

12. 14 Beatrice Drive, Banbury, OX16 0DT.

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

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

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

13. Former site of The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU.

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

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

Councillor 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 (0921).

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

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

Councillor Ian Corkin, Non Statutory Interest, as a member of 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. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (3692).

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

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

Councillor Ian Corkin, Non Statutory Interest, as a member of 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. 36-37 Castle Quay, Banbury, OX16 5UN.

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

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

Councillor Ian Corkin, Non Statutory Interest, as a member of 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.

17. Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1292).

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

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

Councillor Ian Corkin, Non Statutory Interest, as a member of 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.

32 Requests to Address the Meeting

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

33 Minutes

The Minutes of the meeting held on 17 June 2021 were agreed as a correct record and signed by the Chairman.

34 Chairman's Announcements

There were no Chairman's announcements.

35 Urgent Business

There were no items of urgent business.

36 Proposed Pre-Committee Site Visits (if any)

There were no pre-committee site visits.

37 Land Northeast of Oxford Road, West of Oxford Canal & East of Bankside, Banbury

The Committee considered application 19/01047/OUT, an outline planning application for a residential development of up to 825 dwellings; green infrastructure including formal (playing fields with changing rooms, allotments)

and informal open space; landscaping and associated infrastructure including a balancing pond; on land off the A4260, with access off the existing Longford Park access off the A4260 (Oxford Road), and a new access off the A4260 (Banbury Road) with all matters of detail reserved, save for access at Land Northeast of Oxford Road, West of Oxford Canal and East of Bankside, Banbury for Hallam Land Management Limited.

Lawrence Dungworth, agent for the application, 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 for Planning and Development to grant permission for application 19/01047/OUT subject to:

(i) The prior provision of a suitable mechanism to secure the land required for the relocation of Banbury United Football Club, to the satisfaction of the Assistant Director for Planning and Development, compliance with Policy Banbury 12;

(ii) The prior 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 Heads of Terms as outlined in the published agenda report and any changes set out in the written update to that agenda (and any amendments as deemed necessary):

S106 Heads of Terms:

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent, 30% comprising social rent and shared ownership;
- Play spaces to include a MUGA, NEAP and 2 LAP/LEAPS with commuted sums for ongoing management and maintenance;
- Open space of around 5.98 hectares with either a transfer to the Council and commuted sum for ongoing maintenance or the developer to use a management company for ongoing maintenance without transfer;
- Allotment site with pathways to and within the site;
- Outdoor sports provision to include the sports pitches and community pavilion/changing rooms constructed to Sport England Standards, & adequate car parking;
- Indoor sports contribution of £688,831.11 (index linked) towards improvements at the Spiceball Leisure Centre and/or the development of a new indoor tennis centre at Banbury;
- Community development worker contribution of £65,941.26 to facilitate the integration of the new community to the application site with the existing community in the local area;

- Community development fund contribution of £400 towards supporting the activities of the Community Development Worker;
- Waste and recycling contribution of £111 per dwelling towards the provision of waste receptacles plus the provision of land for and the provision of a recycling bank;
- Cemetery contributions of £xx (tbc) per dwelling;
- Strategic Transport contributions of £121,476 towards BAN1 Hennef Way improvements;
- Strategic Transport contribution of £215,537.12 towards Ban 2 Tramway Road improvements;
- Bridge Street junction improvement contributions of £150,750 towards improvements to the public transport access at this junction;
- Oxford Road Cycleway contributions of £47,466 towards the provision of a shared use cycleway between the southern site access and Cotefield Drive. This is sought as part of the contribution towards the funding of the secondary school;
- Oxford Canal Pedestrian and Cycle Route contribution of £610,000 towards BAN 4 scheme, to provide a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas;
- Public Transport Service contributions of £770,000 towards the cost of pump-priming a public transport service;
- Traffic Regulation Order (if not dealt with under s.278/s.38 agreement of £6,380 towards extending the 40mph speed restriction beyond the southern access and to enable on-street parking restrictions along the bus route within Longford Park;
- Travel Plan Monitoring contribution of £2,346 to enable the Residential travel Plan to be monitored for 5byears following occupation;
- Public Rights of Way contribution of £90,000 towards the enhancement of the Public Rights of Way network in the vicinity of the development;
- Nursery and Primary Education contributions of £2,776,896 towards the expansion of primary and nursery capacity serving the site;
- Secondary Education contributions of £6,050,576 towards a new secondary school in Banbury;
- SEN contributions of £411,345 towards the expansion of SEN capacity serving the site;
- Land reservation of 4.88ha to supply a 600-place secondary school, to be provided at no cost to the County Council;
- Land option of 1.89ha for a potential future expansion to accept a further 2 forms of entry if required; and
- Monitoring Fees for both Cherwell District Council and Oxfordshire County Council to be agreed whilst drafting the s106.

(iii) The following conditions set out in the published agenda report and any changes set out in the written update to that agenda (and any amendments to those conditions as deemed necessary):

Planning Conditions:

Time Limits and General Implementation Conditions

1. Application for approval of all reserved matters for a first-phase development of a minimum of 200 dwellings shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The construction of that first-phase development subsequently approved shall be begun before the expiration of four years from the date of this permission. Subsequent applications for approval of all reserved matters for all the remaining phases of development hereby approved shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. Any development subsequently approved in relation to these later phases shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be 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 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 the Reserved Matters Permission(s), the development shall be carried out strictly in accordance with the following plans and documents:

Site Location Plan 6392-P-08 Rev I dated 22 March 2021

Parameters Plan 6394-P-01 REV AW dated 22 March 2021

Proposed Southern Access, 16052-01-124 Rev B

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

4. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

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 to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Except to allow for the creation of means of access with associated vision splays hereby approved, the existing hedgerows along the boundaries of the site shall be retained and properly maintained from the date of this planning permission (unless otherwise approved as part of the approval of reserved matters submitted in requirement of Condition 2), and if any hedgerow plant/tree dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

7. 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 Government guidance contained within the National Planning Policy Framework.

8. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the existing ground levels

together with proposed finished floor levels of all buildings within that phase. Development in that phase shall thereafter be undertaken in accordance with the ground/floor levels approved as part of the grant of reserved matters approval.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the proposed ecological enhancement measures to be incorporated within that phase in line with the recommendations at Section 5 of the Environmental Statement. All proposed ecological enhancement measures shall thereafter be installed in accordance with the details approved as part of the grant of reserved matters approval.

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

10. All applications for approval of reserved matters relating to an approved phase shall be accompanied by an Energy Statement that demonstrates which sustainable design measures, including the provision of on-site renewable energy technologies, will be incorporated into that phase. The sustainable design measures shall thereafter be fully incorporated into the development of each phase and no occupation of development within the relevant phase shall take place until the approved sustainable design measures have been provided and, for on-site renewable energy provision, until such measures are fully installed and operational.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Construction related vehicle are to be prohibited from accessing the development site via the existing Longford Park Phase 1 residential development. All construction related traffic is to access the development site via a temporary construction haul road to the south of the development site.

Reason: In the interest of highway safety.

12. All applications for reserved matters approval relating to a phase (as approved under a phasing condition) shall include details of the alignment and specification of any and all new and / or enhanced footpaths, bridleways and cycle tracks to be provided within / through that phase together with a timetable for their provision / completion.

These routes shall be in accordance with an approved access parameter plan, masterplan and design code. Thereafter and prior to first occupation of that phase, the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.

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

13. Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place within 10m of an existing Public Right of Way until the affected Public Right of Way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the Local Planning (or Highway) Authority to be diverted or extinguished. Thereafter, the Public Right of Way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the Local Planning Authority.

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

14. No works shall be undertaken that results in the temporary or permanent need to divert an existing Public Right of Way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the Local Planning Authority. The existing Public Right of Way shall not be stopped up or obstructed in any way (save for any temporary arrangement that has the prior written agreement of the local planning authority), until the new diverted route has been provided in accordance with the approved details and is fully available for public use.

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

Pre-Commencement Conditions

15. 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 identifying the phases by which development will take place. Thereafter the development shall be carried out in accordance with the approved phasing plan and applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies

ESD15, Banbury 4 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 any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

16. No development shall take place on any phase, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall be appropriately titled (site and planning permission number) and shall provide for at a minimum:
- The parking of vehicles of site operatives and visitors;
 - The routeing of HGVs to and from the site;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours;
 - Spoil locations;
 - Water management;

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

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

17. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
 - b) Risk assessment of potentially damaging construction activities;

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

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

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

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

19. No development shall take place on any phase until an Arboricultural Method Statement for that phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to include a plan identifying which trees are to be retained and details of how they will be protected, is submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS and any tree protection measures shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

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

20. No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

21. No development shall take place until a Detailed Design, Surface Water Management Strategy, Drainage Strategy (including calculations, ground levels and plans), associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods and details of the phasing of its provision has been submitted to and approved in writing by the Local Planning Authority.

- 10327 Technical Note 05 Technical Note: Outline Drainage Strategy, 17th June 2020
- Technical Note: Response to Oxfordshire County Council's (Drainage) Comments dated 12th May 2020 for Application 19/01047/OUT-2, 22nd May 2020

The scheme shall include:

- Details of how the drainage scheme has been designed to incorporate SuDS techniques to manage water quantity and maintain water quality as set out in the FRA, and in accordance with adopted policy and best practice guidance including the SuDS Manual C753;
- Detailed drainage plan showing the location of the proposed SuDS features;
- Detailed cross sections and construction details of the proposed SuDS measures;
- Details of how the scheme shall be maintained and managed after completion;
- Details of how water quality shall be maintained during and after construction;
- Detailed drainage calculations, using FEH methodology, for all rainfall events up to and including the 1 in 100 year plus climate change event to demonstrate that all SuDS features can cater for the critical storm event for its lifetime;
- The submission of evidence relating to accepted outfalls from the site, particularly from any third-party network owners;
- Sequencing for implementation; and

- The scheme shall be implemented in accordance with the approved details and timetable.

The approved Sustainable Drainage System shall be implemented in accordance with the approved Detailed Design and prior to the first occupation of the development in that phase. The Sustainable Drainage Scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

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

23. If contamination is found, 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 Government guidance 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.

24. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays and vehicle tracking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retain in accordance with the approved details.

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

25. Prior to the commencement of each phase of the development hereby approved, full specification details of the site's roads, turning areas and car parking to serve that part of the development, which shall include construction, layout, surfacing, lighting drainage and the location and layout of car parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of each phase of the development, the site roads and turning areas for that phase shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority,

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

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

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

27. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through

publication and dissemination of the evidence in accordance with the NPPF (2019).

28. Prior to the commencement of any development, drainage or any other works, including the removal of top soil, a detailed method statement for the preservation and protection of the Neolithic Cursus and Roman Temple/Shrine during the construction of the playing fields, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved method statement.

Reason: To ensure that the archaeological features identified within the area of the proposed playing fields are preserved in situ and not impacted by any drainage or landscaping works associated with the construction of the playing fields.

Conditions requiring approval or compliance before specific construction works take place

29. No development above slab level on any building proposed to contain residential units shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve internal levels that shall not normally exceed 30dB LAeq (8 hour) and 45dB L_{AmaxF} in all sleeping areas between 2300 hours and 0700 hours. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building. An external level of 55dB LAeq (16 hours) shall be achieved in garden areas and balconies unless a higher level has been demonstrated as being acceptable through noise modelling. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

Conditions requiring approval or compliance before occupation

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

Reason: Network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any

necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. In order to comply with Policy ESD8 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

31. If remedial works have been identified in condition 22, the relevant part of the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 22. 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 Government guidance within the National Planning Policy Framework.

32. Prior to the first occupation of the development hereby approved, a Residential Travel Plan, prepared in accordance with Oxfordshire County Council's approved Travel Plan guidance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

33. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

34. The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason: To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with Government guidance within the National Planning Policy Framework.

35. Details of external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those

works. The lighting shall be installed prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

36. No development shall be occupied until a scheme for the commissioning and provision of public art to be accommodated within the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details prior to the occupation of 300 residential units.

Reason: To create an attractive and distinctive development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

37. The dwelling(s) hereby approved shall not be occupied until bins for the purposes of refuse, food waste, recycling and green waste have been provided for use by each of the approved dwellings, in accordance with the Council's current bin specifications and requirements.

Reason: To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy INF1 of the Cherwell Local Plan 2011 - 2031.

38. The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

39. Prior to occupation, 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 both .pdf and .shp file format;
- 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.

Bicester Eco Town Exemplar Site, Banbury Road, Bicester

The Committee considered application 21/01227/F, a full planning application for 57 dwellings and associated infrastructure at Bicester Eco Town Exemplar Site, Banbury Road, Bicester for Crest Nicholson Operations Limited.

Nicholas Daruwalla, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01227/F subject to:
 - (i) 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 link the site to the S106 for the wider Exemplar site S106 (10/01780/HYBRID) to ensure the site remains bound to those requirements and to secure the following:
 - A contribution towards enhanced community sporting facilities at Bicester Leisure Centre, based upon a per dwelling figure of £493.00 per dwelling index linked from the 2nd Quarter of 2017. This gives a total contribution of £1,494.00 index linked from 2Q17.
 - A contribution towards the provision of a burial site as part of the NW Bicester development based upon a per dwelling contribution of £10.06 per dwelling index linked from 2Q17. This gives a total contribution of £30.18 index linked from 2Q17.
 - A contribution towards the build and fit out cost of a community hall to the north of the railway line on the wider NW Bicester site based upon a per dwelling contribution of £1050.94 index linked from 2Q17. This gives a total contribution of £3,152.82 index linked from 2Q17.
 - A contribution towards the build cost of a health facility at NW Bicester or an alternative facility to meet the needs of the increased population, based upon a per dwelling figure of £259.46 index linked from 2Q17. This gives a total contribution of £778.38 index linked from 2Q17.
 - A contribution towards the increase in capital costs of providing neighbourhood policing required pursuant to the wider NW Bicester development, based upon a per dwelling figure of £151.30 index linked from 2Q17. This gives a total contribution of £453.90 index linked from 2Q17.
 - A contribution towards the capital cost of providing permanent sports pitches as part of the NW Bicester development, based upon a per dwelling contribution of £227.68 index linked from 2Q17. This gives a total contribution of £683.04 index linked from 2Q17.

- A contribution towards the costs of maintaining the permanent sports pitches as part of the NW Bicester development, based upon a per dwelling contribution of £250.35 index linked from 2Q17. This gives a total contribution of £751.05 index linked from 2Q17.
- A contribution towards the provision of refuse and recycling receptacles for each dwelling and towards collection vehicle provision and recycling banks, based upon a contribution of £111 per dwelling. This gives a total contribution of £333.00.
- CDC request a monitoring fee of £500 to monitor and administer the S10 and to support for any reasonable request from OCC to seek a fee to monitor and administer the S106.

(ii) The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

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

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

20380/1002 'Site Location Plan'
20380/5001 Rev H 'Planning Layout'
20380/6001.1 Rev A 'Romsey Floor Layouts'
20380/6001.2 Rev D 'Romsey Elevations Type 1'
20380/6001.3 Rev D 'Romsey Elevations Type 2'
20380/6001.4 Rev A 'Romsey Elevations Type 3'
20380/6002.1 'Dorking Floor Layouts'
20380/6002.3 Rev A 'Dorking Elevations Type 2'
20380/6003.1 Rev A 'Dartford Floor Layouts'
20380/6003.2 Rev C 'Dartford Elevations Type 1'
20380/6003.3 Rev C 'Dartford Elevations Type 2'
20380/6003.4 Rev C 'Dartford Elevations Type 3'
20380/6004.1 Rev B 'Cromer Floor Layouts'
20380/6004.2 Rev C 'Cromer Elevations Type 1'
20380/6004.3 'Cromer Elevations Type 2'
20380/6005.1 Rev A 'Evesham Floor Layouts'
20380/6005.2 Rev C 'Evesham Elevations Type 1'
20380/6005.3 'Evesham Elevations Type 2'
20380/6006.1 Rev A 'Windsor Floor Layouts'
20380/6006.2 Rev C 'Windsor Elevations Type 1'
20380/6007.1 Rev A 'Roydon Floor Layouts'

20380/6007.3 'Roydon Elevations Type 2'
20380/6007.4 'Roydon Elevations Type 3'
20380/6008.1 Rev B 'Buckingham Floor Layouts'
20380/6008.2 Rev C 'Buckingham Elevations Type 1'
20380/6008.3 Rev C 'Buckingham Elevations Type 2'
20380/6010.1 Rev A 'Marlborough Floor Layouts'
20380/6010.2 Rev D 'Marlborough Elevations Type 1'
20380/6010.3 'Marlborough Elevations Type 2'
AA2699C(3)/2100 Rev A '2B4P Private V1 & V2 House Types and
2B4P Affordable V1 House Types' – Plots 7 and 8 Floorplans and
Elevations (now plots 10 and 11)
AA2699C(3)/2103 Rev A '3B5P Private & Affordable – V1 House
Types' – Plots 6 and 9 Floor Plans and Elevations (now plots 9 and
12)
AA2699(3)/2004 'Material Locations' – Plots 6-9 (now Plots 9-12)
AA2699(3)/2006 'Roof materials' – Plots 6-9 (now Plots 9-12)
AA2699(3)/2007 Rev A 'Gable window locations' – Plots 6-9 (now
Plots 9-12)
20380/6050.1 'Garage Types'
20380/6050.2 'Garage Types'
20380/6051 'Cycle Store'
20380/3175 Rev B 'Street Hierarchy Strategy'
20380/3171 Rev B 'Roof Materials Strategy'
20380/3174 Rev C 'Boundary Materials Strategy'
20380/3173 Rev B 'Storey Heights Strategy'
20380/3177 Rev B 'Refuse Strategy'
20380/3170 Rev B 'Facing Materials Strategy'
20380/3172 Rev B 'Affordable Strategy'
20380/3176 Rev B 'Parking & Cycle Strategy'
14790TA-P-3300 Rev P2 'Planning Levels Layout Sheet 1 of 2'
14790TA-P-3303 Rev P2 'Planning Levels Layout Sheet 2 of 2'
13741-1-1 'Horizontal Illuminance – Elmsbrook Bicester Phase 4'
14790TA-P-3260 Rev P3 'Planning Drainage Layout Sheet 1 of 2'
14790TA-P-3263 Rev P3 'Planning Drainage Layout Sheet 2 of 2'
14790TA-3240 Rev P1 'Swale Layout and Typical Construction Detail
2 of 2'
14790TA-3209 Rev C2 'Swale Layout and Typical Construction Detail
1 of 2'
DR-5000 S4-P3 'Landscape Layout'
DR-5001 S4-P3 'Planting Plan 1 of 3'
DR-5002 S4-P3 'Planting Plan 2 of 3'
DR-5003 S4-P3 'Planting Plan 3 of 3'
DR-5004 S4-P3 'Hard Surfaces and Boundary Treatments – 1 of 4'
DR-5005 S4-P3 'Hard Surfaces and Boundary Treatments – 2 of 4'
DR-5006 S4-P3 'Hard Surfaces and Boundary Treatments – 3 of 4'
DR-5008 S4-P3 'Hard Surfaces and Boundary Treatments – 4 of 4'
DR-5007 S4-P3 'Homezone 1 Proposals and LAP'
DR-5500 S4-P1 'Typical Tree Planting Details'
Technical Briefing Note: Faunal Enhancement Scheme dated 8 March
2021 prepared by Aspect Ecology including drawing number

5192/EN1 Rev D and document titled 'Faunal Enhancement Scheme' dated November 2017 prepared by Aspect Ecology.

External Materials Schedule 'Bicester Re-plan' dated 16/03/2021

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

3. The development shall be carried out strictly in accordance with the details contained within the document titled 'Construction Environmental Management Plan (Ecological Protection) dated November 2017 prepared by Aspect Ecology.

Reason: To protect biodiversity on the site and to contribute to the delivery of biodiversity net gain in accordance with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. The development shall be carried out strictly in accordance with the mitigation and safeguarding measures set out within the document titled 'Ecology Pre-construction survey and Mitigation Scheme' dated February 2021 prepared by Aspect Ecology, the attached drawing number 5192/SMS1 Rev A and the precautionary works identified within the attached document titled 'Ecological Mitigation Plan' dated January 2017 prepared by ACD Environmental.

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

5. The drainage arrangements for the site shall be constructed in accordance with the details hereby approved and shall be implemented in accordance with these details prior to the first occupation of the development.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property and 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.

6. The development shall be constructed in accordance with the details set out within the Construction Environment Management Plan reference DTR 18507 Rev 03 prepared by Dunton Engineering dated January 2019 (as approved by 18/00080/DISC). The Construction Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996

and Government guidance contained within the National Planning Policy Framework.

7. The development shall be constructed in accordance with the details set out in the Elmsbrook: Phases 3 and 4 Construction Traffic Management Plan Version 02 prepared by Arcadis dated July 2018 (as approved by 18/00039/DISC). The Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the neighbouring residents during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

8. The development shall be constructed in accordance with the details set out in the Site Waste Management Strategy for Elmsbrook NW Bicester and Appendix A Site Waste Management Plan reference 1557 prepared by Reconomy received in the department on the 12 December 2018 (as approved by 18/00080/DISC). The Site Waste Management Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure no waste is sent to landfill to meet the requirements of Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1.

9. The development shall be constructed in accordance with the document titled 'Submission to Cherwell District Council of Training and Employment Management Plan (ETMP) dated September 2014 produced by A2 Dominion and Appendix A – Simplified Process to sign-post candidates that complete an employment registration form to access opportunities on site and Appendix B – monitoring method and frequency schedule (as approved by 14/00311/DISC). The Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure the creation of employment to achieve the requirements of Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1.

10. The development shall be carried out in accordance with the recommendations identified in the document titled 'Arboricultural Method Statement' and its appendices dated March 2021 prepared by SJA Trees. Tree Protection Fencing shall be maintained on site until the works are completed.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD13 of the Cherwell Local Plan Part 1 2011-2031, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The development shall be carried out in accordance with the mitigation measures identified in the document titled 'Environmental Noise Assessment' dated 26 February 2021 prepared by noise.co.uk.

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.

12. The properties shall be marketed with regard to home working and sustainable transport in accordance with the details approved by application 15/00229/DISC unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the creation of a low carbon community to achieve the requirements of Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

PRE-COMMENCEMENT CONDITIONS

13. No development shall commence until the development site has been checked by a suitably qualified ecologist to ensure that there is no presence of protected species that have moved on to the site since previous surveys have taken place and which could be harmed by the development. Should protected species be found details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.

Reason: To ensure the protection of protected species in accordance with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

14. No development shall commence until full details of the measures to achieve zero carbon energy use, as defined by Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031, through on site solutions, have been submitted to and approved in writing by the Local Planning Authority. Should it be demonstrated to the satisfaction of the local planning authority that it is not possible to achieve zero carbon on site, a scheme for off site mitigation in Bicester shall be provided, prior to the first residential occupation, for that portion of the energy use that cannot be met on site.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

15. No development shall commence until details of how each dwelling within that phase achieves good day lighting by achieving at least 2 points of the former Code for Sustainable Homes level 5 for day lighting shall be submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter be carried out in accordance with the approved details such that each dwelling achieves good day lighting.

Reason: To prevent increased energy use and to enable zero carbon development to be achieved in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

16. No development shall take place until a report outlining how carbon emissions from the construction process and embodied carbon have been minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the recommendations contained in the approved report.

Reason: To ensure that the development achieves a reduced carbon footprint in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

17. No development shall take place until a study, by a suitably qualified person, has been submitted to and approved in writing by the local planning authority, demonstrating that the design of the dwellings within that phase is such that overheating will not occur and that heat island effects have been minimised. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To address the impacts of climate change in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

18. Plots 18 and 32 shall be constructed with passive ventilation and thermally massive floors to reduce heat gain and loss in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority prior to the construction of Plots 18 and 32 above slab level. Plots 18 and 32 shall be constructed in accordance with the approved details.

Reason: To test the delivery of innovative energy efficient houses in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

19. Prior to the commencement of the development above slab level, details of the fenestration, roof verge and eaves, cills and lintels for each house type, shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter the buildings shall be constructed in accordance with the approved details.

Reason: To ensure a high quality development in accordance Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.

20. Prior to the commencement of development to provide the garages identified to include a green roof, full details of the construction and planting of the green roofs together with details of the maintenance programme that will ensure the delivery and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority. The green roof shall then be constructed and maintained in accordance with the approved details.

Reason: To ensure the delivery on green infrastructure and biodiversity gain in accordance with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

21. No development shall be occupied until confirmation has been provided that either:
- Foul water infrastructure capacity exists off site to serve the development, or
 - A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or;
 - All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents to comply with Policy ESD8 of the Cherwell Local Plan Part 1 2011-2031.

22. Prior to the occupation of the development, the parking and manoeuvring areas shall be constructed, laid out, surfaced, drained and completed in accordance with the details hereby approved. The parking and manoeuvring areas shall be retained unobstructed expect 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.

23. Electric Vehicle Charging Points shall be installed and made available for use in the positions shown on drawing number 20380/3176 Rev B

prior to the first occupation of each dwelling to which the Electric Vehicle Charging Points relate. The electric vehicle charging infrastructure shall thereafter be retained and made available for use. In addition, ducting shall be provided to allow for the easy expansion of the EV Charging system to those dwellings not served by EV points as demand increases towards the planned phase out of ICE vehicles (with ducting provided to every parking space to future proof the development).

Reason: To comply with Policies SLE4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with Government guidance contained within the National Planning Policy Framework.

24. Prior to the first occupation of each individual dwelling, the dwelling shall be provided with solar PV in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

25. The relevant services to deliver the district heating system shall be provided to each dwelling prior to occupation of that dwelling.

Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

26. Prior to the occupation of any residential dwelling hereby permitted, it shall be provided with a 'real time information' system providing at a minimum real time travel and energy information.

Reason: To facilitate information delivery and travel information in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

27. The residential development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and to comply with Policies ESD3 and ESD8 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

28. All properties shall be provided with a system for rainwater harvesting in accordance with details to be submitted to an approved in writing prior to the first occupation of any dwelling. The rainwater harvesting system shall be implemented in accordance with the approved details.

Reason: To reduce the use of water in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

29. No building hereby permitted shall be occupied until each residential or non-residential unit has been provided with service connections capable

of supporting the provision of super-speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 Government guidance contained within the National Planning Policy Framework.

30. The bicycle and bin stores and boundary enclosures, shown on the plans hereby approved shall be provided prior to the first occupation of each dwelling to which they relate.

Reason: To ensure the satisfactory appearance of the completed development, to ensure convenient bicycle and bin stores are provided, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.

31. Prior to the first occupation the development, fire hydrants shall be provided or enhanced in the phase in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sufficient access to water in the event of fire in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 Government guidance contained within the National Planning Policy Framework.

32. Prior to the first occupation of a residential dwelling, each new resident shall be given the opportunity to choose a fruit tree for their garden or to be provided elsewhere on the site in accordance with the details set out in the 'NW Bicester Fruit Tree Scheme' prepared by A2 Dominion dated 21 May 2015 (as approved by 15/00292/DISC). The scheme shall be implemented in accordance with the details hereby approved.

Reason: To mitigate the impact of the development and provide biodiversity gain in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

33. 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.

34. All dwellings shall be constructed to meet Joseph Rowntree Foundation Life Time Homes standard.

Reason: To deliver flexible housing to meet the diverse and changing needs of the population and in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and the North West Bicester Supplementary Planning Document February 2016.

35. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

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

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.

37. All properties shall be constructed to meet Secured by Design standards unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a safe form of development in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

38. The existing trees and hedges shown to be retained on drawing number SJA TPP 21057-041a (Phase 4) shall be retained and properly maintained with hedges at a height of not less than 2 metres, and that any hedgerow/tree which may die within five years from the completion

of the development shall be replaced during the next planting season and thereafter be maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed 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.

39. The applicant shall give written notice to the Local Planning Authority of 7 working days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a Root Protection Area (RPA), excavations within or close to a RPA, piling, etc.).

Reason: To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

40. No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within a root protection area of a tree identified for retention on drawings SJA TPP 21057-041a (Phase 4) on the site, without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity 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.

39 **The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD**

The Committee considered application 21/00955/F for the demolition of an existing car sales showroom, petrol filling station and servicing/repair garage and erection of a new showroom for car sales including preparation and storage and administration areas with landscaping, access and associated works at The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD for Tom Hartley Jnr Limited.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00955/F subject to

the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans reference 18169 -Pe0010, 18169 -Pp0032, 18169 -Ps0010, 1690.I.1 Rev A, 18169 -Pp0010, 18169 -Pp0030, 18169 -Pp0031, 18169 -Pp0011, 18169 -L001, 18169 -Pe0011, 36197 all received 18/03/2021 and LVIA, Transport Statement, Preliminary Ecological Appraisal, received 18/03/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

Materials

3. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

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

Ecology

4. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of The Firs Garage, Whichford Road, Hook Norton, Oxfordshire by Windrush Ecology Limited dated September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Sustainable Construction

5. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.

(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

Landscaping

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

7. A schedule of landscape maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. 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 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.

Drainage

8. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning

authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

Construction Method Statement

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

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

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

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

Alterations and Extensions

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

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

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

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

Highways

13. Prior to the first use of the building hereby approved, the means of access between the site and the highway shall be constructed in full

accordance with details to be submitted and approved in writing by the Local Planning Authority. The details submitted shall include position, layout, construction, drainage and vision splays associated with the access. Once constructed the means of access shall be 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

14. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

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 Government advice in the National Planning Policy Framework.

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

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

40 **Land to rear of 160 Bloxham Road, Banbury**

The Committee considered application 21/01578/F for the erection of a new dwelling to the rear of 160 Bloxham Road, Banbury for Mr Adrian Mitson.

Prior to the officer's report and presentation and the public speaking, it was proposed by Councillor Colin Clarke and seconded by Councillor Mephram that application 21/01578/F be deferred to allow for a site visit.

Resolved

- (1) That consideration of application 21/01578/F be deferred to allow for a site visit and, subject to Covid 19 regulations, this to be ahead of the next scheduled Planning Committee meeting.

41 **14 Beatrice Drive, Banbury, OX16 0DT**

The Committee considered application 21/01852/F for the remodelling/enlarging of a single storey rear extension at 14 Beatrice Drive, Banbury, OX16 0DT for Mr Imran Khan.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01852/F subject to the following conditions (and any amendments to those conditions as deemed necessary):

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 the following plans P.01 and SLP1.

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.

42 **Former site of The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU**

The Committee considered application 21/00827/DISC for the discharge of Condition 11 (Landscaping Scheme) of application 18/01591/CDC, former site of The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU for Mr Peter Meadows.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00827/DISC (Discharge of Condition 11 (Landscaping Scheme) of 18/01591/CDC) subject to the following:

1. As shown on Drawing number LANDP001 Rev 13. The hard landscape shall be carried out in accordance with the approved details prior to the first occupation of the development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

43 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0921)**

The Committee considered application 21/00921/DISC for the discharge of conditions 3 (External Lighting), 7 (Landscape Management Plan), 10 (Flood Management Plan) and 12 (Shopping Trolley Parking) of application 17/00284/REM at land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00921/DISC the discharge of conditions;
- Condition 3 (External Lighting)
2099-20-RP01 Soft Landscape Works Maintenance and Management Proposal
 - Condition 10 (Flood Action/Evacuation)
Flood Management Plan
 - Condition 12 (Shopping Trolley Parking); and

- Condition 7 (Landscape Management Plan), subject to the receipt of further information on the Landscape Management Plan to the satisfaction of the Council's Landscape Officer

44 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (3692)**

The Committee considered application 20/03692/DISC for the discharge of Condition 9 (Car Park Payment Strategy) for Block B 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 authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/03692/DISC subject to the following;

1. That planning condition 9 of 17/00284/REM be discharged based upon the following information pack:

Condition 9 – Car Parking Payment Strategy, Skidata Car Parking System Tech Sub Proposal, dated 23.10.20

45 **36-37 Castle Quay, Banbury, OX16 5UN**

The Committee considered application 21/02162/NMA, an amendment to Lock 29 canal front elevation to replace two existing windows with bi-folding doors (proposed as non-material amendment to 19/01478/CDC) at 36- 37 Castle Quay, Banbury, OX16 5UN for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/02162/NMA in accordance with Banbury CQ1 Lock 28 Bifolding door proposal – Proposed Plan and Elevation, 3787 AP(01) 001 Revision P01

46 **Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1292)**

The Committee considered application 21/01292/NMA for design amendments relating to: the addition of access stairs and handrails by the substation (Block C); the erection of a fence and gate to enclose the

substation (Block C); additional louvres on the Block C elevation; the addition of a staircase located near to Block A to provide access to the canal (proposed as non-material amendment to 17/00284/REM) at land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01292/NMA in accordance with drawing numbers:

Block C Foodstore General Arrangement Level 00 407-RM-C-P-000-Rev 5

Block C Foodstore General Arrangement Level 00 (2of2) 407-RM-C-P-002-Rev 6

Block C Foodstore General Arrangement Level 01 407-RM-C-P-100 Rev 6

Block C Foodstore General Arrangement Level 01 (Sheet 2 of 2) 407-RM-C-P-102-Rev 6

Block C Foodstore General Arrangement Level 01 (Sheet 2 of 2) 407-RM-C-P-200-Rev2

Block C Foodstore General Arrangement Roof Plan 407-RM-C-P-300-Rev 6

Block C Foodstore Elevations 407-RM-C-E-110-Rev 6

South East and North West Cladding Elevations-GL C01 to C09/GL C08 to C09 C)-00-DR-A-20634_Rev C4

Block A Hotel Proposed Ground Floor/Level 01 Plan 407-RM-A-P-100-Rev 5

Option drawing for stair to canal level CQ2-LIA-D0-00-DR-A-01085
Technical Submission – Kingfisher Ventilation Louvres

47 **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.

The meeting ended at 7.35 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

Planning Committee - 12 August 2021

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

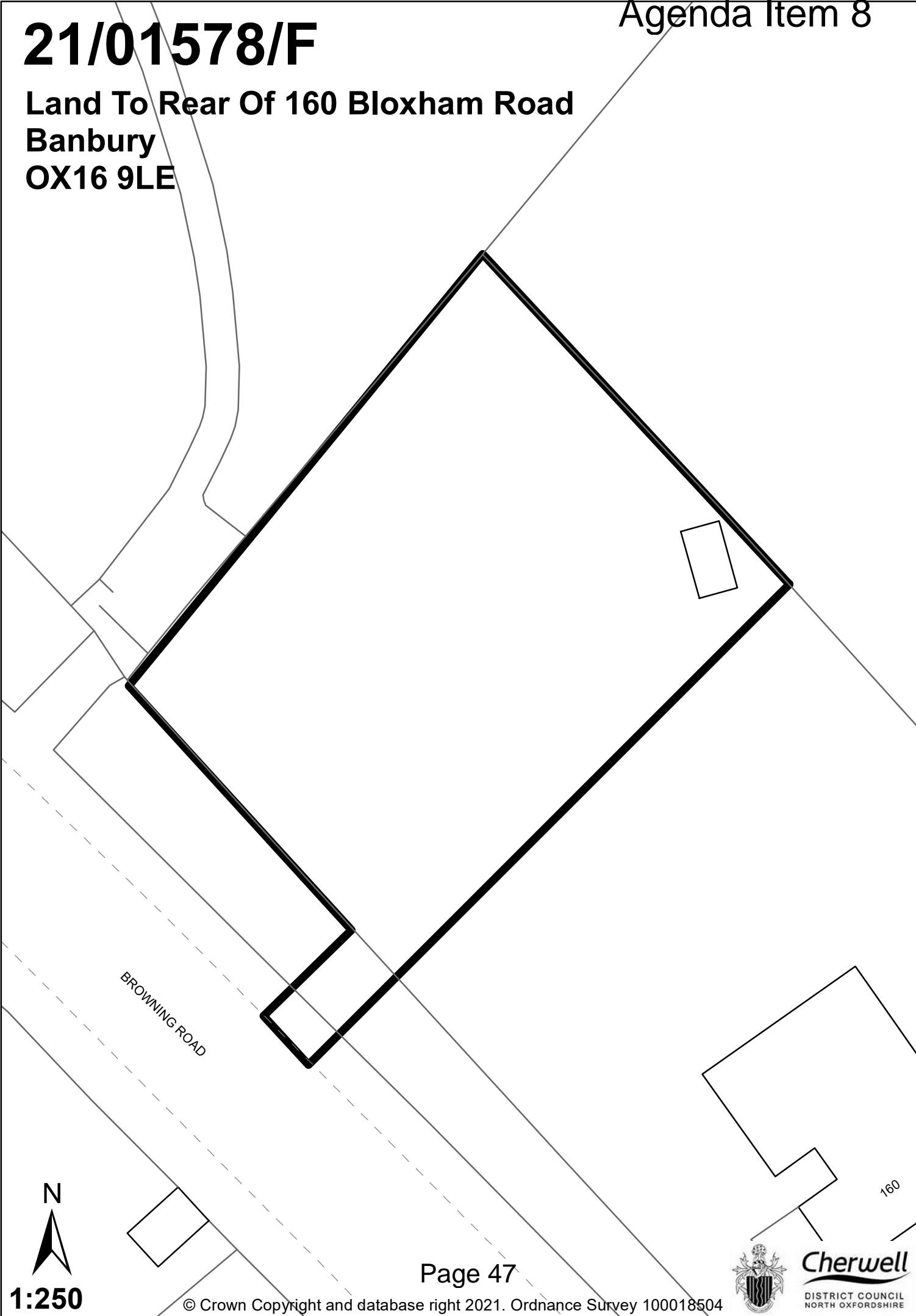
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land To Rear Of 160 Bloxham Road Banbury OX16 9LE	21/01578/F	Banbury Calthorpe And Easington	*Grant Permission	Wayne Campbell
9	Kirtlington Post Office Stores 1 Troy Lane Kirtlington OX5 3HA	21/00369/F	Fringford and Heyfords	*Grant Permission	Shona King
10	21 Lawrence Way Bicester OX26 2FR	21/00332/F	Bicester West	* Grant Permission	Michael Sackey
11	Land Adjacent To The Oxford Canal Spiceball Park Road Banbury	21/01407/OUT	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor
12	Castle Quay 2 Spiceball Park Road Banbury OX16 2PA	21/00394/ADV	Banbury Cross and Neithrop	*Grant Permission	Samantha Taylor
13	Land Adjacent To The Oxford Canal Spiceball Park Road Banbury	21/00218/DISC	Banbury Cross and Neithrop	**Grant Permission	Samantha Taylor

*Subject to conditions

21/01578/F

Land To Rear Of 160 Bloxham Road
Banbury
OX16 9LE

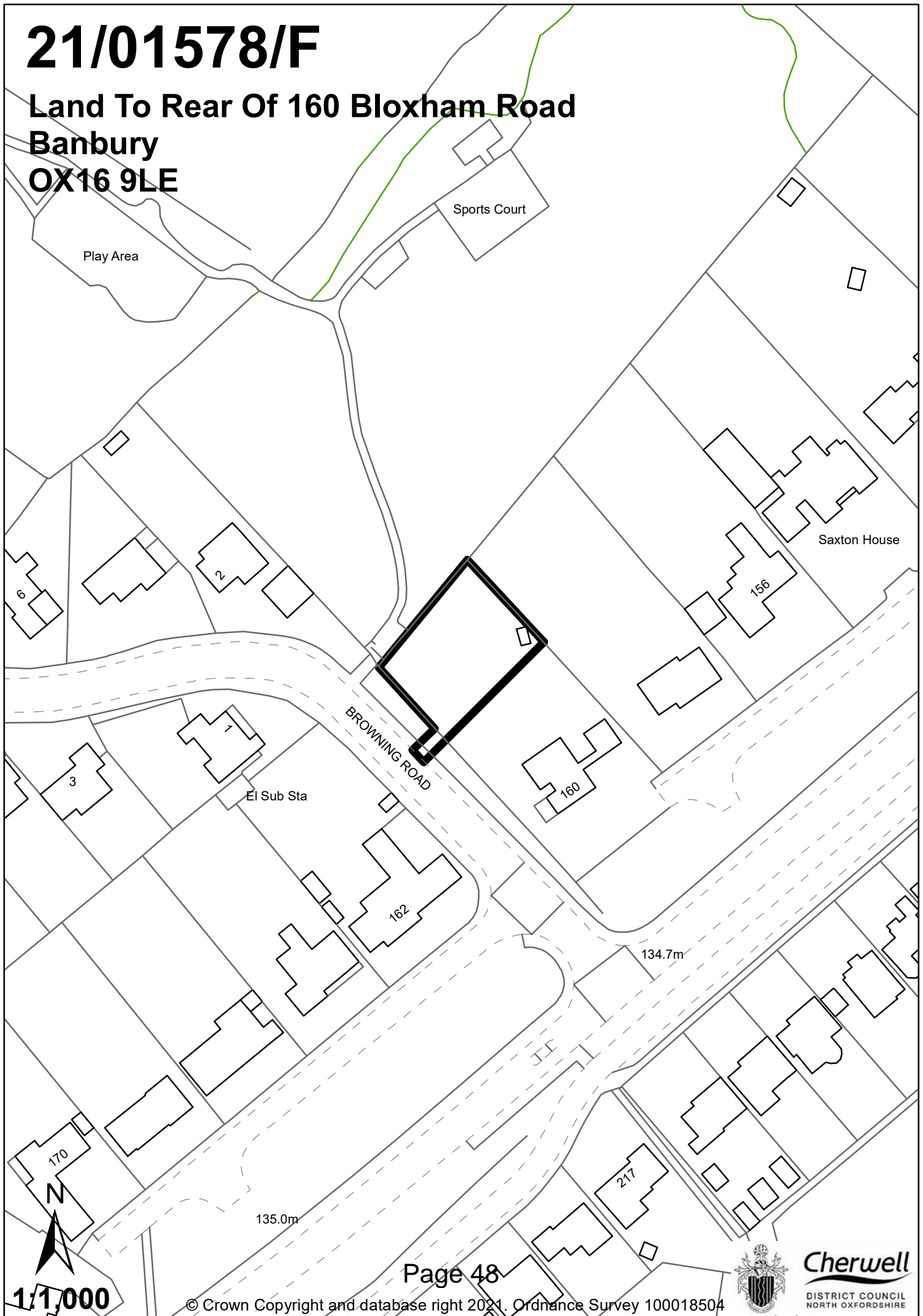


1:250



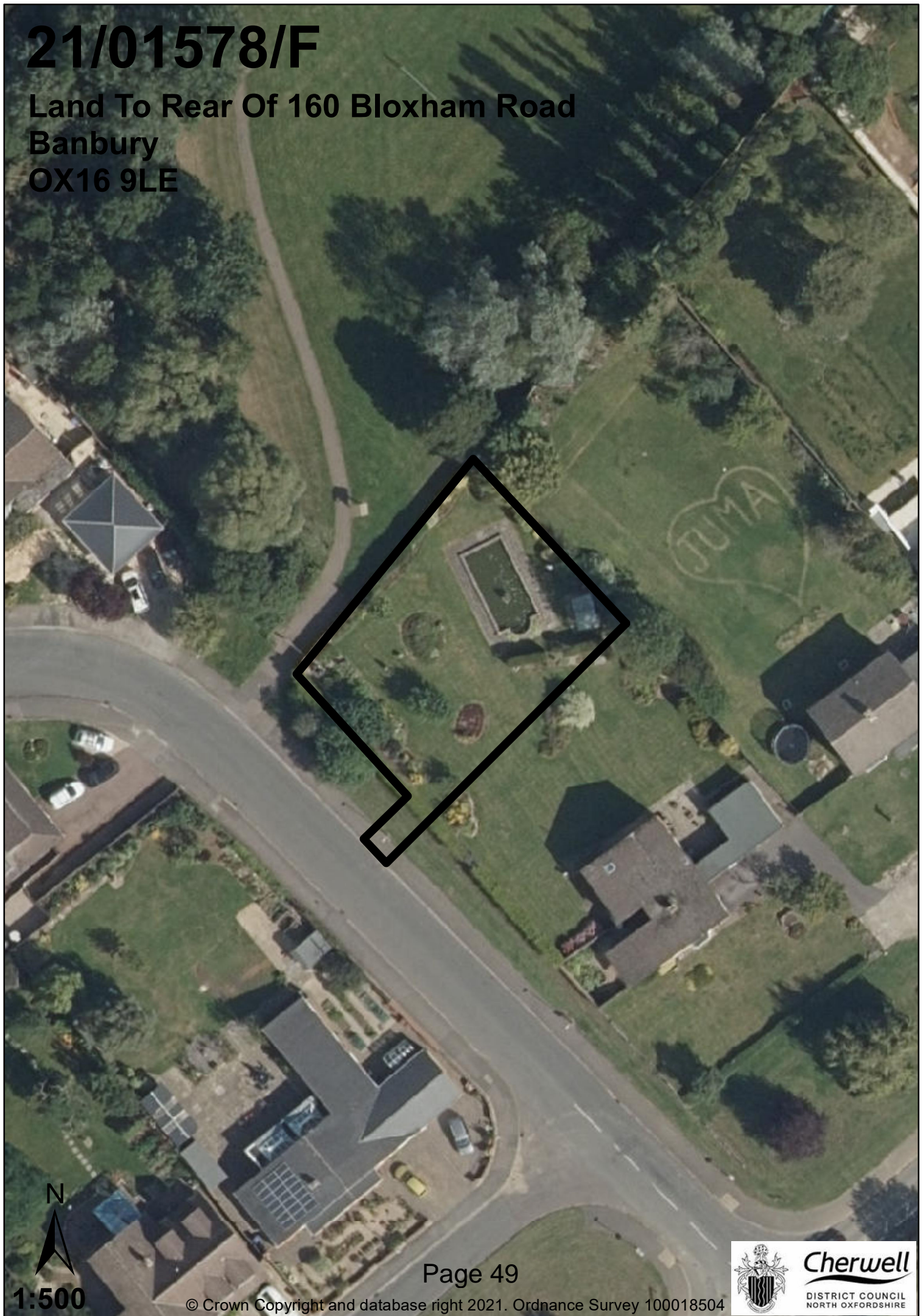
21/01578/F

Land To Rear Of 160 Bloxham Road
Banbury
OX16 9LE



21/01578/F

Land To Rear Of 160 Bloxham Road
Banbury
OX16 9LE



Case Officer: Wayne Campbell

Applicant: Mr Adrian Mitson

Proposal: Erection of a new dwelling to the rear of 160 Bloxham Road

Ward: Banbury Calthorpe And Easington

Councillors: Councillor C Clarke, Councillor Mallon and Councillor Mepham

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

- 1) Loss of amenity value for the residential neighbours;
- 2) The safety of this development close to the main junction of the A361 Bloxham Road as the entrance to this house would be on the bend of the Browning Road; and
- 3) Proximity to entrance of Browning Road Park

Expiry Date: 2 September 2021

Committee Date: 12 August 2021

UPDATE

This application was subject to a Committee Members Site Visit to take place on Thursday 12 August 2021.

Members may recall that this item was reported to the Planning Committee on the 15 July 2021 with a recommendation that planning permission be approved.

A request by Councillor Colin Clarke during the committee meeting that the item be deferred to allow a committee site visit was agreed by the planning committee and as such the item was not discussed nor considered. The item is now brought back to the committee for consideration.

Those changes detailed in the Committee Update Sheet tabled prior to the July Planning Committee have been assimilated within revisions to the report below. However, in short, the points raised in the update report included the following points:

- Request for the application to be withdrawn / deferred for a committee site visit.
- Further objection from 158 Bloxham Road
- Response / further comments from OCC Highways

Since the last committee meeting the Government has published an update to the National Planning Policy Framework (NPPF). As a consequence any references to the NPPF in the previously published committee report and addendum have now been updated.

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in an established residential area of Banbury. The site is located in the rear garden of 160 Bloxham Road and fronts onto Browning Road. The site is surrounded on three sides by existing residential properties.
- 1.2. The northern boundary to the site is delineated by a closed boarded fence and Browning Road Park, to the south is the remaining area of the rear garden to 160 Bloxham Road which would be screened by a new fence outlining the edge of the application site. To the west is Browning Road onto which the site fronts while to the east is the rear garden of the neighbouring property of 158 Bloxham Road which is marked by a close boarded fence.

2. CONSTRAINTS

- 2.1 The site is located within the confines of Banbury Town Centre. To the north is the open area of Browning Road Park.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the development of part of the rear garden of 160 Bloxham Road with a single two-storey detached dwelling. The dwelling would front onto Browning Road with a new vehicular access point leading to a single garage attached to the side of the dwelling. The new dwelling would have five bedrooms.
- 3.2 The new dwelling would be positioned so as to face the south west and north east side of the site to provide an active frontage to Browning Road and the rear garden of the proposed plot.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history registered on this site.

5. PRE-APPLICATION DISCUSSIONS

- 5.1 The application was the subject of a pre-application enquiry under application reference 21/00575/PREAPP. Officers' advice was that the principle of development would be acceptable. Subject to the dwelling being constructed externally from brick and tiles and further details of the enclosure details, it was considered that the development would not cause harm to the character and appearance of the area.
- 5.2 The advice continued by stating that providing the dwelling did not have first floor windows facing towards 160 Bloxham Road the development would not cause harm to the amenity of neighbours. In terms of highway safety it was noted that the access would conflict with the existing street light on Browning Road and therefore it was stated that the applicant would need to pay the full costs for the re-location of the street light and subject to this it was considered that the development would not cause harm to the safety of the highway network.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **10 June 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2 A total of 46 letters of objection from local residents have been received on this application. The comments raised by third parties are summarised as follows:

- Loss of privacy to rear gardens
- Highway safety issue due to new access
- Will result in traffic congestion on dangerous bend
- Construction will cause significant disruption to access along Browning Road and in particular for users of the park including children, dog walkers and those less mobile
- Adverse impact on Local Park and parking by those using the park
- Area has a low density feel with large gardens and this development will be out of character
- Building too large for the site
- Already plenty of new builds in the area this one is not needed
- Contrary to adopted Policy, Cherwell Residential Design Guide and NPPF
- Proposal will set a precedent for others
- Existing drainage in the area is poor and this will make the situation worse
- Contrary to land registry restrictions on site specifying land for 6 dwellings only therefore development conflicts with this covenant
- Impact on ecology with bats being recorded in the area
- development would lead to irreversible damage to the local fauna and flora of that park and surrounding area
- Will result in a loss of view
- Other applications in the area for the same type of development have been refused
- Question change in view of OCC Highways
- no parking restrictions in place on this part of Browning Road and cars will regularly park in this vicinity, to use the park
- pre-application was submitted during the time of strict Covid restrictions. Was a site visit made during this time or was google maps used?
- site visit the second time was able to see something that was overlooked by the original officer and his objection should not be so readily dismissed without proper consideration

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

7. RESPONSE TO CONSULTATION

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 OCC HIGHWAYS: **No objection** subject to conditions.

7.4 NATIONAL GRID: No comments received

7.5 SOUTHERN GAS NETWORK: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

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 implications
- Ecology
- Sustainable Construction

Principle of Development

9.2 Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth*.

9.3 This application seeks planning permission for a single dwelling in the top part of the rear garden of 160 Bloxham Road, Banbury. CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. The application site is located within the built-up area of Banbury Town and as such the development of a new dwelling here accords with the Council's housing strategy. This is not, however, to suggest that planning permission is guaranteed for the re-development of the site as paragraph B90 of the CLP 2015 continues by stating that *new housing needs to be provided in such a way that it minimises environmental impact, including through the elimination and control of pollution and the effective and efficient use of natural resources. It needs to be planned in a way that helps to reduce carbon emissions, reflects the functions of our settlements and protects or enhances the identity of our towns and villages and the sense of belonging of our residents*. As such the impact of the development on neighbouring properties and the street scene also needs to be considered before a decision can be made.

Residential Amenity

Policy Context

9.4 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. Policy ESD15 of the CLP 2015 highlights, amongst other things, that new development should *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*. Further advice is provided in the Cherwell Residential Design Guide which states that under the *principles for amenity space that a minimum distance of 22 metres back to back between properties should be maintained, a minimum of 14 metres distance is required from the rear elevation to two storey side gable and for first floor habitable room windows a minimum distance of 7 metres must be maintained between the development and neighbouring properties*.

9.5 The Cherwell Residential Design Guide (2017) states that a minimum distance of 22m back to back, between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable. First floor habitable room windows must not be within 7m of neighbouring property.

Assessment

- 9.6 The proposed new dwelling is located in the top part of the rear garden of 160 Bloxham Road and backs onto the rear garden of the neighbouring property of 158 Bloxham Road. The boundary between the site and the rear garden of this neighbouring property is marked by a 1.8 metre high close boarded fence and limited landscaping on both sides. The distance between the rear elevation of the new dwelling and the shared boundary is approximately 9 metres while the distance between the side elevation of the new dwelling and the rear elevation of 160 Bloxham Road is stated as 22 metres.
- 9.7 In response to officers' concerns and in order to safeguard the amenity of the neighbouring property the applicant has redesigned the internal arrangement of the rear bedroom to ensure that the main windows on the rear elevation would serve an en-suite bathroom and a walk-in wardrobe and would be fixed with obscure glazed windows with further windows providing views towards the park to the north and not over the rear garden of the neighbouring property. There would be other windows facing the neighbouring property such as the stairwell and a further rear bedroom. However, these windows are set further back away the shared boundary. No windows in the new dwelling would face directly towards the neighbouring property of 158 Bloxham Road or towards the existing property of 160 Bloxham Road and although it is accepted that there would be a bedroom window facing towards the bottom section of the rear garden of 158 Bloxham Road the distance involved is that normally observed in an urban development such as the area. Furthermore, a condition will be attached to any permission granted to remove permitted development rights for extensions and alterations which may result in new windows and / or doors closer to the neighbour's boundary than in the current proposal.

Conclusion

- 9.8 As such it is considered that the development will not result in any significant loss of privacy to warrant a reason to refuse the application. The proposals would comply with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Design, and Impact on the Character of the Area

Policy Context

- 9.9 Government guidance contained within paragraph 126 of the NPPF covering good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.10 Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.11 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.12 Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

9.13 The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

9.14 As noted earlier in this report, the proposed dwelling would front onto Browning Road. This section of Browning Road is characterised by two-storey dwellings with front gable projections and many maintain tile hanging as a design feature on the front and rear elevations. The design of the proposal has picked up these design features and has incorporating the gable projections on the front and rear elevations as well as the use of the tile hanging as a design feature. As such in terms of design / appearance the proposal will not appear out of place in terms of appearance and design.

9.15 In terms of orientation the existing dwellings along Browning Road and all roads leading off Browning Road dwellings front onto the public highway. As such, and although it is accepted that this proposal is located in the rear garden of 160 Bloxham Road the position of the dwelling fronting onto Browning Road would appear in character as a natural addition to the street scene.

9.16 While the proposal would result in the development of a rear garden of a Bloxham Road property, and there are no other examples of such development in the vicinity, the proposal would be accessed off Browning Road rather than Bloxham Road and would have a direct road frontage. It is noted that an objection to the scheme has been received citing that the development would set a precedent for other in-fill plots in the area and that this would have a detrimental impact on the character of the area. However, all applications are considered on their own merits and just because a scheme is considered acceptable in one location does not then mean that all other applications should be approved.

Conclusion

9.17 For the reasons set out above, the proposal development would not cause harm to the character and appearance of the area. The proposal therefore complies with Policy ESD15 of the CLP 2015, Saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF and the advice in the Cherwell Residential Design Guide.

Highway Implications

Policy Context

9.18 Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe places to live and work in. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

- b) *safe and suitable access to the site can be achieved for all users; and*
- c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 9.19 Browning Road is the access to a relatively large area of residential development as well as providing a link between the A361 Bloxham Road and the B4035 Broughton Road. For this reason, Browning Road could carry a steady flow of traffic throughout the day. In addition, the application site is located alongside the Browning Road Park and that one of the pedestrian accesses to the park is approximately 20m along Browning Road, to the north-west, from the proposed site entrance. This park is large in scale and offers many facilities, so is expected to be well used by the public. As there are no parking restrictions in place on this part of Browning Road and it is apparent that cars will regularly park in this vicinity, presumably to use the park entrance in the main.
- 9.20 With regards to this proposal the application seeks a single access driveway onto Browning Road which would lead to a single garage attached to the side of the new dwelling. the local highway authority (LHA) initially raised an objection regarding the issue of visibility splays onto Browning Road as a result of parked cars visiting the park. Councillor Mallon raised concern over the conflicting advice which appeared to be offered by the LHA and requested that the application be deferred from the last committee to allow for a site visit. Outlined in the update report to the last planning committee an objection from a local resident also highlighted that the initial objection raised by the LHA was clearly contrary to the advice the LHA had provided to the pre-application enquiry and planning officers sought further clarification on this change in view from the LHA. In considering the access arrangement further the LHA accepted that Manual for Streets (sect. 7.8.5) states that *“Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice”*.
- 9.21 As outlined in the update report on the last committee agenda, the LHA highlighted that Section 7.8.3 states, *“the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously.”* Furthermore, in this situation, there is to be a condition requiring a turning area so that vehicles may exit going forwards. Furthermore, in terms of Section 7.9 highlights that for frontage access *“factors to consider include..... the distance between the property boundary and the carriageway – to provide adequate visibility for the emerging driver”*. In Browning Road there is a wide grass verge and footway between the property boundary and the carriageway, which allows excellent visibility of pedestrians.
- 9.22 Given that the application is for a single dwelling and, therefore, the number of vehicle movements would be low, it is considered that the restricted visibility caused by parked vehicles is not a sufficient reason for an objection on the grounds of highway safety and the LHA has withdrawn its objection to the proposals. The application site is also positioned on the outer edge of the bend of Browning Road and therefore allows for a greater view in terms of vision along Browning Road. The update report from the last committee agenda confirmed that the LHA acknowledged that all applications are different, and it is inevitable that officer opinion may differ from time to time. In this case, however, it is accepted that the original recommendation was incorrect. Further discussions on the application were

carried out in detail with the Highways line manager, before issuing a revised response with no objection. We consider that it would not be possible to justify the lack of visibility due to parking as a reason for refusal should the application go to appeal, given the guidance in the Manual for Streets. Finally from a pedestrian safety point of view regarding visitors to the park the view is that as the wide grass verge between the site boundary and the footway allows good visibility there is no concern raised by the Highway Engineers.

Conclusion

- 9.23 It is therefore considered that, subject to a condition requiring a turning area in the site, there is no highway to refuse the application in terms of highway safety. For these reasons, the development proposal is an acceptable form of development in terms of highway safety and parking provision. The development therefore complies with Government guidance contained within the NPPF and Policy ESD15 of the CLP 2015.

Ecology

Policy Context

- 9.24 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.25. Paragraph 180 states, amongst other things, that *when determining planning applications, local planning authorities should apply the following principles:*
- a) *if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*
- 9.26. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.27 These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.28. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.29 Concerns have been raised as part of the objections to this application that the development would have an adverse impact upon the ecology in the area and in particular as bats have been seen in the area during evenings. It is accepted that evidence has been provided by residents to show bats in the immediate area of the site one evening and in considering the position of the local park to the immediate north and the mature trees and open space in the park the presence of bats during the evening is not surprising. However, the site does not contain any trees or features where bats are likely to roost and the development of the site for a single dwelling is unlikely to result in any significant impact on the bats foraging within this area during evenings.

Conclusion

- 9.30 For these reasons it is considered that in this instance, although no ecology assessment has been carried out on the site nor required, the development of a single dwelling would not result in any adverse impact on any ecology within the immediate area to warrant a refusal and the proposal therefore accords with Policy ESD10 of the CLP 2015 in this regard, as well as relevant Government guidance in the NPPF.

Sustainable Construction

Policy Context

- 9.31 Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 155 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.32 Policy ESD 3 of the CLP 2015 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the*

embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 9.33 The new dwelling would be located in an east – west orientation which with the dining room / kitchen to the rear of the property being served by both side windows and main windows / doors on the rear elevation this living room area would be served by light from the east and south during the day. This would allow for natural light to this habitual room. As a new build the development would need to comply with the current building regulations which will ensure that the development would be built to a high standard of sustainable build. Notwithstanding this it is considered that a condition should be added to ensure that the development has a higher level of water efficiency than required in the Building Regulations as required under Policy ESD 13.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2 The development seeks planning permission for a single dwelling to be provided at the top half of the rear garden to 160 Bloxham Road. In terms of location the application site is located within Banbury town confines surrounded by existing residential properties and as such represents a sustainable location for this type of development. For this reason, the principle of a dwelling in this location is considered acceptable.
- 10.3 The design of the dwelling would respect the character of the existing dwellings along Browning Road in terms of scale and appearance. Furthermore, position within the plot and internal room designs and use of obscure glazing would ensure that the impact of the development in terms of any loss of privacy is kept to a minimum and would not exceed that normally found in the urban area.
- 10.4 Access to the dwelling would be off Browning Road via a single access driveway. Concern had been expressed that due to the position of the pedestrian access to the Browning Road Park immediately adjacent to the plot and the bend in the road that the access would represent a highway safety issue. The LHA has no objections to the proposals and is therefore concluded that there are no highway reasons to refuse this application from a highway safety point of view.

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

Time Limit

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

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

Compliance with Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans reference number 001 Rev A, 002 Rev A, received 04/05/2021 and amended plans reference 003 Rev B and 004 Rev B received 24/06/2021.

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

Materials

3. No development shall commence above slab level unless and 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 comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Access and Turning

4. Details of a turning area to be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction including refuse and emergency service vehicles and including surfacing and drainage details shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level. The turning area shall be constructed and completed in accordance with the approved details before the development is first occupied and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

Construction Method Statement

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

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

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

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

Boundary Treatment

6. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling and shall be retained as such thereafter.

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

Obscure Glazing

7. The window(s) in the rear elevation serving the en-suite shower and the walk in wardrobe to master bedroom shall be obscurely glazed, using manufactured obscure glass (at least Level 3 only and not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Permitted Development

8. Notwithstanding the provisions of Classes A-E (inclusive) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of the dwellinghouse or erection of outbuildings shall take place.

Reason: Given the close proximity to surrounding development, to ensure visual and residential amenity is safeguarded and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework

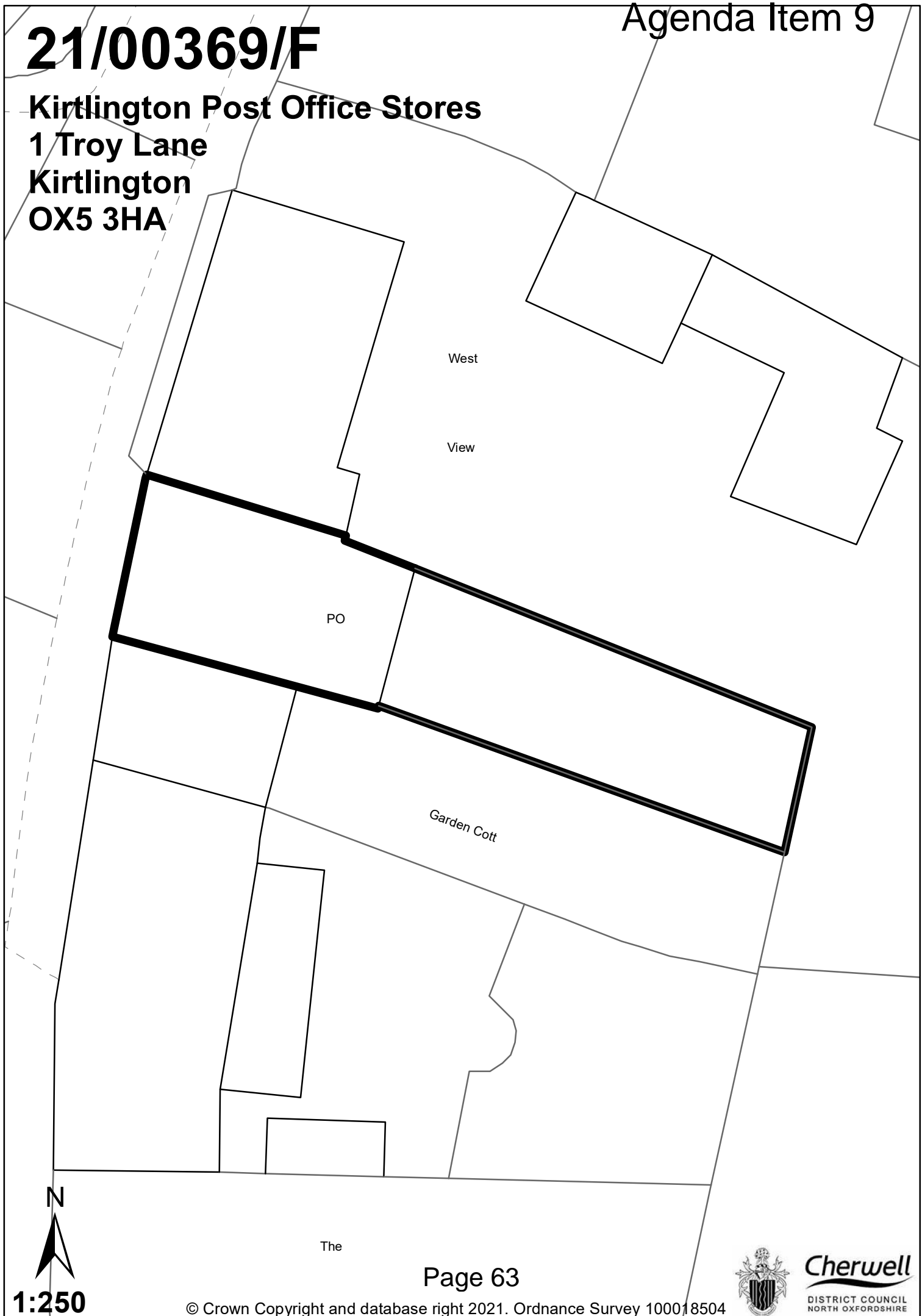
Sustainable Development

9. The dwelling shall not be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21/00369/F

Kirtlington Post Office Stores
1 Troy Lane
Kirtlington
OX5 3HA



West

View

PO

Garden Cott

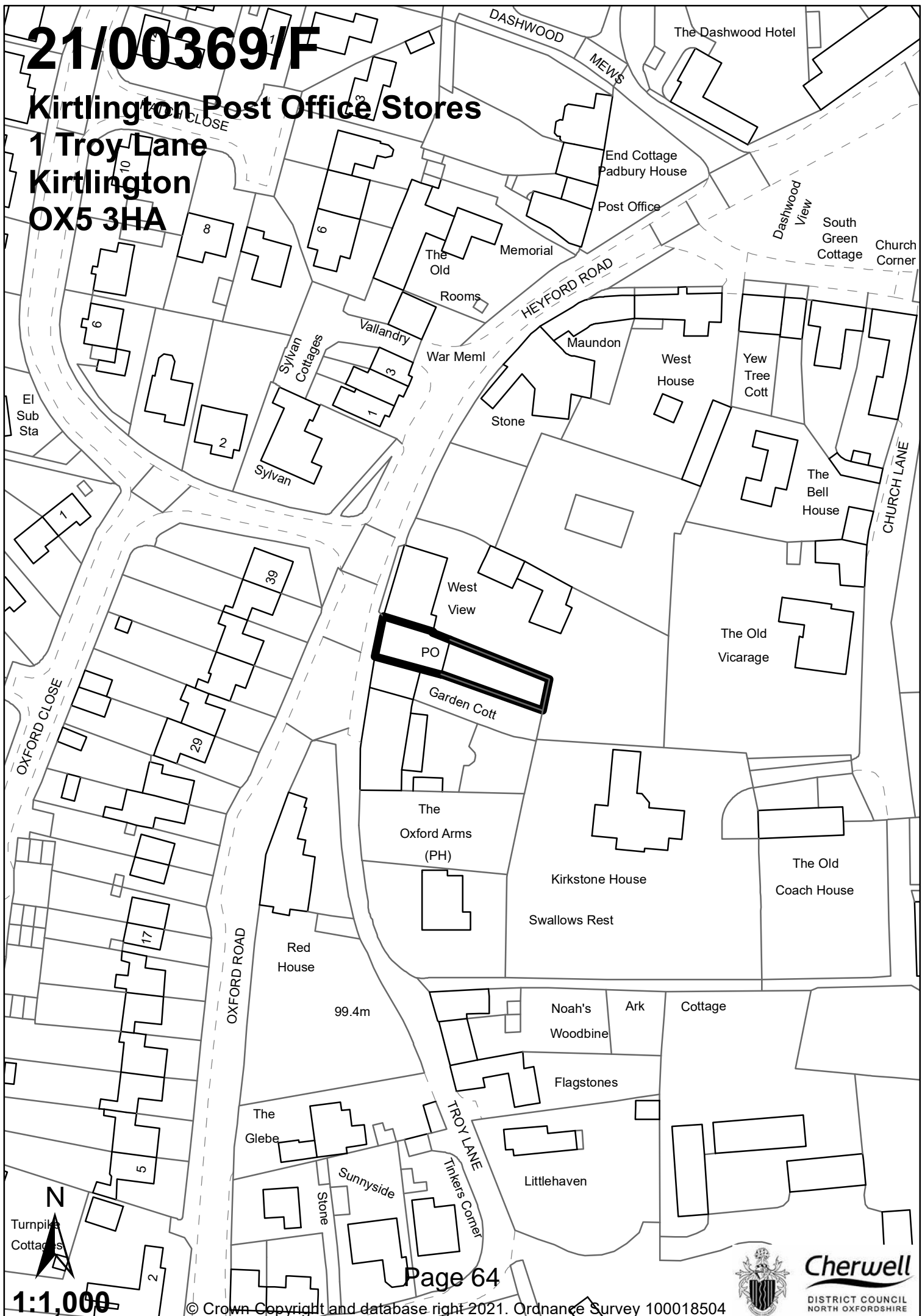
The



21/00369/F

Kirtlington Post Office Stores

1 Troy Lane
Kirtlington
OX5 3HA



21/00369/F

**Kirtlington Post Office Stores
1 Troy Lane
Kirtlington
OX5 3HA**



1:500



Case Officer: Shona King

Applicant: Ms R Simpson

Proposal: Change of use of shop to residential use, alterations to rear of property, alterations to front window and two new roof lights (Re-submission of 19/02888/F)

Ward: Fringford and Heyfords

Councillors: Councillor P Clarke, Councillor Corkin and Councillor Wood

Reason for Referral: Officer referral due the controversy or significance of the proposal

Expiry Date: 16 July 2021

Committee Date: 12 August 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to the Kirtlington Post Office stores, part of a two-storey mid terrace stone cottage with a tiled roof facing onto Troy lane. The site is within the built-up limits of Kirtlington.

2. CONSTRAINTS

2.1. The application site is within a designated Conservation Area and whilst the property is not listed, it is bounded by Grade II listed buildings (West View to the north and Garden Cottage to the south), and is in the setting of listed buildings.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the change of use of the shop to residential use and to carry out alterations to the shop front, reducing the size of the existing window, and to the rear of the premises. Two rooflights are also proposed in the rear elevation.

4. RELEVANT PLANNING HISTORY

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

16/02557/F – Single storey rear extension – APPROVED

19/02888/F - Change of Use of Shop to Residential, alterations to front window and two new roof lights – REFUSED

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 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 **23 March 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 39 letters of support have been received. The issues raised by third parties in support of the application are summarised as follows:

- Viability of the shop
- Competition with the Co-op and Sainsbury's in neighbouring villages
- Appearance of closed shop
- Visual appearance of alterations to the shop front
- Size of the shop
- Highway safety
- Future of retail in general/change in shopping habits
- Personal circumstances of the applicants
- Need for housing
- Other places to socialise in the village
- Lack of support by residents

6.3. 3 letters of objection have been received. The issues raised by third parties objecting to the application are summarised as follows:

- Publicity of the application
- Accessibility to Co-op in Bletchingdon
- Pedestrian/highway safety
- Impact on environment with increase in car use
- Adequacy of parking at Bletchingdon Co-op
- Lack of trading during lockdown
- Shop struggled prior to Co-op opening
- Shop used for social reasons
- Support from the community
- Use as a community shop
- Disadvantage to applicant outweighed by benefit of shop to village
- Value of premises as a residential property

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. KIRTLINGTON PARISH COUNCIL: **Comments** - The following areas were considered by the Parish Council:

- No change to the publicly available documents as submitted previously.

- As additional financial information submitted is confidential it is not possible to determine whether there is a sufficient evidence to support the claim that the PO/shop is no longer financially viable.
- Whether there is evidence that the shop has been advertised as an operational entity at a reasonable price.
- Whether there is demonstrable evidence that the shop as a service is non-viable rather than a particular business model.
- Separation of the retail and accommodation may offer an opportunity for viability with investment.
- Whether Kirtlington could still support a shop in terms of No of residences, population density and demographic as compared to surrounding villages which appear to support shops.
- Value/amenity of a village shop/PO in terms of essential needs of elderly, vulnerable or mobility restricted as well as the convenience to the wider population and wider planning considerations with regards to Kirtlington's Category A status.
- Difficulties in regaining a PO service
- Nearest PO/shop at Weston on the Green appears to thrive
- Value of PO to a village shop owner – provides an additional revenue stream
- PO might reasonably be considered a benefit for a retail shop.
- Bletchington Co-op has stated no intention to pursue a PO contract – either due to demand or due to much less favourable financial terms for all new PO contracts.
- The effect of the timing of the application during unprecedented events of the last 12 months. A local shop ought to have been able to capitalise on supply of provisions.
- Whether there is any potential for replacements elsewhere in the village if the PO/shop are lost.
- A community owned/run shop has been investigated and found to be unviable on a risk/reward basis and abased on the financial and business models investigated the project was concluded as being unsustainable.
- Likelihood of the possibility if any of the village premises in the future making an application for a change of use from residential to commercial. This is likely to be severely restricted and constrained to the village hall.
- Position of the Parish Council in regard to its obligations to preserve the sustainability of the village and in respect to the membership of the Mid-Cherwell Neighbourhood Plan and Forum and in respect of those to represent the will of the village.

Considering the above points the meeting concluded an inconclusive vote of 3 in support and 3 objecting to the application.

The Parish Council's full response can be viewed on the Council's website, via the online Planning Register.

7.3. MID-CHERWELL NEIGHBOURHOOD FORUM: **No comment to date**

OTHER CONSULTEES

- 7.4. LOCAL HIGHWAY AUTHORITY: **No objections** subject to a condition regarding cycle parking
- 7.5. CDC BUILDING CONTROL: **Comment** - Full plans application required

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PDS1 – Presumption in favour of sustainable development
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- S29 – Loss of existing village services
- C28 – Layout, design and external appearance of new development
- C30 – Design control

- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)

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
 - Impact on heritage assets
 - Residential amenity
 - Highway safety

Principle of development

Policy context

- 9.2. Paragraph 84 of the NPPF (2021) states that planning policies and decisions should enable the retention and development of accessible local services and community facilities such as local shops. Paragraph 93 of the NPPF places weight on valued local facilities particularly where they meet the community's day to day needs. Paragraph 93 (d) states that shops should be retained for the benefit of the local community.

- 9.3. Saved Policy S29 of the CLP 1996 states that proposals that involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted.
- 9.4. The applicant's agent has argued in the design and access statement submitted with the application that Policy S29 should be given reduced weight due to its age. However, the policy is in accordance with the thrust of paragraphs 84 and 93 of the NPPF and therefore should be given full weight. The supporting text to Policy S29 does acknowledge that it will be difficult to resist the loss of local facilities such as shops when they are proven to be no longer financially viable in the long term. (Albeit that such a qualification does not feature in the named paragraphs of the NPPF).

Applicant's submission

- 9.5. The design and access statement advises that the shop has been under pressure for many years but, with the completion of a Co-op convenience food store in Bletchingdon in September 2019 and the opening of a Sainsbury's Local in Heyford Park, overall trade has reduced significantly and the shop is operating at a loss. It is noted that the previous application was submitted in December 2019.
- 9.6. Financial information has been provided with this application, which shows a steady decline in profits since 2012 with the shop finally closing in 2020. A letter has also been submitted with the application from the applicant's father setting out loans he has provided to support the shop between 2016 and 2020.
- 9.7. The applicant has responded to the Parish Council's comments and has advised, in summary, that:
- The property has been marketed in 2004, 2011 and 2019. There have been no second viewings or offers.
 - Trade generated by villagers since the opening of the Co-op is insufficient to support a commercial enterprise.
 - Changes to products and additional investment have not led to a sustained increase in shop use. There have been temporary short-lived increases in trade.
 - The Post Office contract is not a salary. It is a fixed fee and variable commission and costs including staff utility bills, alarm system and monitoring and rent have to be paid from it.
 - The contract belongs to the applicant not the premises. Anyone wanting to take over would be moved onto the new style commission-based contract.
 - The Post Office has agreed to an outreach Post Office when the applicant finishes. The Post Office would come to the village 2 – 3 times per week and the village would need to provide a room accessible to the public with a phone line to enable this.
 - Elderly and vulnerable reliant on the shop is a myth. Only one person uses the Post Office to pay bills but could do so through direct debit. The rest are either mobile or have supplies delivered and don't use or rely on the shop on a regular basis.
 - The opening of the Co-op put both Kirtlington and Weston on the Green shops at risk. There is insufficient trade for all three villages to have a shop. Kirtlington benefitted when the independent shop in Bletchingdon closed.

Officer assessment

9.7 In order to justify the loss of the shop contrary to Policy S29 and paragraphs 84 (d) and 93 of the NPPF a viability assessment is required setting out details of how the business operates currently, hours of operation, annual accounts from recent years and evidence that the property has been marketed at a reasonable price as a shop with for at least a 12 month period without success. It must be demonstrated that the shop as a service is non-viable rather than the particular business model used by the current or last operator. Such a detailed viability assessment has not been provided. However, evidence has been provided by an Estate Agent who has been marketing the property since April 2021. The estate agent states:

“Initially interest was strong, with 8 viewings in the first 3 weeks, but after that initial activity the interest has flatlined. By contrast, in the current climate around 80% of our stock is sold at any one time, and in almost every case each property is selling within 4 weeks of commencement of marketing.

Every enquirer we have fielded wanted to know why the store has closed, and legally we are bound to give them the truthful answer that it has not been financially viable in current form. At every viewing the viewers made it clear that they had no interest whatsoever in retaining any part of the property as commercial and would only be interested if the whole were residential. As at this moment, this is still the position”.

9.8. The applicant’s agent has been asked to investigate the division of the shop and residential use to enable a lock up shop to be retained. In response to this he has advised:

- If the shop is not financially viable in its current form it is unlikely to be viable in a much-reduced space which would be lacking any sort of adequate stock room.
- As a stand-alone shop there would be the requirement to provide separate W.C. and Staff facilities which would further reduce the space available for retail sales.
- If the shop and the residential accommodation are divided into two completely separate units they will fall in to different use classes under Building Regulations and will require significant upgrading for fire and sound insulation both laterally and vertically in order to comply. The ceiling heights to the ground floor are very low and would be further reduced by any insulation materials applied to the existing ceiling structure.
- The cost of the construction works necessary to achieve the separation would be out of all proportion to the unsatisfactory accommodation which would be the result.

9.9. The village has also been investigating the provision of a Community Shop in lieu of the existing shop. However, as stated by the Parish Council in their consultation response, such a venture was considered to be unviable on a risk/reward basis, and...that based on the reported financial and business models investigated, the project was concluded as being unsustainable.

9.10. Important to note is the following:

- The shop and post office served the basic needs of the local community; their loss would make the village inherently less sustainable as a settlement, and would not be sustainable development

- A detailed viability assessment (including full accounts) has not been provided; there is insufficient evidence to demonstrate the facility would not be financially viable in the long term
- The parish council response sets out clearly the various disbenefits of the proposal and other important factors

9.11 However, it is also important to note the following:

- The evidence tends to suggest that the viability of the business has been in decline over a number of years and that this is exacerbated by the opening of the nearby Co-op and Sainsbury's stores
- The investigation into a community run shop concluded that it would be unsustainable and unviable
- The investigation into the division of the premises to provide a separate residential unit and lock up shop indicates that this would result in an unviable business unit due to its size and the amount and cost of the works required to create it
- The evidence tends to suggest that the retention of the shop would not be sustainable development, though this evidence tends to focus on the existing enterprise rather than the facility itself

9.12. Overall, and on fine balance, and while the proposal conflicts with saved Policy S29 of the CLP 1996 as well as paragraphs 84 and 93 of the NPPF, and there is insufficient evidence to demonstrate that the shop would not be financially viable in the long term, officers conclude that neither retention nor loss of the shop unit would be sustainable development.

9.13. Notwithstanding the above, if the loss of the facility was determined to be acceptable, the use of the whole of the property for residential use could be supported in sustainability terms. The property is currently used as a shop on the ground floor with associated living accommodation on the two upper floors. Therefore, the proposal would not result in a net additional dwelling, and so the proposal would not result in any tangible public benefits. That said, the site is within the built limits of Kirtlington village, which is a Category A village under Policy Villages 1 of the CLP 2015 where the conversion of an existing buildings to residential can be acceptable in principle subject to other considerations and these are considered further below.

Design and impact on the character of the area

9.14. Paragraph 126 of the NPPF states that: '*Good design is a key aspect of sustainable development*' and that it '*creates better places in which to live and work*'. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. In addition, Policy ESD15 states 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."

- 9.15. 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.
- 9.16. The proposed alterations to the front elevation are considered to be acceptable and the proposed window would match the size and form of the existing ground floor window in this elevation giving a consistent appearance to the building.
- 9.17. The rooflights require planning permission as the property does not currently benefit from permitted development for rooflights. The rooflights in the rear elevation would not be readily visible in public views due to the relationship with surrounding buildings and by reason of their siting would not result in any significant detriment to the visual amenities of the area.

Impact on heritage assets

- 9.18. The site is within Kirtlington Conservation Area and adjoins Grade II listed buildings.
- 9.19. 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.
- 9.20. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.21. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.22. The proposed works are considered to preserve the character and appearance of the Conservation Area and whilst the building adjoins two Grade II listed buildings it is considered that the development would not result in any significant harm to the significance of the listed buildings by reason of change to their settings.

Residential amenity

- 9.23. The proposed alterations to the building would not result in any significant increase in overlooking or loss of privacy to the occupiers of the adjacent dwellings. The change of use from shop to a single dwelling could result in a reduction in noise and disturbance to the neighbouring dwellings.

Highway safety

- 9.24. The proposal seeks to convert the ground floor of the premises to living accommodation in conjunction with the existing residential use on the upper floors. The property does not benefit from any off-street parking.

- 9.25. The Local Highway Authority has recommended a condition requiring the provision of cycle storage/parking. However, this is considered to be unreasonable as there is already a residential unit on the site that doesn't benefit from such a facility and there would be no net change in the number of dwellings.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. For the reasons set out in this report, it is considered that whilst the proposal would result in the loss of a village service contrary to saved Policy S29 of the CLP 1996 and paragraphs 84 and 93 of the NPPF, and insufficient evidence has been submitted to demonstrate that the business would not be financially viable in the long term: there is significant circumstantial evidence to suggest that its retention would not be readily sustainable.
- 10.3. In addition, the proposed change of use and alterations to the building would not adversely affect the character and appearance of the Conservation Area or the setting of the adjacent listed buildings, nor will it result in any significant detriment to the living amenities of the neighbouring properties or to highway safety.
- 10.4. Therefore, on fine balance, it is recommended that permission is granted.

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW:

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 the following plans: 6168.01, 6168.02 A and 6168.04
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 finishes detailing and design

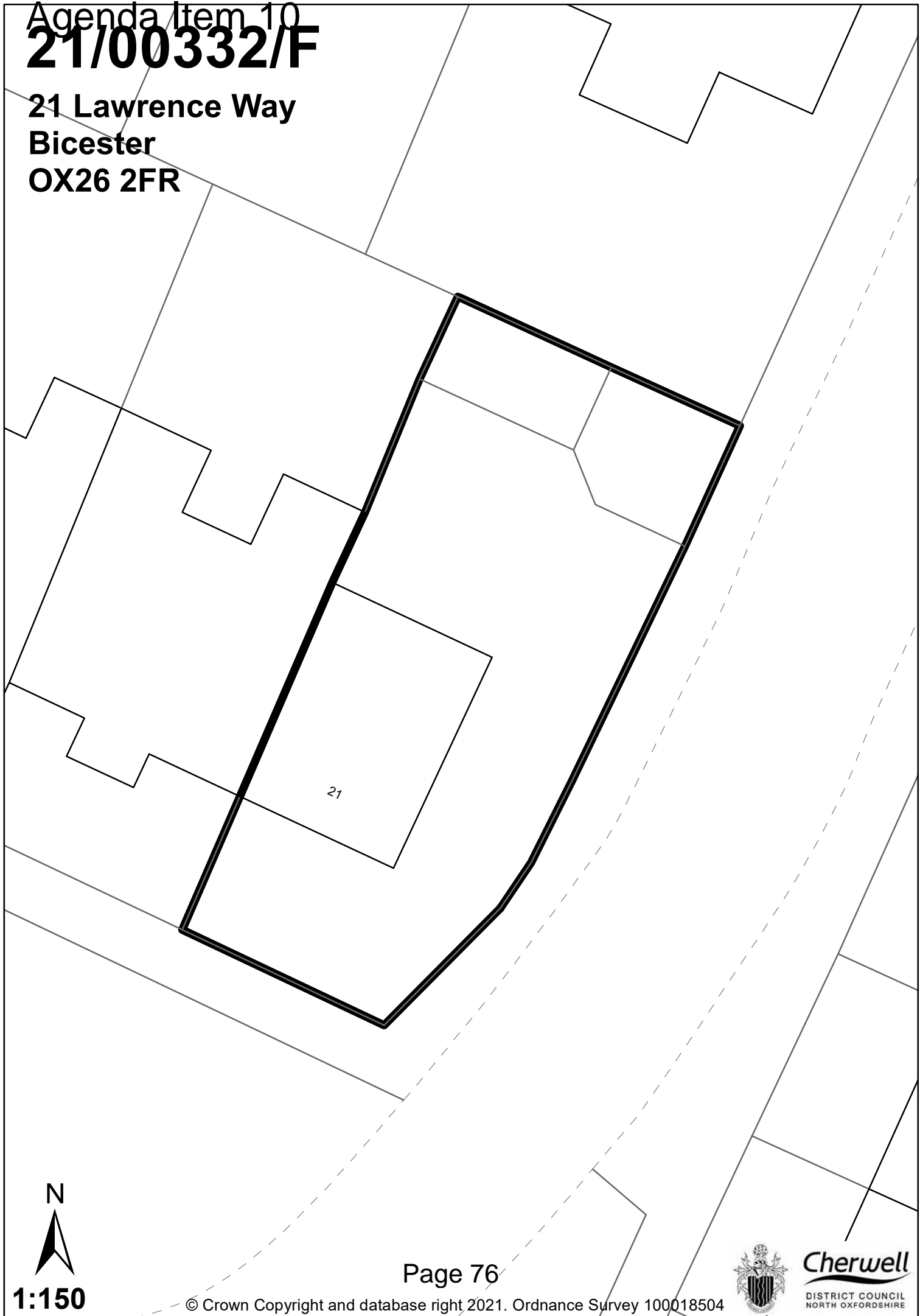
3. All works of making good shall be carried out in materials and detailed to match the adjoining existing fabric except where shown otherwise on the approved drawings.
Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the insertion of the window in the front elevation full design details of the window at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the window shall be installed within the building 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.

Agenda Item 10
21/00332/F

**21 Lawrence Way
Bicester
OX26 2FR**



21



1:150



21/00332/F

21 Lawrence Way
Bicester
OX26 2FR



21/00332/F

**21 Lawrence Way
Bicester
OX26 2FR**



Case Officer: Michael Sackey

Applicant: Mrs Jenny Fenton

Proposal: Single storey rear extension, single storey side extension, part single storey front extension.

Ward: Bicester West

Councillors: Councillor Broad, Councillor Sibley and Councillor Webster

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

- Extensions too big for a residential property
- This will be turned into HMO
- Work has already commenced inside the property to significantly change its layout clearly offering multiple occupancy living
- Not enough parking to support another HMO.
- Extensions to the side and building to the boundary line right against the pavement is not in keeping with properties within the area, especially as this is in a prominent position at the junction of Lawrence Way and Hemingway Drive
- Impact on amenity of neighbouring properties

Expiry Date: 25 May 2021

Committee Date: 12 August 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a semi-detached, two storey dwelling positioned on a corner plot, externally of brick with a tiled roof, facing south towards Lawrence Way. There are no changes in the levels across the site that would significantly affect the application assessment. The site, which lies in the built form of Kidlington, is bounded by residential properties to the east, north and south. The site is not within a designated Conservation Area and the building is not listed.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The applicant seeks planning permission for a single storey front, side and rear extensions. The proposed front extension would measure approximately 1.2m depth, 5.4m width with an overall roof height of 3.1m sloping down to an eaves height of 2.4m. The proposed single storey side extension would measure approximately 7.6m depth, 3m width with an overall roof height of 3.1m sloping down to an eaves height of 2.4m. The proposed single storey rear extension would measure approximately 3m depth, 8.6m with an overall roof height of 3.1m sloping down to an eaves height of 2.4m.

2.2. The application relates to the submission of revised plans received on (20.07.2021) at 13:16hrs and (21.07.2021) at 15:33hrs reference "OX262FREI01", "OX262FRFP01", "Block plan (existing) 1:200 (21, Lawrence Way, Bicester,

Oxfordshire, OX26 2FR)” and Block plan 1:200 (21, Lawrence Way, Bicester, Oxfordshire, OX26 2FR)”. The revised plans reduce the scale of the development and amend the design the proposed roof to a hipped roof.

3. RELEVANT PLANNING HISTORY

There is no planning history directly relevant to the proposal

Application: 10/01399/F Refused 2 November 2010
Retrospective. Erection of 1.8m wooden fence to boundary.

Application: 11/00310/F Permitted 21 April 2011
Erection of wooden fence to boundary (retrospective)

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **05 August 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. Five letters were received objecting to the current application on the grounds of:

- Highway safety,
- Lack of parking,
- Loss of light,
- Loss of outlook,
- HMO development,
- Visual impact, not in keeping with the street scene and devalues property.

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

6. RESPONSE TO CONSULTATION

6.1. 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.

BICESTER TOWN COUNCIL

6.2. Consulted on (09.04.2021): No comments received

OTHER CONSULTEES

6.3. OCC HIGHWAYS: No objections

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

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

- Design, and impact on the character of the area
- Residential amenity
- Highway safety

Design, and impact on the character of the area

- 8.2. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.3. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscape.
- 8.4. Policy ESD15 of the CLP 2015 states that development should '*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*'.

- 8.5. Given its scale, and massing, and the corner plot position of the existing dwelling, the proposal would be readily visible from the highway and would have a significant visual impact.
- 8.6. However, the proposal would be set down in height from the existing dwelling and, following amended plans and by reason of its scale, siting and design, it would be in keeping with the existing dwelling. The proposed materials would generally match those of the existing dwelling and are considered acceptable.
- 8.7. The proposal would therefore be in keeping with the existing dwelling and would not adversely affect the visual amenity of the locality.
- 8.8. The proposal is considered to be acceptable in design terms as it does not conflict with Policy ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Residential Amenity

- 8.9. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 8.10. The proposed development would be set well off the shared boundary with the adjacent neighbour at 1 Dumas Close and would not have any impact on this neighbour.
- 8.11. The proposal would abut the shared boundaries with the attached neighbour at 19 Lawrence Way. Given this neighbour's existing rear extension, the proposal would comply with the 45 degree rule.
- 8.12. Having regards to its scale and siting, along with the spatial relationship with the neighbouring properties and the existing extension to the rear of 19 Lawrence Way, it is considered that the development would not have any significant impact on the amenity of the neighbours, either through loss of light, outlook or privacy.
- 8.13. The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Highway safety

- 8.14. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 8.15. The Local Highway Authority has raised no objections to the proposal, indicating that the proposals are unlikely to have any adverse impacts upon the local highway network from a traffic and safety point of view. Officers agree with this assessment.
- 8.16. The proposal is therefore considered acceptable in relation to highway safety and parking provision, and in this regard accords with Policy ESD15 of the CLP and Government guidance in the NPPF.

Other matters

- 8.17 Concerns have been raised that the property is to be used as a House in Multiple Occupation (HMO). The application only seek consent for proposed extensions, it does not include a request for a change of use to Use Class C4 - HMO.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. 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.

10. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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 (1:1250), "Block plan 1:200 (21, Lawrence Way, Bicester, Oxfordshire, OX26 2FR)" "OX262FRFP01" and "OX262FREI01".

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

Boundary treatment

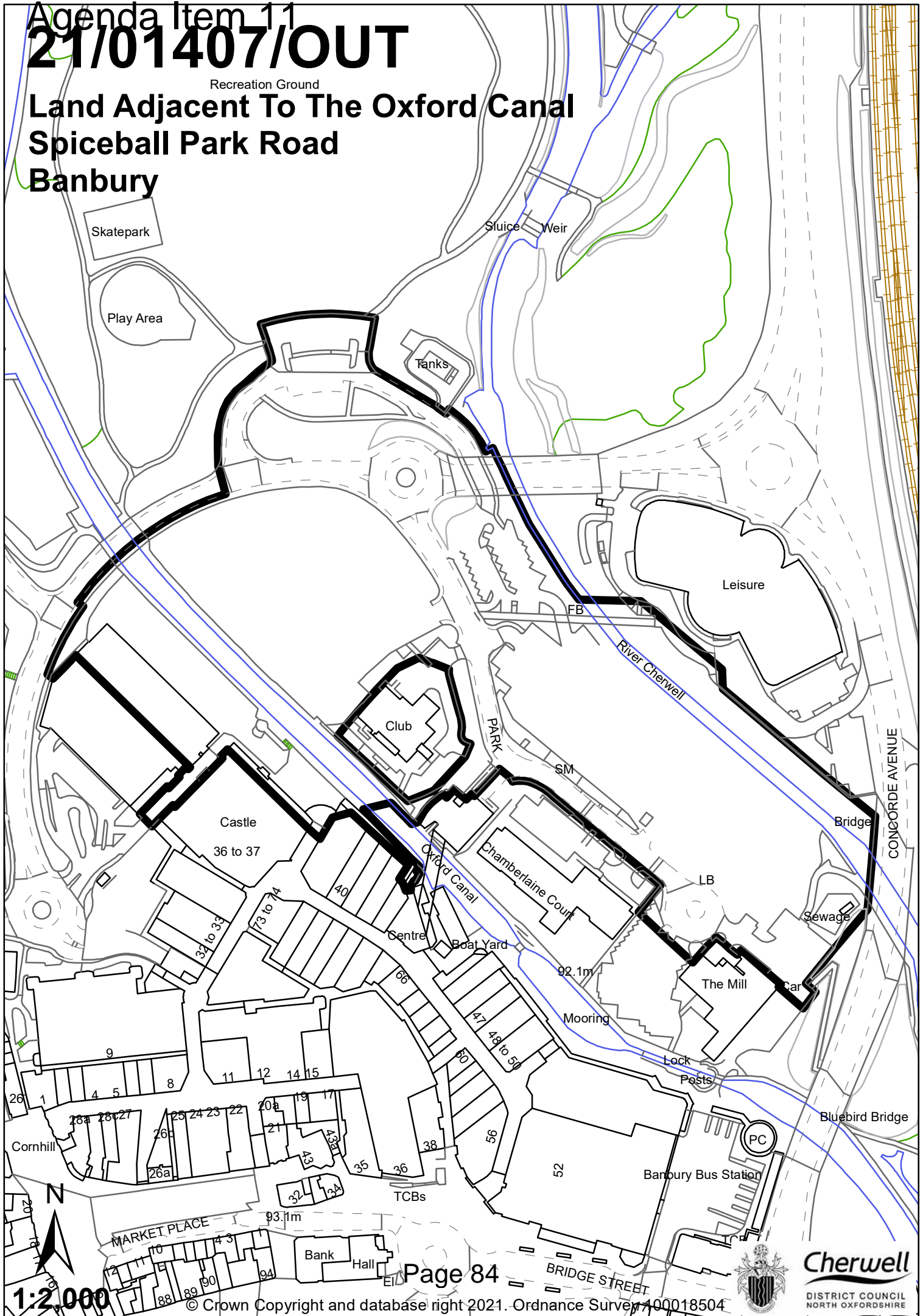
3. Notwithstanding the details submitted, no development shall commence above slab level until full details of means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details 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, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Agenda Item 11 21/01407/OUT

Recreation Ground

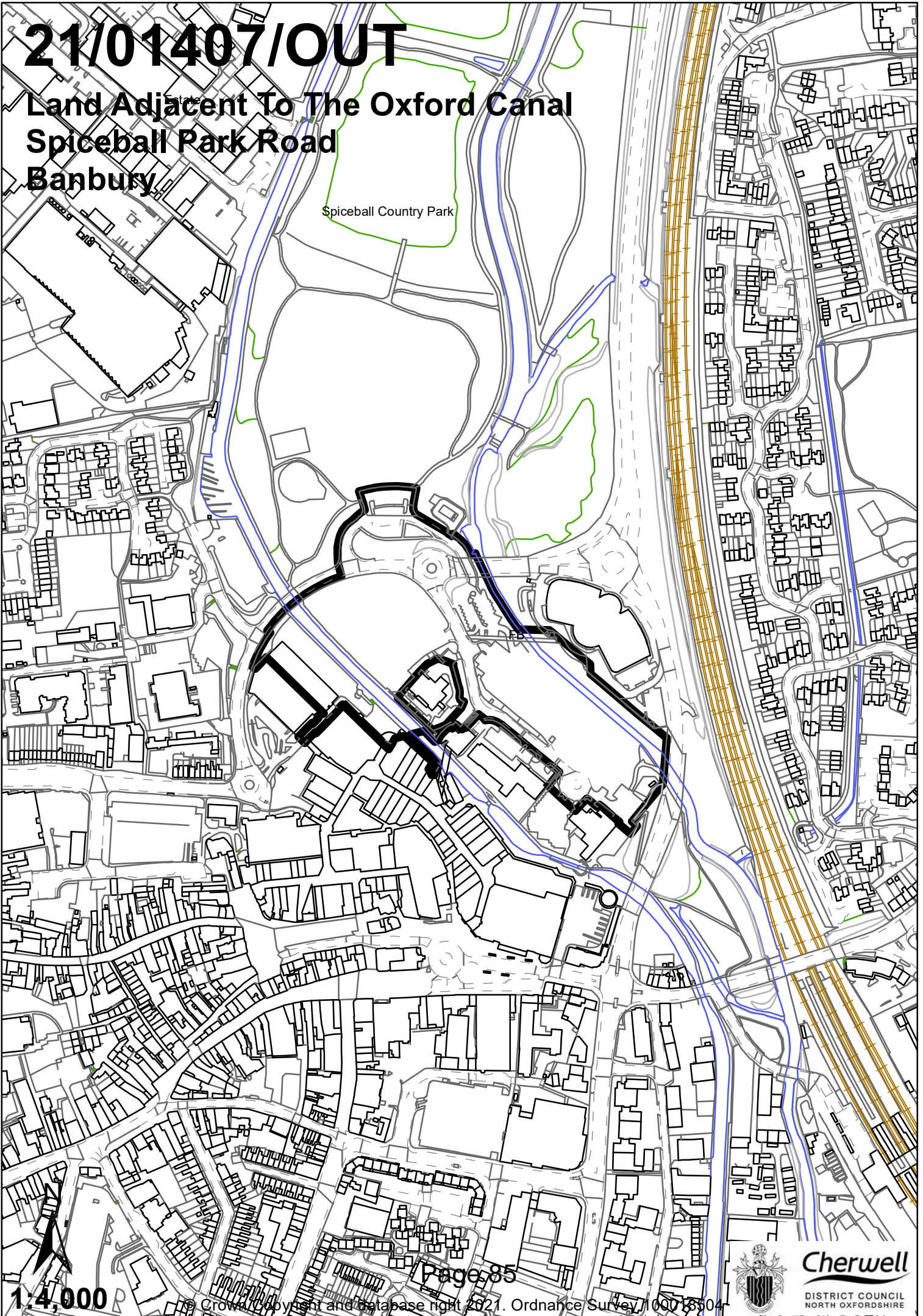
Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



21/01407/OUT

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury

Spiceball Country Park



1:4,000

Page 85

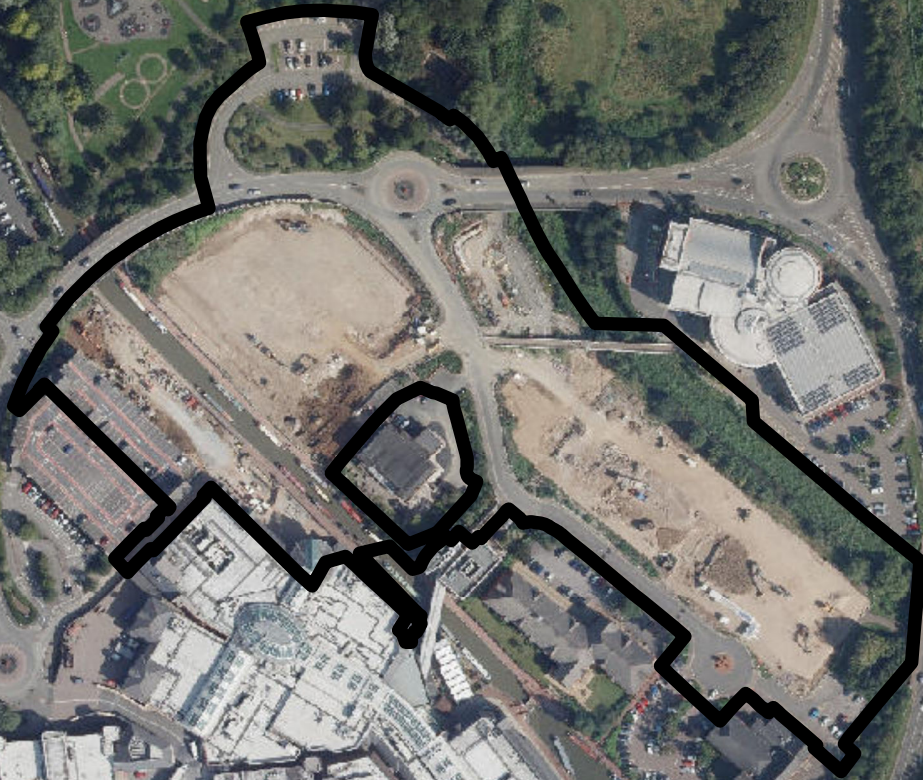
© Crown Copyright and Database right 2021. Ordnance Survey 100016504



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/01407/OUT

Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury



1:3,000



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Amendment to the Approved Plans (Condition 4) and Removal of condition 24 (use of units) of 16/02366/OUT

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

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

Expiry Date: 20 July 2021

Committee Date: 12 August 2021

SUMMARY OF RECOMMENDATION: DELEGATED POWERS TO GRANT PERMISSION SUBJECT TO A S106 PLANNING AGREEMENT ENSURING THE TERMS OF THE ORIGINAL S106 ARE APPLIED TO THE CURRENT PROPOSAL, AND CONDITIONS.

1. APPLICATION SITE AND LOCALITY

1.1. The application site extends to 4.69 hectares, with significant progress on the earlier approved development having been made. The development being constructed is a large-scale mixed-use development comprising of retail, leisure, restaurant and hotel development, with associated parking and landscaping.

2. CONSTRAINTS

2.1. The application site is within the Oxford Canal Conservation Area. Part of the wider site is located within Flood Zone 2. Adjacent to the site is Tooley's Boatyard, which is a Scheduled Ancient Monument and the Mill Arts Centre which is locally listed. Public footpath 120/103 runs along the towpath of the canal. Protected species (water voles) have been recorded at the river and the site is classified as a high area of archaeological interest. Given the previous site uses, the land is also likely to be contaminated.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Outline planning permission and subsequent reserved matters approval has been granted for the demolition of the Castle Quay Shopping Centre northern car park and associated canal footbridge and General Foods Sports and Social Club band practice room; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail food store (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (Use Class A3 and A4) and altered vehicular and pedestrian accesses, alterations to the rear of the Castle Quay Shopping Centre landscaping, construction of infrastructure, car parking and associated works, including the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell.

Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road.

- 3.2. The application seeks to amend the plans of Block B to allow for the removal of internal walls within some of the approved units, which will create a larger unit plus the removal of condition 24, which restricts the usage of units as approved to A3 or A4 purposes only.
- 3.3. The proposed amendments would allow for a mini-golf and bowling alley facility to be provided within Block B resulting in the loss of 3 out of the 6 planned restaurant units.

4. RELEVANT PLANNING HISTORY

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

17/00284/REM – Reserved matters application to 16/02366/OUT across the whole development site. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved

16/02366/OUT - Removal/Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block; and Condition 9 to be removed as no longer justified. Approved

13/01601/OUT - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising: the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

- 4.2. There are also, several applications for non-material amendments and discharges of conditions that are relevant to the current proposal.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **11 June 2021**, 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. No formal consultations undertaken.

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- ESD1 - Mitigating and Adapting to Climate Change
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD 16- The Oxford Canal
- ESD17 - Green Infrastructure
- BAN 7 – Strengthening Banbury Town Centre
- BAN 9 – Spiceball Development Area
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- S2 - Maintenance of a compact central shopping area (Banbury)
- C1 – Nature conservation
- C4 – Habitat creation
- C5 – Protect Ecological value of River Cherwell
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

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

9. APPRAISAL

9.1. The principle of development has been established under the earlier approved application 16/02366/OUT and 13/01601/OUT. The current application seeks to amend the approved development. The Planning Practice Guidance advises:

'In deciding an application under section 73, the local planning authority must only consider the disputed conditions/s that are the subject of the application – it is not a complete reconsideration of the application'. Paragraph 031, Reference ID: 21a-031-20140306.

- 9.2. Therefore, the Authority must consider whether the proposed alterations raise any other material considerations that would result in unacceptable impacts.

Use of the Units

- 9.3. The amendments relate to Block B, identified as the Cinema Block, which was originally approved to house a cinema and restaurant units. The proposed amendments require the removal of the internal walls between units 1a-3 on the ground floor and 1a-1 on the mezzanine floor (which requires the amendment of condition 4 approved plans) to create a single large unit falling for use as indoor leisure facilities. The change of use requires the removal of condition 24, which currently restricts the units to an A3 restaurant use.
- 9.4. The changes would facilitate a change in leisure offer from the former A3 restaurants and cafés use class, to a bowling alley on part of the ground floor and mini-golf facility on the mezzanine floor. The other 3 remaining units of the ground floor would retain a restaurant use.
- 9.5. The applicant has outlined that the proposed amendments are sought as a direct response to market conditions, which have made it difficult to let the 6 restaurants as originally planned. The amendments allow the cinema operator to provide alternative uses for the site.
- 9.6. The changes to the Use Classes made in 2020 were intended to provide greater scope within appropriate environments such as town centres, to allow for changes of use without the need for planning permission. Class E was created and combined former Use Class A1, A3 and D2 with several others, to allow changes of use to take place without requiring formal consent from the Local Planning Authority, unless a restrictive condition was already in place.
- 9.7. Condition 24 is a restrictive condition, requiring the units identified to fall within classes A3 and A4 only. Block B was consented to Use Classes falling within D2, A3 and A4. The use of the building has been established for leisure purposes. The mini-golf facility and bowling alley are connected both physically and operationally, with the cinema use being of relatively modest scale. The mini-golf and bowling alley facilities are considered to be ancillary to the cinema and are considered not to raise new material planning considerations.
- 9.8. Officers considered that the proposed amendment to the approved plans to combine units and the removal of condition 24 would not substantially alter the character of the approved development or require the assessment of new material planning considerations. The leisure uses proposed are considered appropriate in nature and scale to the location of the development within Banbury Town Centre. As such, the proposal is considered to be acceptable.

S106 Legal Agreement

- 9.9. The original consent 13/01601/OUT was the subject of a s106 agreement to secure necessary contributions to ensure the development was acceptable in planning terms. The subsequent application 16/02366/OUT varied the original agreement to ensure that the s106 was applied to the new consent.

- 9.10. Similarly, a deed of variation to enable the provisions of the existing s106 agreement to apply to this new consent is required.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. For the reasons set out in this report, the proposal complies with the relevant development plan policies and guidance.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS BELOW ONCE AMENDED TO REFLECT PREVIOUS APPROVALS AND AMENDMENTS (AND ANY OTHER 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 ENSURE THE TERMS OF THE ORIGINAL S106 ARE APPLIED TO THE CURRENT PROPOSAL

CONDITIONS

NOTE: THE FOLLOWING LIST OF CONDITIONS REFLECTS THOSE ORIGINALLY DETAILED ON THE DECISION NOTICE FOR APPLICATION 16/02366/OUT. THESE SHALL BE UPDATED TO REFLECT THE AMENDED PLANS PUT FORWARD FOR CONSIDERATION UNDER THIS APPLICATION, AND TO REFLECT ALL PREVIOUS APPROVALS AND AMENDMENTS. A REVISED LIST WILL BE PROVIDED WITHIN THE UPDATE PAPERS FOR THE PLANNING COMMITTEE.

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended

by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

Site Location (407-OP-00 P3)
Site Boundary (407-OP-01 P2)
Demolition (407-OP-02 P4)
Excavation (407-OP-03 P2)
Land Use Lvl 00 (407-OP-04 P7)
Land Use Lvl 01 (407-OP-05 P7)
Land Use Lvl 02 (407-OP-06 P7)
Land Use Lvl 03-07 (407-OP-07 P6)
Area Schedule (407-OP-08 P6)
Deviations L00 (407-OP-09 P7)
Deviations L01 (407-OP-10 P8)
Deviations L02 (407-OP-11 P9)
Deviations L03-07 (407-OP-12 P7)
Canopies (407-OP-13 P7)
Deviations in Height - Sheet 1 (407-OP-14 P5)
Deviations in Height - Sheet 2 (407-OP-15 P5)
Bridges (407-OP-16 P6)
Active Frontages (407-OP-17 P7)
Pedestrian Site Circulation (407-OP-18 P7)
Pedestrian Access and Circulation (407-OP-19 P6)
Landscape (407-OP-20 P7)
Vehicle Access and Circulation (407-OP-21 P8)
Proposed Highway Works Social Club Retained (5764-HP010 Rev P)
Cinema Service Yard (5764-HSK005 Rev F)
Cinema Tracking (5764/HPAT02 Rev F)
Food Delivery Tracking (5764/HPAT13)
HGV deliveries to food retail unit and along Spiceball Park Road (5764/HPAT14)

In addition approval is given for the documents submitted with the application and listed in the August 2016 list of plans and documents for approval.

Reason - For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework March 2012.

- 5 The development permitted by this planning permission shall be carried out in accordance with the flood mitigation principles set out in the Flood Risk Assessment BMW/388/FRA rev A, undertaken by BWB Consulting dated 11th October 2013 and the addendum to the Flood Risk Assessment BMW/388/FRA-Addendum Rev A, dated 28th March 2014. Any subsequent amendments shall be agreed in writing with the local planning authority. Individual phases of the development shall be accompanied by a specific FRA to ensure that the individual elements follow the flood mitigation principles and do not affect flood risk in the wider catchment. Specific design requirements to ensure the safety of the development are:

The operational areas of the ground floor food store to be set above the 1 in 100 year plus 20% flood level

Flood resilient construction techniques to be included for all development up to the 1 in 1000 year undefended flood level. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants

- 6 *Prior to approval of Reserved Matters a final flood management scheme for the respective phase of the development shall be submitted to and approved by the Local Authority.*

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 7 *Prior to construction within the Former Leisure Centre area level for level floodplain compensation shall be implemented in line with the principles proposed on plan 'Floodplain Compensation Analysis at Former Leisure Centre BMW/388/WSK12 P1' for the phase of development.*

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 8 *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 is located over alluvial deposits (Secondary A Aquifer) that in turn sit over the Charmouth Mudstone (Unproductive Stratum). The site is within a flood plain and therefore groundwater will be present in the alluvium. Construction may mobilise contamination and if hot spots are encountered within the alluvium these should be dealt with in an appropriate manner. The Ridge and Partners LLP, Construction Environmental Management Plan (item 7.4 Water Management and Pollution) states that 'precautions will be taken prior to and during construction to ensure the protection of watercourses and groundwater against pollution'. Therefore we are reassured that there is a strategy in place for protection of controlled waters.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

- 10 *Prior to any intrusive works taking place for the first and successive phases of the site and following the approval of the first stage Written Scheme of Investigation referred to in condition 10, a programme of archaeological evaluation, investigation and recording of that part of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.*

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with NPPF (2012).

- 11 *Prior to any intrusive works taking place for the first and successive phases and following the completion of the archaeological evaluation, investigation and recording referred to in condition 11, a report of the archaeological evidence found on that part of the site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.*

Reason - To safeguard the recording of archaeological matters within the site in accordance with NPPF (2012).

- 12 *Prior to any intrusive works taking place for the first and successive phases of the site and following approval of the written scheme of investigation referred to in condition 12, if necessary, the further phase of archaeological mitigation shall be carried out in accordance with the approved written scheme of investigation.*

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

- 13 *Prior to commencement of development in the first and successive phase, an avoidance and mitigation scheme for nesting birds and reptiles, based on the measures detailed in the 2013 WSP ecological survey report shall be submitted to and approved by the Local Planning Authority. All works on that and successive phases shall proceed in accordance with the approved scheme.*

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 *An ecological enhancement scheme, based on the measures detailed in the 2013 WSP ecological survey report and including nesting provision for swifts and enhancement of the river channel shall be submitted to and approved by the Local Planning Authority before the first and successive phases of the development commence. All works for that phase shall proceed in accordance with the approved scheme.*

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15 *Prior to the installation of the first and successive phases of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-*

a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

- 16 *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) of that phase 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 that phase 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17 *Retained Tree*

a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

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

- 18 *Prior to the commencement of the first and successive phases of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 shall be submitted to and approved in writing by the Local Planning Authority for that phase. Thereafter, all works on that phase shall be carried out in accordance with the approved AMS.*

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the

existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 19 *Prior to implementation of the landscaping scheme (approved pursuant to Condition 15) within the first and successive phases of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees for that phase, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Thereafter, the development of that phase shall be carried out in accordance with the approved details and specifications.*

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

- 20 *Prior to implementation of the landscaping scheme (approved pursuant to Condition 15) within the first and successive phases of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of that phase shall be carried out in accordance with the approved details and specifications.*

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

- 21 *Prior to the commencement of the first and successive phases of the development hereby approved, full details of on-site noise measurements, agreed environmental noise limits and any necessary scheme of mitigation for the development shall be submitted to and approved by the Local Planning Authority.*

Reason - to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 22 *Prior to the first occupation of the units within any phase, full details of operational plant and mitigation shall be provided to the local planning authority for approval, and the scheme to be installed and maintained thereafter in accordance with the approved details.*

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

- 23 *Prior to the commencement of the first and successive phases of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage*

of that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented and retained thereafter. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 24 *Those units so identified in the submitted reserved matters submission shall be used only for purposes falling within Class A3 and A4 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.*

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 25 *Within each reserved matters submission, details of the proposed phasing of works shall be submitted to the local planning authority for approval. Development shall be undertaken in accordance with the approved details.*

Reason - In the interests of the proper planning of the area, and to allow phased submission and approval of reserved matters.

- 26 *Prior to the commencement of the first and successive phases of the development, full specification details (including construction, layout, surfacing and drainage) of the turning areas and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway of that phase, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase. Thereafter, and prior to the first occupation of that part of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.*

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

- 27 *Prior to first use of the development, a highway signage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed signage strategy must be fully implemented prior to first use of the development.*

Reason - In the interest of highway safety and traffic management.

- 28 *Prior to the first use or occupation of the first and successive phases of the development, cycle parking facilities including secure, covered cycle parking for employees, shall be provided on the site in accordance with details for that phase which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.*

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

development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 29 *Prior to the first occupation of the first and successive phases of development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and OCC's Guidance "Transport for New Developments: Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The updated Travel Plan shall accord with the general provisions of the approved Framework Travel Plan (July 2014), and shall clearly set out landlord and occupier provisions respectively. Within three months of occupation, and in accordance with the thresholds set out in OCC guidance, Occupier Travel Plans shall be submitted to the Local Planning Authority for approval. Thereafter, the Updated Framework Travel Plan and Occupier Travel Plans shall be implemented and operated in accordance with the approved details.*

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

- 30 *Provision shall be made within the layout for vehicular and pedestrian access to serve the land adjoining to Mill Arts Centre, Castle Quay shopping centre and riverside path.*

Reason - In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 31 *Prior to the commencement of the first and successive phases of the development hereby approved, full details of a SUDS drainage scheme to prevent any surface water from the development discharging onto the adjoining highway or neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme for that phase shall be implemented and retained in accordance with the approved details.*

Reason - In the interests of highway safety and flood prevention and to comply with Government advice contained within the National Planning Policy Framework.

- 32 *Prior to the commencement of the first and successive phases of development, a construction traffic management and phasing plan for that phase must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.*

Reason - To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

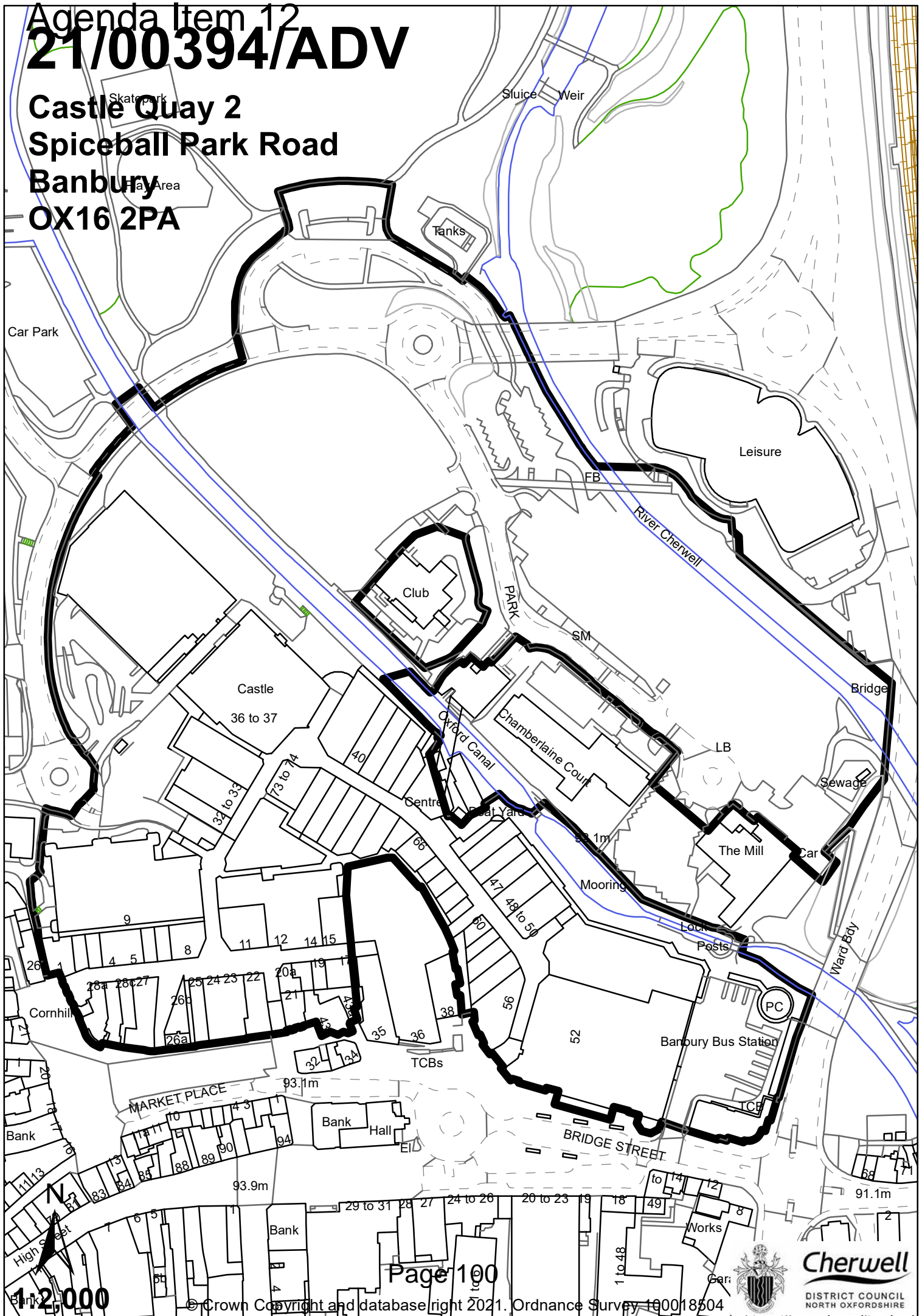
- 33 *Prior to commencement of the use of any building hereby approved, details of a scheme for car park routeing and guidance, including matrix signs relating to car parking at the development, shall be submitted to and approved in writing by the LPA. Prior to any occupation on Phase 2 the car park routeing and guidance system shall be installed and implemented in accordance with the approved scheme and thereafter managed and maintained in accordance with the approved scheme.*

Reason - In the interests of highway safety and convenience, to ensure the

provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

Agenda Item 12 21/00394/ADV

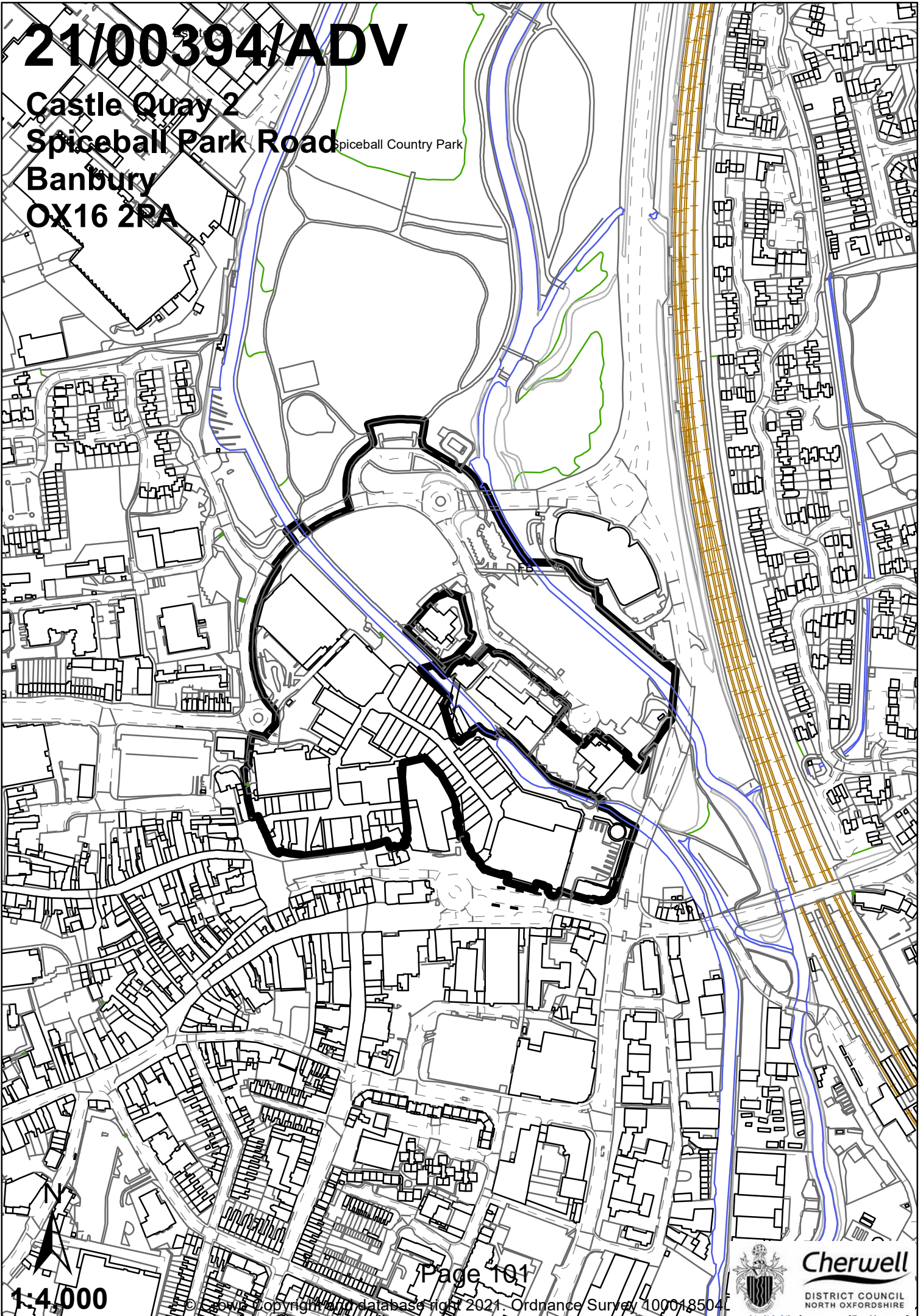
**Castle Quay 2
Spiceball Park Road
Banbury
OX16 2PA**



21/00394/ADV

Castle Quay 2
Spiceball Park Road
Banbury
OX16 2PA

Spiceball Country Park



21/00394/ADV

Castle Quay 2
Spiceball Park Road
Banbury
OX16 2PA



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Multiple signage forming part of wayfinding strategy including: 7 x welcome signs, 4 x Vehicle Directional Signs, 4 x Pedestrian Orientation Signs, 14 x Directional Signs and 12 x Identification Signs

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

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

Expiry Date: 12 April 2021

Committee Date: 12 August 2021

**SUMMARY OF RECOMMENDATION: GRANT ADVERTISEMENT CONSENT
SUBJECT TO CONDITIONS.**

1. APPLICATION SITE AND LOCALITY

1.1. The application site is the mixed-use Castle Quay 2 retail development site and the existing Castle Quay shopping centre, located adjacent to the Oxford Canal within Banbury Town Centre. The Castle Quay 2 development is currently under construction, falling within the 'Spiceball Development Area'.

2. CONSTRAINTS

2.1. The application site is within the Oxford Canal Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks advertisement consent for a new wayfinding scheme at the Castle Quay shopping centre and wider Castle Quay 2 development area. The strategy seeks to provide a clear and cohesive directional signage at key locations and comprises 41 different signs including:

- 7 Welcome Signs;
- 4 Vehicle Directional Signs;
- 4 Pedestrian Orientation Signs
- 14 Directional Signs; and
- 12 Identification signs

4. RELEVANT PLANNING HISTORY

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

17/00284/REM – Reserved matters application to 16/02366/OUT across the whole development site. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved

16/02366/OUT - Removal/Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block; and Condition 9 to be removed, as no longer justified. Approved

13/01601/OUT - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

5. PRE-APPLICATION DISCUSSIONS

5.1. 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 site notices displayed near the site, by advertisement in the local newspaper and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **24 March 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Comments received from 2 third parties, which are summarised as follows:

- Concerns with illumination and potential for flashing signs
- Opportunity for other directions to other key areas has been missed

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

7. RESPONSE TO CONSULTATION

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

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

7.4 OCC HIGHWAYS: **Formal comments to amendments required.** Initially objections were raised to the 4 vehicle directional signs, which have since been amended and are now noted to be of improvement. However, the Highway's Officer is still to confirm following review of the s.278 drawings that are content with the drawings with the s.278 highways improvement works.

Officer Comments: *An update will be provided to the Planning Committee.*

- 7.5 Canals and River Trust: **Concerns raised**, regarding to the positioning of some the signs close to the canal or on the bridge crossing the Oxford Canal.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for advertisement consent must be determined in accordance with the development plan any other relevant factors.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20 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

8.3. Other Material Planning Considerations

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) – “The Advertisement Regulations”
- National Planning Policy Framework (NPPF 2021) – particularly Paragraph 132
- Planning Practice Guidance (PPG)
- CDC Design Guide for Shop Front and Advertisements: Historic Buildings and Conservation Areas.

9. APPRAISAL

- 9.1. Regulation 3 of the Advertisement Regulations limits the Local Planning Authority’s powers in respect of advertisement applications to the consideration of amenity and public safety. Therefore, these are the key issues for consideration in this case.

Amenity

- 9.2. Regulation 3(2a) of the Advertisement Regulations states that: factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 9.3. Paragraph 136 (formerly Para.132) of the NPPF 2021 recognises that: “*The quality and character of places can suffer when advertisements are poorly sited and designed*”. However, it goes on to state that: “*Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*”.
- 9.4. The proposed design of the signs has been carefully considered to ensure that the signs are appropriate in scale, size and location on their individual merit and as part of the wider context throughout the Castle Quay 2 development.
- 9.5. The signage is an integral part of the scheme, designed to ensure the successful integration of the current development with the existing shopping centre and town centre, by providing clear wayfinding to key areas in the town centre.

- 9.6. Some of the proposed signs include internal illumination, with a maximum luminance level of 500cd/m² to ensure that at different light levels, the public are able to use the wayfinding signs. Post-11pm, within village or darker suburban locations, a maximum of 500cd/m² is considered acceptable. The proposed internal illuminance will not flash. Given the location of the signs is within an urban area with some adjacent residential properties to the site, the internal illumination proposed is considered acceptable.
- 9.7. Following concern from the Canals and River Trust, the location of 3 of the signs has been amended. Whilst formal comments are awaited, informal confirmation of their acceptability to the new locations has been received by the applicant and it is anticipated an update can be provided in due course.
- 9.8. The proposed signage is considered appropriate to the location and ought not to cause harm to the character and appearance of the Conservation Area. Overall, Having applied great weight to the conservation of the Oxford Canal Conservation Area, Officers consider that the proposed development would not cause harm to the significance of the Oxford Canal Conservation Area. The proposal would result in public benefit arising from the provision of directional signage and aids. Whilst Officers consider that the proposed signage would not cause harm to the significance of the heritage asset, should any harm be identified, it is considered this would be of less than substantial harm and would be outweighed by the public benefits of the proposal.
- 9.9. The amended proposal is therefore, considered acceptable in terms of visual amenity and impact on heritage assets. The proposal complies with paragraph 136 of the NPPF and policy ESD15 of the Cherwell Local Plan 2031.

Public Safety

- 9.10. Regulation 3(2b) of the Advertisement Regulations makes clear that factors relevant to public safety include the safety of persons using the transport network, including the potential for an advertisement to obscure views of transport signage or equipment, and the potential for an advertisement to hinder the operation of any device used for security purposes.
- 9.11. The proposed signage is considered not to present a risk to public safety or highway safety, with regards to its scale and position in relation to the highways and nearby residential properties and given that it also replaces a similar signage. Therefore, the proposed sign complies with paragraph 136 of the NPPF relating to public safety.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. By reason of its design and siting, the amended proposal would not adversely affect public safety or local visual amenity. Therefore, the development complies with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

11. RECOMMENDATION

RECOMMENDATION – GRANT ADVERTISEMENT CONSENT SUBJECT TO THE CONDITIONS SET OUT BELOW

1. This consent to display advertisements shall expire at the end of 5 years, beginning on the date this consent was granted.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved document: 10072 Castle Quay 2, Banbury – External Signage Locations P03 dated 24-06-2021

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

4. No advertisement shall be sited or displayed so as to - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

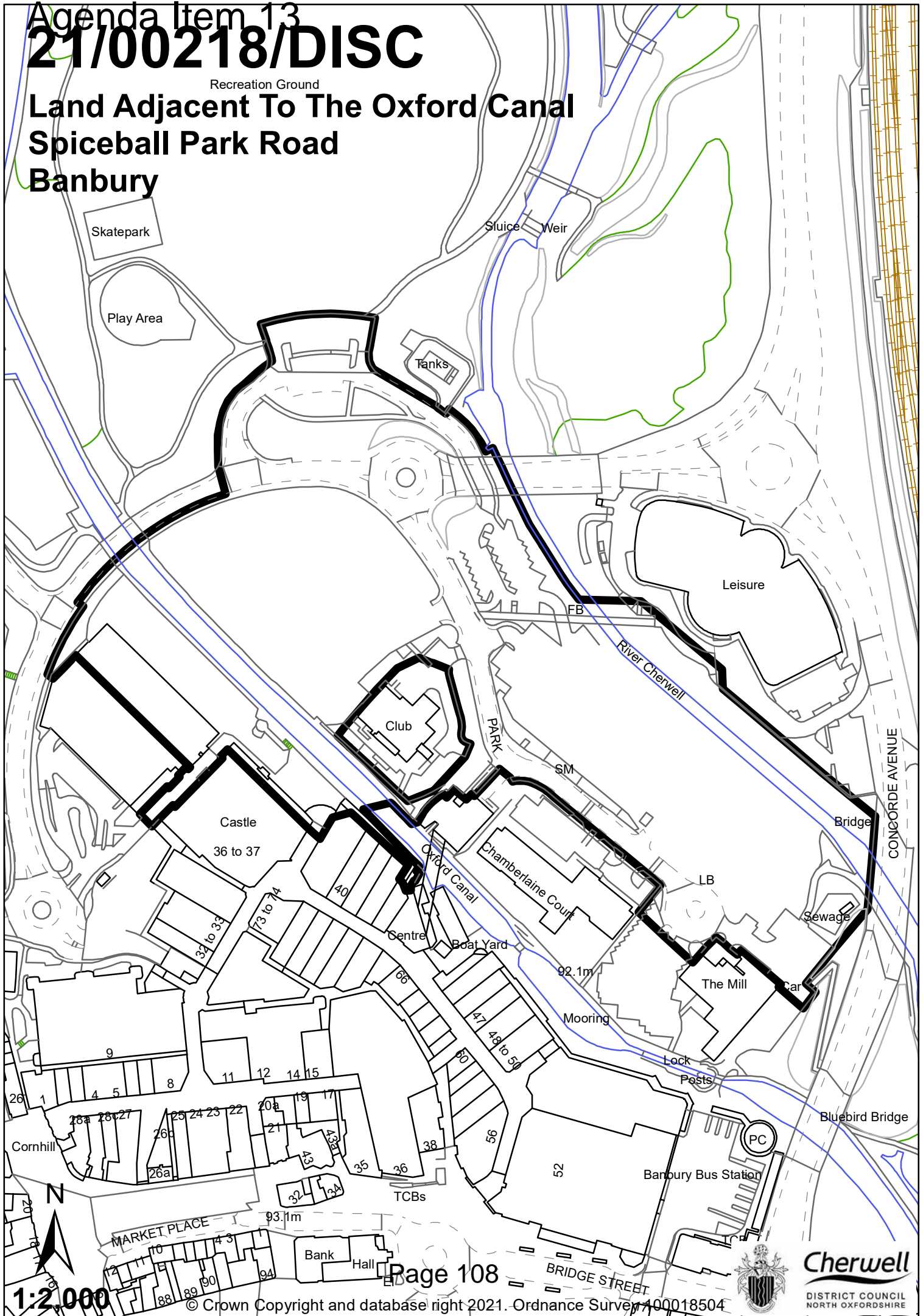
7. Where an advertisement is required under the Advertisement Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Agenda Item 13 21/00218/DISC

Recreation Ground

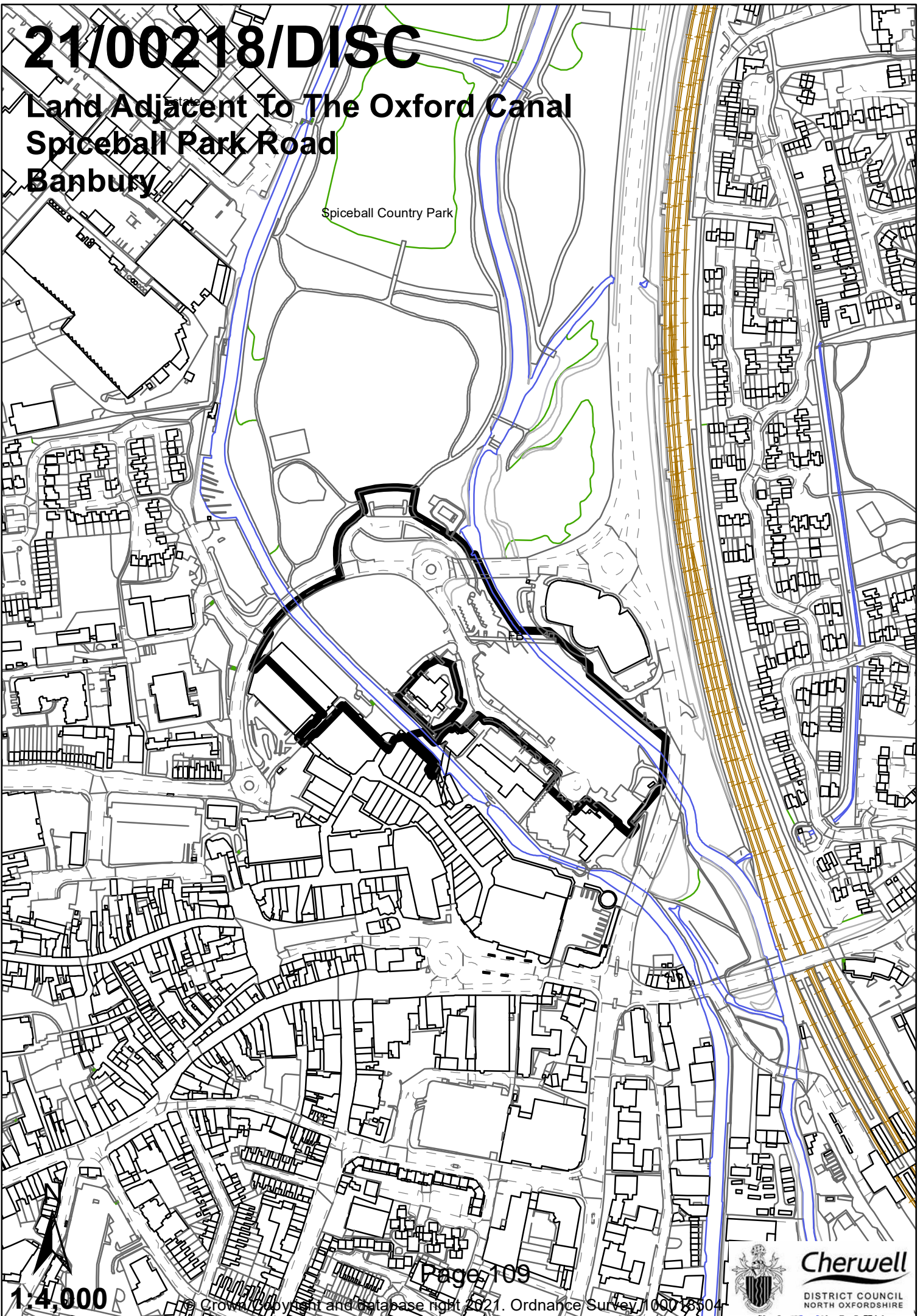
Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



21/00218/DISC

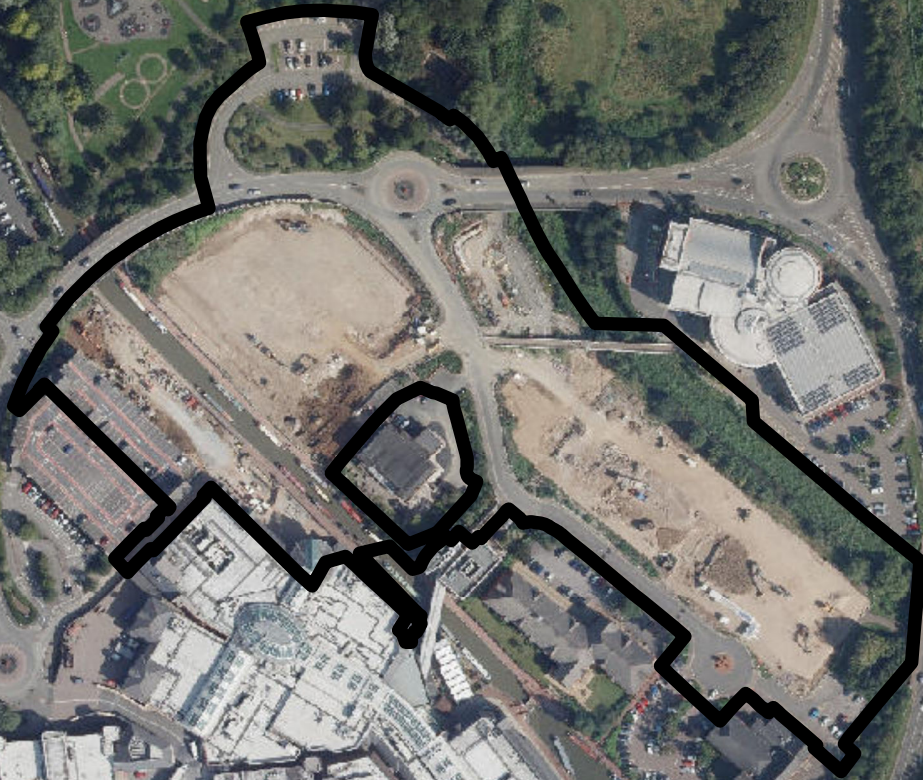
Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury

Spiceball Country Park



21/00218/DISC

Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury



1:3,000



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of Condition 27 (Highway Signage Strategy) of application 16/02366/OUT (Castle Quay 2)

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

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

Expiry Date: 17 March 2021 **Committee Date:** 12 August 2021

RECOMMENDATION: THAT CONDITION 27 OF APPLICATION 16/02366/OUT BE DISCHARGED

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application relates to the provision of highway directional signs within the local vicinity of the development site, which sits adjacent to the Oxford Canal at the rear of the Castle Quay shopping centre, within Banbury Town Centre.
- 1.2. The approved development includes provision of a retail food store, hotel, cinema, restaurants and cafés along with necessary access, landscaping, infrastructure, car parking and other associated works.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. Condition 27 (Highway Signage Strategy) – this condition states:
'Prior to the first use of the development, a highway signage strategy shall be submitted to and approved in writing by the Local Planning Authority. The agreed signage strategy must be fully implemented prior to the first use of the development.'
- 2.2. The application is supported by plans showing the location and details of the signage panel proposed.

3. RELEVANT PLANNING HISTORY

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

20/00329/CDC - Change of use from coach parking to car parking modifications to layout of hardsurfacing and landscaping. Resolved to grant planning permission, awaiting S106 Legal Agreement. Decision not issued yet.

16/02366/OUT - Removal/Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to

reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block; and Condition 9 to be removed, as no longer justified. Approved

13/01601/OUT - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

4. RESPONSE TO PUBLICITY

- 4.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **26 February 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 4.2. One comment has been received from a third party and is summarised as follows:
 - Request that numbers are added to the signs on the plans
 - Coach logos appear on the signs, but should these be removed due to the change of use of the Compton Road Coach Park to a car park
 - Opportunity to remove other signs in the local area
- 4.3. The comment received can be viewed in full on the Council's website, via the online Planning Portal.

5. RESPONSE TO CONSULTATION

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

CONSULTEES

- 5.2. OXFORDSHIRE COUNTY COUNCIL – Comments received. The Highways Officer notes that within relatively close proximity to the site, application 20/00329/CDC for the change of use of the Compton Road Coach Park to a standard car park has received a resolution to grant consent from the Committee in March 2020, but the necessary s106 has not yet been finalised. The signage contained within this application includes directional signs to the coach park. As such, the Officer queries whether the signage should be amended to remove reference to the coach park and instead, direct to public car parking.
- 5.3. *Officer Comments: Whilst a resolution to approve the application 20/00329/DISC has been made by the Planning Committee, the application is awaiting the completion of a S106 Legal Agreement. The Legal Agreement secures financial contributions towards the amendment of directional highway signs. In addition, as the development has not commenced, the parking facility remains as a Coach Park until such time development has commenced. Any amendments to the signage required, should development of the change of use commence, would be secured*

through the S106 of application and not the current discharge of condition application.

6. APPRAISAL

- 6.1. Condition 27 of the approved application 16/02366/OUT requires the submission of an acceptable Highway Signage Strategy.
- 6.2. The application includes the submission of the positioning and details of the highway signs that are proposed. The proposed road, markings and signs are shown, and include various directional signs for car parking, one-way systems, loading areas, pedestrian and bicycle routes and other standard highway signs.
- 6.3. The strategy has been developed in accordance with the '*Traffic Signs Regulations and General Directions 2016*' and has been discussed with Oxfordshire County Council (OCC). Technical Approval has been received from OCC and this has been provided as part of the application submission. Therefore, whilst comments have not directly been received from OCC, the technical approval from OCC includes the plans that have been submitted as part of this application. Therefore, the proposed details are considered acceptable and offer an acceptable highway signage strategy.
- 6.4. It is acknowledged that an application (20/00329/CDC) has been received by Cherwell District Council for the change of use of the Compton Road Coach Park to a standard car park due to the need for additional standard parking. The application was heard by the Planning Committee and a resolution to grant planning permission was made. The legal agreement in conjunction with this application is being progressed and it is expected a decision will be issued shortly.
- 6.5. Whilst it is acknowledged that should the Coach Park change of use be implemented, the proposed strategy would require adjusting, the scheme submitted reflects the current highway situation and is acceptable. It is unclear whether the change of use of the Coach Park will be implemented. It is not the responsibility of a development to account for speculative development. In addition, it is noted that the legal agreement for the Coach Park change of use relates to the amendment of highway signage and requires the provision of new directional signs to the other Coach Parking spaces. As such, the submitted scheme remains acceptable, despite the resolution to approve the change of use of the Compton Road Coach Park.

7. RECOMMENDATION

- 7.1. That Planning Condition 27 of Application 16/02366/OUT be discharged based upon the following:

Condition 27 (Highway Signage Strategy)

- Additional/Delivery Signage 5764-H106 Rev C PH1
- Road Markings and Signage 5764-H204 Rev D PH2

Agenda Item 14

Cherwell District Council
Planning Committee
12 August 2021

Appeal Progress Report

This report is public

Report of Assistant Director - Planning and Development **Purpose of report**

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

1. Recommendations

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

2. Introduction

2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress and determined appeals.

3. Report Details

3.1 New Appeals

20/03175/Q56 - Part of OS Parcel 5900 East Of Broughton And North, Sandfine Road, Broughton - Conversion of existing barn to a single large dwellinghouse under Class Q permitted development (re-submission of 20/02051/Q56).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 13.07.2021 **Statement Due:** 17.08.2021 **Decision:** Awaited

Appeal reference – 21/00020/REF

20/03327/F - Land SW of Coleridge Close and Rear 6, Chaucer Close, Bicester, OX26 2XB - Development of a detached dwelling with new access onto Howes Lane - Resubmission of 20/00138/F.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 13.07.2021 **Statement Due:** 17.08.2021 **Decision:** Awaited

Appeal reference – 21/00021/REF

21/00182/Q56 – Little Haven, Barford Road, South Newington, OX15 4LN - Change of Use of part of an agricultural building and curtilage to one residential dwelling.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 12.07.2021 **Statement Due:** 16.08.2021 **Decision:** Awaited

Appeal reference – 21/00019/REF

21/01057/F – 177 Warwick Road, Banbury, OX16 1AS - Variation of Condition 2 (opening times) of 03/00144/F - amendment of opening hours at the store, trading hours for Monday-Saturday 11.00am - 12.00am and Sunday 12.00 noon - 11.00pm

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 26.07.2021 **Statement Due:** 02.08.2021 **Decision:** Awaited

Appeal reference – 21/00022/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

19/00934/F - Bicester Sports Association, The Tudor Jones Building, Akeman Street, Chesterton, Bicester, OX26 1TH - Change of Use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 No training pitches with floodlighting, 2 No match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works

Officer recommendation – Refusal (Committee)

Method of determination: Public Inquiry

Start Date of Inquiry – Tuesday 29 June – Inquiry now close. The Inspector has advised a decision will not be issued earlier than 18th August

Start Date: 31.03.2021 **Statement Due:** 07.05.2021 **Decision:** Awaited

Appeal reference – 21/00012/REF

19/00963/OUT - OS Parcel 9100 adjoining and east of last house adjoining and North of Berry Hill Road Adderbury - Resubmission of application 17/02394/OUT – Outline application for permission for up to 40 dwellings with associated landscaping, openspace and vehicular access off Berry Hill Road (all matters reserved other than access)

Officer recommendation – Refused (Committee)

Method of determination: Hearing

Start Date: 12.02.2021 **Statement Due:** 19.03.2021 **Decision:** Awaited

Hearing date – Tuesday 22 June 2021. Hearing now closed.

Appeal reference – 21/00004/REF

20/00789/CLUE – Belmont, 8 Foxglove Road, Begbroke, Kidlington, OX5 1SB - Certificate of Lawful Use Existing for amenity land to west of dwelling at no. 8 Foxglove Road as a domestic garden, with the introduction of boundary fence and hedge on the western and northern boundaries.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 11.12.2020 **Statement Due:** 22.01.2021 **Decision:** Awaited

Appeal reference – 20/00035/REF

20/00871/F - OS Parcel 3300 north of railway line adjoining Palmer Avenue, Lower Arncott - Erection of a free range egg production unit, gatehouse and agricultural workers dwelling including all associated works - re-submission of 19/00644/F

Officer recommendation – Refused (Committee)

Method of determination: Written Representations

Start Date: 26.02.2021 **Statement Due:** 02.04.2021 **Decision:** Awaited

Appeal reference – 21/00007/REF

20/00964/OUT – The Beeches, Heyford Road, Steeple Aston, OX25 4SN - Erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 07.01.2021 **Statement Due:** 11.02.2021 **Decision:** Awaited

Appeal reference – 20/00037/REF

20/01747/F - Land south side of Widnell Lane, Piddington - Change of Use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing.

Officer recommendation – Refused (Committee)

Method of determination: Written Representations

Start Date: 12.02.2021 **Statement Due:** 19.03.2021 **Decision:** Awaited

Appeal reference – 21/00003/REF

20/01891/F - Land North East Of Fringford Study Centre Adjoining, Rectory Lane, Fringford, OX27 8DD - Erection of a 4 bedroom detached dwelling with garage and access.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 21.04.2021 **Statement Due:** 26.05.2021 **Decision:** Awaited

Appeal reference – 21/00015/REF

20/01902/Q56 – Barns, Crockwell House Farm, Manor Road, Great Bourton - Change of use of existing farm buildings into a single residential dwelling (use class C3).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 10.06.2021 **Statement Due:** 15.07.2021 **Decision:** Awaited

Appeal reference – 21/00018/REF

20/03542/F – 91 Mallards Way, Bicester, OX26 6WT - Single storey extension at principal elevation

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 18.05.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00017/REF

3.4 Enforcement Appeals in Progress

18/00059/ENFB - Land at The Digs and The Studio, Heathfield, OX5 3DX

Appeal against the enforcement notice served for “*Without the benefit of planning permission the erection of two units of residential accommodation with associated residential curtilages*”.

Method of determination: Written Representations

Start Date: 01.02.2021 **Statement Due:** 15.03.2021 **Decision:** Awaited

Appeal reference: 21/00001/ENF

20/00419/ENF - The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire, OX17 1QU

Appeal against the enforcement notice served for “*Without planning permission the change of use of the land to use as a caravan site currently accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and trailer, storage of touring caravans and associated domestic paraphernalia*”.

Method of determination: Hearing

Start Date: 24.02.2021 **Statement Due:** 07.04.2021 **Decision:** Awaited

Hearing date: Tuesday 16 November 2021

Appeal reference: 21/00008/ENF

3.5 Forthcoming Public Inquiries and Hearings between 13 August 2021 and 9 September 2021

None

3.6 Results

Inspectors appointed by the Secretary of State have:

3.6.1 **20/00964/OUT – Dismissed the appeal by Mr A Shooter against the refusal of planning permission for Erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road. The Beeches, Heyford Road, Steeple Aston, OX25 4SN.**

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Appeal reference – 20/00037/REF

- 3.6.2 The Inspector considered the main issues to be whether the proposed development would be a suitable location for housing, and its effect on the character and appearance of the area.
- 3.6.3 The Inspector observed, following his site visit, that the north-eastern corner of the appeal site is clearly located adjacent to the settlement boundary but that, as the northern boundary of the appeal site extends away from Heyford Road, the relationship with the settlement boundary becomes less obvious. The Inspector found the land to the rear of adjoining properties to be distinctly different in terms of character and appearance, and concluded that the vast majority of the site would not be adjacent to the settlement which in this respect failed to meet Policy PD1.
- 3.6.4 The Inspector found that the majority of the site is open and relatively undeveloped and does not intrude into, or detract from, the wider landscape or edge of village setting. Other than the main dwelling, existing buildings are generally single storey, clustered around the main dwelling and assimilate well into the landscape. The Inspector agreed with the Council that, in contrast, the proposal would introduce new built development into the undeveloped part of the site that would encroach into the open countryside, would be visually intrusive and would harm the character of the surrounding area.
- 3.6.5 The Inspector noted that all parties agreed the land was to be classed as Previously Developed Land (PDL), and noted the proposals for substantial additional landscaping, but concluded that neither would mitigate the harm identified, and that overall the proposal would conflict with Policy PD1 of the Mid Cherwell Neighbourhood Plan (MCNP) due to its poor relationship with the built form of Steeple Aston and its impact on the landscape.
- 3.6.6 The Inspector found that the tilted balance of para 11d of the NPPF applied because the MCNP is now two years old. The Inspector gave 'considerable' weight to the delivery of new housing, 'moderate' weight to the site's status as PDL and 'moderate' weight to the proposal's economic benefits, but concluded that the harm identified significantly and demonstrably outweighs these benefits.
- 3.6.7 Accordingly the appeal was dismissed.
- 3.6.8 **20/01650/TPO – Dismissed the appeal by Mr S Douglas against refusal of the application for works to a tree subject to a tree preservation order which consisted of T1-3 (Silver Birch) - Removal of trees to prevent damage to drains running under the property and to the property itself - Subject to TPO 07/1991. Pendula House, 9 Old School End, Hook Norton, OX15 5QU.**

Officer recommendation – Refusal (Delegated)

Method of determination: Fast Track

Appeal reference – 21/00010/REF

- 3.6.9 The two issues identified by the Inspector were the effect of the removal of the three silver birch trees on the character and appearance of the area and whether sufficient justification has been demonstrated for their removal.
- 3.6.10 The Inspector concluded that the trees were in good overall physiological condition and were a prominent landscape feature with their elevated position making them visible from the surrounding roads.
- 3.6.11 Whilst the Inspector acknowledged that the cumulative impact of the three trees caused a degree of seasonal inconvenience to the appellant and the roots caused minor disruption to an area of paving; he concluded that the harm was minimal (the paving could simply be relayed). Further there is little evidence to demonstrate that either the appellant's house or neighbouring dwelling were at risk of structural damage resulting from the influence of the trees.
- 3.6.12 The appeal was therefore dismissed as the justification to remove the trees did not outweigh the significant harm that would result to the character and appearance of the area.
- 3.6.13 20/02592/F – Allowed the appeal by Oxhold Limited against the conditions imposed onto the approval of the planning permission for Variation of Condition 2 (plans) of 20/01170/F to allow for amendments to the layout of bin and cycle stores, the relocation of the second parking space to Plot 1, amendments to landscaping, alterations to fenestration, and alterations to the externally facing materials of the dwellings. 28 The Moors, Kidlington, OX5 2AJ.¹**

Officer recommendation – Approved (Appeal challenged the conditions imposed)

Method of determination: Written Representations

Appeal reference – 21/00002/CON

- 3.6.14 The Inspector considered the main issues to be whether the conditions imposed by the Council met the tests of conditions set out in the NPPF and the regulations concerning pre-commencement conditions ('the Regulations').
- 3.6.15 The Appellant was contesting 12 conditions. Having asked the Council to determine the application before consultation responses had been received, the Appellant subsequently contended that those conditions should not have been imposed because the required details had been submitted and could have been referred to in the decision.
- 3.6.16 The Inspector concluded three of the conditions were not necessary along with one part of a fourth. All of the other 9 conditions were found to be necessary, most being amended to reflect details which the Council had approved in the intervening period since the time of the contested decision.
- 3.6.17 In relation to a separate costs application made by the Appellant, the Inspector found that 4 of the 12 conditions were pre-commencement ones and that there had been no explicit notification to the Appellant or agreement by him to these conditions, and so were in breach of the Regulations. Accordingly the Inspector made a partial award of costs against the Council in respect of 3 of the 12 conditions and a part of a fourth condition.

¹ This appeal was against the conditions listed on the approved planning decision notice so the application was approved but the applicant did not agree with the conditions imposed on the decision notice so the applicant appealed against the conditions imposed and some of the conditions have been removed and some amended by the Inspector.

3.6.18 20/02669/F – Dismissed the appeal by Mr B Franklin against refusal of planning permission for “Demolition of existing agricultural buildings and erection of three dwellings (resubmission of 20/01442/F)”. Moorlands Farm, Murcott, Kidlington, OX5 2RE.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Appeal reference – 21/00013/REF

- 3.6.19 The Inspector considered the main issues to be (1) whether the proposal would be inappropriate development in the Oxford Green Belt, (2) whether any harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances to justify the development and (3) the proposal’s effect on the character and appearance of the area.
- 3.6.20 The Inspector found the site not to be previously developed land, and that the existing buildings on the site had a functional agricultural appearance and were not inappropriate development in the Green Belt. The Inspector held that the proposal for three substantial dwellings would be overly assertive, would harm the perceived openness of the Green Belt and that overall the proposal would be inappropriate development in the Green Belt.
- 3.6.21 The Inspector held that the proposed dwellings were unconvincing as converted barns (the Appellant’s intention) since they would not be associated with a farmyard but would be clearly domestic, and by reason of their scale, form and siting concluded the proposal would harm the character and appearance of the area.
- 3.6.22 The Inspector considered the extant permission for the conversion of the three barns but noted they had a smaller footprint than the proposal and covered a smaller site area which would consequently have less impact on openness. The Inspector noted the proposal’s economic benefits but that the same benefits would be derived from the extant permission.
- 3.6.23 On the basis of the harm to the Green Belt by reason of inappropriateness (to which ‘substantial’ weight was given, ‘a very high hurdle to overcome’), the absence of very special circumstances, and the harm to the character and appearance of the area, the Inspector dismissed the appeal.
- 3.6.24 20/03542/F – Allowed the appeal by L Nichol against refusal of planning permission for “Single storey extension at principal elevation”. 91 Mallards Way, Bicester, OX26 6WT.**

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Appeal reference – 21/00017/REF

- 3.6.25 The Inspector for this case identified the main issue to be the effect on the character and appearance of the area.
- 3.6.26 In making their assessment, the Inspector considered that whilst the proposed extension would disrupt the symmetry of the front elevation, they considered that the proposals would not be prominent and would be a subservient addition. Further, much of the symmetry would remain and that the balance of the dwellings would not be significantly affected by the proposed extension. The Inspector noted that the Design Guide states that extensions are preferable to the rear, however due to the property having a small rear garden they reached the slightly odd conclusion that it afforded a justification for extending to the front.

3.6.27 The Inspector in allowing the appeal, concluded that the proposals would not be harmful to the character and appearance of the area.

4. Conclusion and Reasons for Recommendations

4.1 The report provides the current position on planning appeals which Members are invited to note.

5. Consultation

None.

6. Alternative Options and Reasons for Rejection

6.1 None. The report is presented for information.

7. Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:

Karen Dickson, Strategic Business Partner, 01295 221900,
karen.dickson@cherwell-dc.gov.uk

Legal Implications

7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:

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

Risk Implications

7.3 This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786
louise.tustian@cherwell-dc.gov.uk

Equality & Diversity Implications

7.4 This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:

Emily Schofield, Acting Head of Strategy, 07881 311707
Emily.Schofield@oxfordshire.gov.uk

8. Decision Information

Key Decision:

Financial Threshold Met	No
Community Impact Threshold Met	No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Seeking to uphold the Council's planning decisions is in the interest of meeting the strategic priorities from the Business Plan 2020/21:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

Report Author and contact details

Matthew Swinford, Appeals Administrator

Matthew.Swinford@Cherwell-DC.gov.uk

Alex Chrusciak, Interim Senior Manager, Development Management

Alex.Chrusciak@cherwell-dc.gov.uk