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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 9 September 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 Ilott
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 - 23)

To confirm as a correct record the Minutes of the meeting of the Committee held on 12 August 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. Bicester Library, Old Place Yard, Bicester, OX26 6AU (Pages 26 - 43)

20/02405/F

9. Treetops, 28 Dashwood Road, Banbury, OX16 5HD (Pages 44 - 56) 21/02260/F

10. Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury (2423)

(Pages 57 - 66)

21/02423/DISC

11. Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury (2424)

(Pages 67 - 74)

21/02424/DISC

Review and Monitoring Reports

12. Appeals Progress Report (Pages 75 - 81)

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 1 September 2021

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 12 August 2021 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor David Hughes (Vice-Chairman)
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
Councillor Sean Woodcock

Substitute Members:

Councillor Richard Mould (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington
Councillor Hugo Brown
Councillor Simon Holland

Officers:

Alex Chrusciak, Senior Manager - Development Management
Nat Stock, Minors Team Leader
Wayne Campbell, Principal Planning Officer
Michael Sackey, Assistant Planning Officer
Samantha Taylor, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Natasha Clark, Governance and Elections Manager
Lesley Farrell, Democratic and Elections Officer

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Declarations of Interest

8. Land To Rear Of 160 Bloxham Road, Banbury, OX16 9LE.

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

10. 21 Lawrence Way, Bicester, OX26 2FR.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application and as local Ward Councillor who was against 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 Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1407).

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.

12. Castle Quay 2 Spiceball Park Road, Banbury, OX16 2PA.

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.

13. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0218).

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.

49 **Requests to Address the Meeting**

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

50 **Minutes**

The Minutes of the meeting held on 15 July 2021 were agreed as a correct record and signed by the Chairman.

51 **Chairman's Announcements**

The Chairman made the following announcements:

1. Development Briefs, documents for endorsement in relation to Partial Review sites PR9 in Yarnton and PR7B in Kidlington would be submitted to the Committee for considered in either October or November 2021.
2. Officers proposed that a half hour briefing session be held prior to each Planning Committee meeting, to allow officers to update Committee members on changes to national planning policy and other relevant matters.

The Committee agreed that a half hour briefing should take place prior to each meeting of the Planning Committee.

52 **Urgent Business**

There were no items of urgent business.

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

Application 21/02573/F – Waverley House, Queens Avenue, Bicester.

It was proposed by Councillor Sibley and seconded by Councillor Broad that a site visit take place at Waverley House, Queens Avenue, Bicester as this site was of major concern to residents of Bicester and not all of the proposed development could be seen from the street.

Resolved

- (1) That a site visit take place prior to the meeting at which application 21/02573/F, Waverley House, Queens Avenue, Bicester will be considered by the Planning Committee.

54 **Land To Rear Of 160 Bloxham Road, Banbury, OX16 9LE**

The Committee considered application 21/01578/F for the erection of a new dwelling to the rear of 160 Bloxham Road, Banbury OX16 9LE for Mr Adrian Mitson.

Ursula Shanks, local resident, addressed the Committee in objection to the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01578/F subject to the following conditions (and any amendments to those conditions as deemed necessary):

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.

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

The Committee considered application 21/00369/F for the change of use of a shop to residential use, alterations to rear of property, alterations to front window and two new roof lights at Kirtlington Post Office Stores, 1 Troy Lane, Kirtlington, OX5 3HA for Ms R Simpson. This application was a re-submission of application 19/02888/F.

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 21/00369/F subject to the following conditions (and any amendments to those conditions 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: 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.

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21 Lawrence Way, Bicester, OX26 2FR

The Committee considered application 21/00332/F for a single storey rear extension, single storey side extension and part single storey front extension at 21 Lawrence Way, Bicester, OX26 2FR for Mrs Jenny Fenton.

Councillor Les Sibley, Local Ward Member, addressed the Committee in objection to the application. Having addressed the Committee, Councillor Sibley left the meeting and took no part in the debate or vote on the application.

Mrs Jenny Fenton, the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Broad and seconded by Councillor Walker that application 21/00332/F be refused contrary to the officer recommendation due to overdevelopment of the site.

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

It was proposed by Councillor Perry and seconded by Councillor Woodcock that application 21/00332/F be approved in line with officer recommendations.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00332/F subject to the following conditions (and any amendments to those conditions 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 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.

57 Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1407)

The Committee considered application 21/01407/OUT, an amendment to the Approved Plans (Condition 4) and removal of condition 24 (use of units) of

application 16/02366/OUT 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 written updates.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/01407/OUT subject to:
- 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 section 106 are applied to the current proposal;
 - The following conditions (and any amendments to those conditions as deemed necessary):

Conditions

1. Except 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 Plan (407-RM-S-P-100 Rev 7)
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.

2. 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

3. 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.

4. All works on each phase of development shall proceed in accordance with the approved details contained within the Ecological Avoidance, Mitigation and Enhancement Strategy dated February 2019, as approved under application 18/00453/DISC.

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.

5. 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.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) 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

7. In respect of retained trees;
 - 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.

8. The development hereby approved shall be carried out in accordance with the previously approved Arboricultural Method Statement prepared by Sylva Consultancy, dated January 2019, as approved under application 18/00453/DISC.

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.

9. 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.

10. 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.

11. The development hereby approved shall be carried out in accordance with the on-site noise measurements, agreed environmental noise limits and any necessary scheme of mitigation as set out in the Noise Impact Assessment (project number 50100626) prepared by WSP and dated February 2017, as approved under application 17/00147/DISC.

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

12. Prior to the first occupation of the units within Blocks A and C, 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.

The development hereby approved shall be carried out in accordance with the approved operational plant and mitigation approved in respect of Block B under application 20/02961/DISC.

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.

13. The development hereby approved shall be carried out in accordance with the approved surface water and foul sewage drainage details as approved under application 17/00147/DISC, and as set out below:

Block A GA Drainage - CQ2-MJM-ZA-B2-DR-C01500 P6
Block B GA Drainage - CQ2-MJM-ZB-B2-DR-C01527 P3
Block C GA Drainage - CQ2-MJM-ZC-B2-DR-C01550 P5

Standard Drainage details on the following drawings:
CAQUBA-MJM-ZA-B2-DR-C-1501 P2
CAQUBA-MJM-ZA-B2-DR-C-1502 P2

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.

14. The development hereby approved shall be carried out in accordance with the full specification of the turning areas and parking spaces within the site. The turning areas and car parking shall be retained for parking and manoeuvring of vehicles at all times thereafter as approved under application 18/00453/DISC and as set out below:

- Proposed Castle Quay Development Job No. 5764, Hard Paving Construction Specification
- Castle Quay 2 Mastic Asphalt Roofing, Insulation and Finishes
- Drainage Block A - CQ2-MJM-ZA-B2-DR-C-1500
- Drainage Block B - CQ2-MJM-ZB-B2-DR-C-1527
- Drainage Block C - CQ2-MJM-ZC-B2-DR-C-1550
- Block B Layout level 00 - 3706-LJA-B0-00-DR-A-15711 T1
- Block B Layout level 01 - 3706-LJA-B0-01-DR-A-15712 T1
- Block B Layout level B1 - 3706-LJA-B0-B1-DR-A-15710 T1
- Block B Layout level B1 - 3706-LJA-B0-B1-DR-A-15710 T1
- Block B Proposed floor and roof types - 3706-LJA-B0-XX0DR-A-20616 T1
- Block C Lower Ground level - 3706-LJA-C0-00-DR-A-20600 T2
- Block C Lower Ground Level - 3706-LJA-C0-00-DR-A-20602 T2
- Block C Floor Details - 3706-LJA-C0-XX-DR-A-20610

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.

15. 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.

16. 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.

17. 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.

18. 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.

19. The development hereby approved shall be carried out in accordance with the SuDS drainage scheme approved under application 17/00147/DISC and as set out below:

Block A GA Drainage - CQ2-MJM-ZA-B2-DR-C01500 P6

Block B GA Drainage - CQ2-MJM-ZB-B2-DR-C01527 P3

Block C GA Drainage - CQ2-MJM-ZC-B2-DR-C01550 P5

Standard Drainage details on the following drawings:

CAQUBA-MJM-ZA-B2-DR-C-1501 P2

CAQUBA-MJM-ZA-B2-DR-C-1502 P2

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

20. The construction works must be carried out in accordance with the details approved in the Traffic Management Method Statement for Banbury Castle Quay 2 Development Rev.L, prepared by McLaren and dated April 2019, as approved under application 18/00453/DISC.

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.

21. 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.

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

The Committee considered application 21/00394/ADV for 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 at Castel Quay 2, 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 21/00394/ADV subject to the following conditions (and any amendments to those conditions as deemed necessary):
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).

59 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0218)**

The Committee considered application 21/00218/DISC, the discharge of condition 27 (Highway Signage Strategy) of application 16/02366/OUT (Castle Quay 2) at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

It was proposed by Councillor Perry and seconded by Councillor Reynolds that consideration of application 21/00218/DISC be deferred for one cycle to allow an opportunity for the outstanding Section 106 agreement required in association with a related application reference 20/00329/CDC, to be resolved.

Resolved

- (1) That application 21/00218/DISC be deferred, for one cycle to allow an opportunity for the outstanding Section 106 agreement required in association with a related application, reference 20/00329/CDC, to be resolved.

60 **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 6.05 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee - 9 September 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	Bicester Library, Old Place Yard, Bicester, OX26 6AU	20/02405/F	Bicester South and Ambrosden	*Grant Permission	Shona King
9	Treetops, 28 Dashwood Road, Banbury, OX16 5HD	21/02260/F	Banbury Cross & Neithrop	*Grant Permission	Shona King
10	Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury (2423)	21/02423/DISC	Banbury Cross & Neithrop	*Grant Permission	Samantha Taylor
11	Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury (2424)	21/02424/DISC	Banbury Cross & Neithrop	*Grant Permission	Samantha Taylor

*Subject to conditions

Agenda Item 8
20/02405/F

**Bicester Library
Old Place Yard
Bicester
OX26 6AU**



20/02405/F

**Bicester Library
Old Place Yard
Bicester
OX26 6AU**

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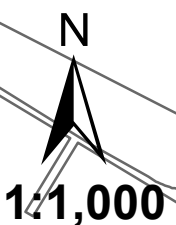
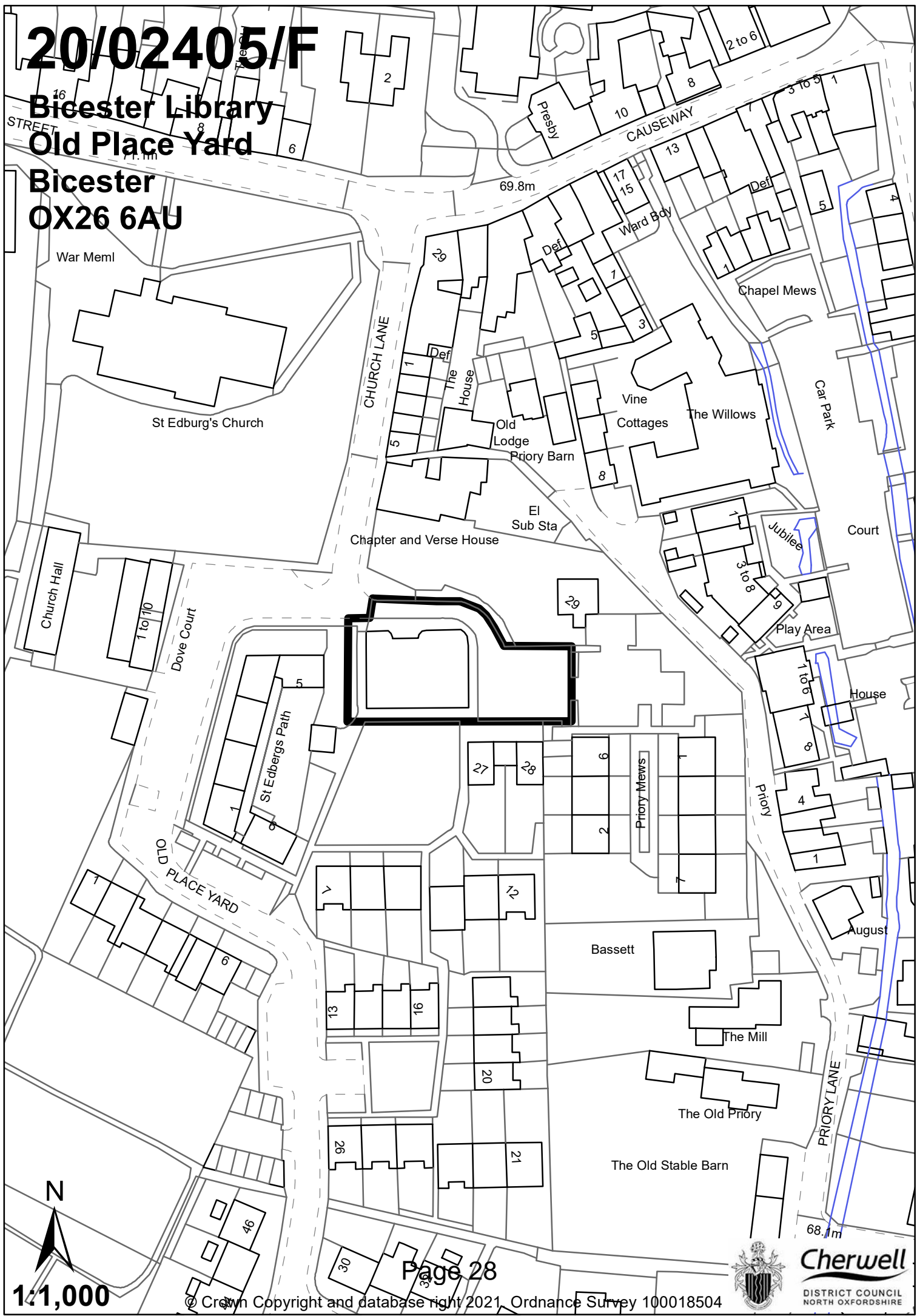


Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

20/02405/F

Bicester Library Old Place Yard

Bicester OX26 6AU



**Bicester Library Old Place Yard Bicester
OX26 6AU**

20/02405/F

Case Officer: Shona King

Applicant: Cherwell District Council

Proposal: Erection of terrace of 3no affordable housing units on site of dis-used library

Ward: Bicester South and Ambrosden

Councillors: Cllr Cotter, Cllr Sames and Cllr Wing

Reason for Referral: Cherwell District Council application

Expiry Date: 13 September 2021

Committee Date: 09 September 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is situated within the built-up area of Bicester and has good accessibility to services and facilities and employment opportunities. The site is currently occupied by the former library.

2. CONSTRAINTS

2.1. The application site is adjacent to Bicester Conservation Area, within the setting of listed buildings and is of high archaeological interest.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the erection of a terrace of 3 dwellings on the site of the now disused library.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal and the adjacent sites that have already been redeveloped by the applicant:

Application: 99/01260/OCC Permitted 23 September 1999
Erection of a single storey extension to provide additional reference and children's areas and new front entrance

Application: 16/00325/DISC Permitted 19 July 2016
Discharge of Condition 3 (WSI) of 16/00043/F
Application: 16/00043/F Permitted 13 June 2016
11 self-contained flats for adults with physical disabilities, learning disabilities and autistic spectrum condition. Units single storey with shared landscaped gardens and associated parking areas. Staff accommodation and communal areas to be included

Application: 16/00541/DISC

Permitted 19 December 2016
Discharge of Conditions 5 (programme of work) and 6 (archaeological scheme of investigation) of 16/00043/F

Application: 17/00023/DISC
Permitted 8 June 2017
Discharge of Conditions 11 (brick sample), 12 (roof tile sample) and 14 (door and windows details) of 16/00043/F

Application: 17/00119/NMA
Permitted 24 November 2017
To change the approved roof tile and window sill tile on Building B (St Edburgs) from Marley plain clay 'Smooth red' to Marley plain clay 'Smooth Blue' to match Building A (Old Place Yard) (Proposed as non-material amendment to 16/00043/F)

Application: 17/00114/NMA
Permitted 24 November 2017
Alterations to external Door ED.A.06 and Window W.A.16 swapped positions as indicated on elevation G to Building A and External cupboards added to courtyard elevations E and F to Building B (Proposed Non-Material Amendment to 16/00043/F)

Application: 17/00554/DISC
Permitted 23 April 2018
Discharge of Conditions 10 (surface drainage information), 21 (cycle parking details), 23 (refuse and recycling information) of 16/00043/F

Application: 17/00202/DISC
Permitted 28 September 2017
Discharge conditions 9 (site B floor levels), 13 (render sample), 18 (external lighting) and 19 (parking and manoeuvring areas) of 16/00043/F

Application: 17/00287/DISC
Permitted 28 September 2017
Discharge of conditions 15 (adjacent railing) and 16 (landscaping scheme) of 16/00043/F

Application: 17/00051/DISC
Permitted 8 June 2017
Part discharge of condition 10 (Drainage Scheme) and Discharge of condition 20 (Emergency and refuse vehicle turning on site) of 16/00043/F

Application: 19/01697/NMA
Permitted 21 October 2019
Works to Building B 2no. block pavers removed to create planting strip in front of fencing at the front entrance of the building (Elevation A). Fencing material/ type changed to silver/ weathered cedar/ larch of varying panel widths (proposed as non-material amendment to 16/00043/F)

Application: 20/02230/DEM
Prior Approval Granted 21 September 2020
Demolition of redundant library building

5. PRE-APPLICATION DISCUSSIONS

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

Application: 18/00321/PREAPP
Response sent 24 January 2019
Demolish and replace with housing

Application: 19/02716/PREAPP
Response Sent 20 January 2020
Demolish and replace with 3no 3 bed houses

Application: 20/00465/PREAPP
Response Sent 19 March 2020
Demolish & replace with 3 x 3 bed houses

- 5.2. The advice given was that the principle of demolition of the former library building and the erection of dwellings on the site was considered acceptable but overall acceptability was dependent upon the design, materials and detailing, the impact on the significance of heritage assets, and highway safety.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by a site notice, advertisement in the Bicester Advertiser 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 **14 July 2021**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. 3 letters commenting on the application have been received. The issues raised by third parties are summarised as follows:

- Car parking
- Ease of wheelie bin collection
- Use of old library as a museum

- 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. BICESTER TOWN COUNCIL: **Comments** - Need to ensure more off-street parking than is proposed as 1 space per 3 bed property is insufficient in this location; parking on the corner will cause additional problems; Bicester Town Council urges Cherwell District Council to provide this development as social housing to meet the needs of the local community rather than "affordable housing" which is not affordable to many residents; houses need to fit in with what has already been built in Old Place Yard.

CONSULTEES

7.3. LOCAL HIGHWAY AUTHORITY: **No objection**

- 7.4. ARCHAEOLOGIST (original comments): An archaeological desk based assessment would need to be submitted along with any planning application. The site is located in an area of considerable archaeological interest within the site of the medieval Bicester Priory. Any development on this site has the potential to disturb important archaeological remains related to this significant archaeological site.

The archaeological evidence to date has substantiated the surviving remains of the Priory church, the eastern cloister and the eastern range of buildings consisting of the vestry, chapter house and warming house. Archaeological evaluation and excavation has also identified a number of outbuildings within the wider priory precinct.

A burial was recorded during a watching brief for an extension to the Library which is likely to relate to a lay cemetery west of the Priory Church. It is very likely therefore that further burials and archaeological remains associated with the priory could survive with the proposed development site.

The design and access statement states that the development has taken the existing archaeological understanding of the site into account; however, this makes no reference to the probable Medieval cemetery on the site and only refers to a single burial. The access statement states that this burial is under the garden wall and will not be disturbed by this development. It is, however, extremely unlikely that the lay cemetery, thought to be located at the western end of the Priory Church and within the area of this development, consisted of solely a single burial. It is therefore highly likely that this development could encounter a significant number of burials.

There is, however, no consideration of further burials within the site which would be impacted by this proposed development. The design and access statement proposed that an archaeological watching brief could be undertaken during any development. This would however be a wholly inappropriate method of mitigating the impact on a cemetery.

The design and access statement also does not refer to the important Anglo Saxon deposits recorded immediately west of the proposed site during excavation. It is also likely that further archaeological remains related to this period could also survive on the site as well as further aspects of the medieval priory.

An archaeological desk based assessment will need to be submitted along with any planning application for the site in line with the National Planning Policy Framework (NPPF 2018) paragraph 189. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

A programme of archaeological investigation may be required to assess the significance of any surviving archaeological deposits on the site ahead of the determination of any planning application for the site as set out in the NPPF. This will be determined following the submission of the desk based assessment.

- 7.5. ARCHAEOLOGIST (final comments): In summary - Shares the concerns of Historic England that there may still be archaeological deposits on the site that require physical preservation and so the foundation design may need to be changed once a full evaluation has been undertaken. It was recommended that this was undertaken following the demolition of the current building that was agreed in a separate permission but the applicant decided not to do this. It is agreed that some development can be undertaken on the site but conditions will be required to ensure that this is assessed before any disturbance is undertaken as follows:
- to ensure that the demolition of the current building does not remove any below ground aspects of the building such as the footings and services so that an archaeological evaluation can be undertaken before the ground is disturbed.
 - to ensure that an overarching WSI is agreed setting out the evaluation and general principles of the mitigation before any works are undertaken.
 - to agree the foundation design once the evaluation has been reported
 - to ensure that the work set out in the WSI is agreed.
- 7.6. CDC CONSERVATION: The site does not lie within the Bicester Conservation Area, but is in close proximity to the grade II listed dovecot, grade II Old Place Yard House and boundary wall surrounding grade II* St Edburg's Church. The proposed development is on the site of previously developed land (the former library) and is not considered to cause additional harm to the setting of these listed buildings. It is important, however, to ensure that the development is in-keeping with the surrounding area and that a suitable boundary treatment is utilised. The proposed dwarf stone wall with railings above is considered suitable.
- 7.7. CDC BUILDING CONTROL: Building Regulations application required
- 7.8. CDC ENVIRONMENTAL PROTECTION: **Comments:**
- Noise: Satisfied with the contents of the CEMP but requests the proposed working hours are changed to match the councils published recommend construction hours for noisy work which are: Monday to Friday - 7:30am to 6:00pm Saturday - 8:00am to 12:30pm Sunday - No noisy work Public / Bank Holidays - No noisy work
 - Contaminated Land: 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.
 - Air Quality: Any dwelling(s) hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling. 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 paragraph 110(e) of the National Planning Policy Framework

- Odour: No comments
 - Light: No comment
- 7.9. CDC HOUSING STANDARDS: this is an attractive scheme which is sympathetic to, and in keeping with, the local area, and we are therefore supportive of the proposed development
- 7.10. CDC ECOLOGIST: **No comment to date**
- 7.11. CDC DRAINAGE: **No comment to date**
- 7.12. HISTORIC ENGLAND (original comments): **Objection** – In summary - The site of the proposed development lies within what is considered to be the Lay Cemetery for Bicester Priory. The applicant has not submitted a Desk Based Assessment to support the application and has proposed archaeological mitigation which is not satisfactory for the nature of the archaeological remains present. Applicant is urged to commission a Desk Based Assessment which should also contain proposals for acceptable archaeological mitigation. The application should not be determined until such satisfactory documents have been submitted to support the application.
- 7.13. HISTORIC ENGLAND (final comments): **No objection** subject to conditions but in summary their comments are as follows:
- The submitted evaluation, has identified that remains relating to the priory do survive at shallow depths beneath the library building. It has also demonstrated that where remains are present they are likely to be largely intact.
 - No objection to the principle of some form of development within this area. However, due to the sensitivity of the archaeological remains which may be present, conditions are advised:
 1. details of the foundation design of the three units. The remains of Bicester Priory are of high archaeological importance.
 2. programme of archaeological works should take place once the library building and slab has been removed. This programme of archaeological works will aim to fully understand the nature of the resource and will directly inform an acceptable foundation design for the three units.
 3. landscape plan as there will be potential ongoing impacts from the gardens of each of the three units.
- 7.14. THAMES VALLEY POLICE: **No comment to date**
- 7.15. BICESTER LOCAL HISTORY SOCIETY: **Objection** - The design is not in keeping with the surroundings and spoils the setting of the listed dovecote. A single storey building would be more appropriate. The front line of the building should be no further forward than the line of the existing single storey buildings. Disappointing that no further use of the old library building has been found or considered. Some sort of community use would be appropriate for residents in the area.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD 1: Presumption in Favour of Sustainable Development
- BSC 1: District Wide Housing Distribution
- BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC 3: Affordable Housing
- BSC 4: Housing Mix
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 2: Energy Hierarchy and Allowable Solutions
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 15: The Character of the Built and Historic Environment
- Bicester 5: Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (The Framework)
- Planning Practice Guidance (PPG)
- Bicester Masterplan Draft SPD – This will establish the long term vision for the town and integrate committed and planned schemes with new proposals to contribute to the creation of a sustainable town. This is draft guidance only to which only limited weight can be attached.

9. APPRAISAL

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

- Principle of the development
- Design and impact on visual amenities
- Impact on heritage assets
- Residential amenity
- Highway safety
- Sustainability

Principle of development

- 9.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 9.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted in July 2015.
- 9.4. Policy PSD1 contained within the CLP 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. The redevelopment of the site for residential purposes is considered to comply with Policy BSC2 of the CLP 2015, which encourages the re-use of previously developed land in sustainable locations. This policy is supported by the NPPF which states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.
- 9.6. Bicester Town Council has commented that the units should be provided as social housing to meet the needs of the local community. The design and access statement advises that the dwellings are to be 'affordable family units' but it is not stated whether these are to be provided on the basis of affordable housing. Confirmation has been sought from the applicant on this matter and the units are to be provided as shared ownership properties which could result in the occupiers being able to own the dwellings. The Council's Strategic Housing Team has advised that we would normally expect to see a 70:30 split between rented:shared ownership on qualifying developments. However, on a modest scheme of this type (i.e. no market housing, and under the 11-unit threshold) this scheme falls outside of this requirement. Notwithstanding this, in this sustainable location housing of any tenure is considered to be acceptable in policy terms as set out above.
- 9.7. Therefore, the principle of the development is considered to be acceptable, with overall acceptability subject to other material considerations and these are considered further below.

Design and impact on visual amenities

- 9.8. 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.

- 9.9. 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.
- 9.10. The form of the proposed development, laid out as a terrace of 3no two storey dwellings, is considered appropriate in this location. The scale and massing is considered to be acceptable with the gable spans similar to the adjacent dwellings and the height comparable with dwellings in the traditional terrace along Church Lane to the north of the site.
- 9.11. The positioning of the terrace is set back from the frontage of the old library building and front gardens are to be created for the new dwellings. It is considered that this is an improvement over the existing situation where the library building is sited at the back of the footway.
- 9.12. The elevational details are simple and are similar to those in the dwellings in the immediate vicinity. The window and door details have a traditional appearance. The provision of a low wall to the front gardens and wall/railings to the rear garden and would complement the treatment to the communal garden at the adjacent site.
- 9.13. It is proposed to match the brick used at the adjacent single storey development, both in terms of the type and how it is laid (i.e. English Garden Wall bond). This is welcomed and is considered to improve the setting of the Conservation Area and nearby listed buildings over the current situation.

Impact on Heritage Assets

- 9.14. The site is located outside but adjacent to the Bicester Conservation Area and in the setting of a number of listed buildings including the Grade I listed St Edberg's church and Grade II listed dovecote immediately to the west of the site and Grade II listed dwellings in Church Lane to the north.
- 9.15. 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.
- 9.16. 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.
- 9.17. 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.
- 9.18. The proposed development is considered to preserve the character and appearance of the Conservation Area and would not result in any significant harm to the significance of the nearby listed buildings by reason of change to their settings.

- 9.19. The site is located in an area of considerable archaeological interest within the site of the medieval Bicester Priory. Any development on this site has the potential to disturb important archaeological remains related to this significant archaeological site.
- 9.20. The County Archaeologist and Historic England originally objected to the application due to the lack of information submitted and setting out the potential harm to the archaeological significance of the site and any remains. A limited archaeological evaluation of the site has been carried out and it is now considered that some redevelopment of the site is acceptable, but conditions are required to ensure that any archaeological deposits that remain can be preserved. These conditions are set out below.

Residential amenity

- 9.21. The development is unlikely to have a detrimental impact on living amenities of adjacent dwellings due to the relationship between the dwellings. The dwellings face onto the side of the dwellings to the north of the site. The distance between the proposed and existing dwellings is approximately 25m and this exceeds the Council's informal standards. The dwellings to the south of the site are located approximately 11.5m from the rear elevation of the nearest dwelling on the application site. Whilst this is below the Council's informal standards the relationship between the dwellings is such that there will not be any direct overlooking of habitable room windows because of the internal layout of the nearest unit and due to the off-set relationship the proposed dwellings will not result in any significant loss of light to the habitable rooms of the existing dwellings. The potential noise and disturbance to the existing properties in Old Place Yard is also considered to be less than when the former library was in use.
- 9.22. It is considered that acceptable standards of amenity can be provided for the new occupiers particularly with the inclusion of the small private courtyard to the rear of the dwellings. Any overlooking from the existing dwellings to the south will be oblique

Highway safety

- 9.23. Four parking spaces are to be provided in a private parking area to serve the development. This is considered to be appropriate for the scale of the development and the central, sustainable location. Whilst cycle parking provision is not shown on the plans the dwellings do have secure gardens to the rear of the terrace where cycle parking can be provided.
- 9.24. The LHA originally objected to the application as they considered that the parking provision, within privately owned land, would displace deliveries to No 29 Old Place Yard onto the public highway. The applicant has clarified the matter and has advised that deliveries can access No. 29 through the private car park for the units to the east of the application site. It has also been clarified that the four spaces are to be allocated one to each dwelling and a visitor space.

Sustainability

- 9.25. Policy ESD 3 states that as Cherwell District is in an area of water stress the Council will seek a higher level of water efficiency than required under the Building Regulations. As such it is required that the development achieves a limit of 110 litres of water per person per day. A condition to this effect is recommended below.

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. It is considered that the proposal would not adversely affect the setting of the Conservation Area or nearby listed buildings, nor would it result in any significant detriment to the living amenities of the neighbouring properties or to highway safety.
- 10.3. Therefore, it is recommended that permission is granted, subject to the conditions below.

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, Design and Access Statement, Construction Traffic management Plan prepared by Cumming Anderton and the following plans: 1215/1010/1 rev A, 20-1104-203 rev I, 209 rev K, 210 rev H, 212 rev F, 213 rev A 215 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 comply with Government guidance contained within the National Planning Policy Framework

Materials finishes detailing and design

3. The elevations of the development hereby approved shall be externally constructed using Northcot Multi Red Rustic and laid in an English Garden Wall Bond and retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets 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 construction of the development above slab level, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the construction of the development above slab level, full details of the doors and windows and their surrounds hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds shall be installed within the building in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Landscaping

6. Prior to the construction of the development above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, and the locations, specifications and construction methods for all tree pits, together with grass seeded/turfed areas,
 - (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
 - (c) details of the refuse bin storage for the dwellings, including location and compound enclosure details

Thereafter the development shall be carried out in accordance with the approved landscaping scheme. The hard landscape elements and bin storage shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

Reason - In the interests of the archaeological remains on the site, 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 adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Archaeology

7. Prior to the removal of the building slab, existing foundations or services, 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 and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

8. Following the approval of the Written Scheme of Investigation referred to in condition 9 and prior to the removal of the building slab, existing foundations or services, a programme of archaeological evaluation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation and on completion of the archaeological evaluation, a report of the archaeological evidence found on the application site shall be submitted to and agreed in writing by 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 Government guidance contained within the National Planning Policy Framework

9. Prior to the construction of any foundations full details of the foundation design shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the foundations shall be constructed in strict accordance with the approved details.

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

10. Following the approval of the foundation design a second stage written scheme of investigation setting out a programme of archaeological mitigation, including physical preservation of any significant remains where necessary, shall be submitted to and approved in writing by the Local Planning Authority. 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 within two years of the completion of the archaeological fieldwork. Thereafter the development should be undertaken in strict accordance with the approved second stage WSI.

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).

EV Charging

11. Any dwelling hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling.

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 paragraph 110(e) of the National Planning Policy Framework.

Construction Environmental Management Plan

12. Notwithstanding the details set out in the Construction Environmental Management Plan prepared by Cumming Anderton the working hours shall be restricted to:

Monday to Friday - 7:30am to 6:00pm
Saturday - 8:00am to 12:30pm
Sunday - No noisy work
Public / Bank Holidays - No noisy work.

The approved CEMP 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 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.

Contamination

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

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

14. Prior to the first occupation of the development hereby permitted written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority .

Reason – Cherwell District is in an area of water stress, to mitigate the impact of climate change and in the interest of sustainability and to comply with Policies ESD1

and ESD3 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Agenda Item 9
21/02260/F

**Treetops
28 Dashwood Road
Banbury
OX16 5HD**



21/02260/F

Treetops
28 Dashwood Road
Banbury
OX16 5HD

NEWLAND ROAD

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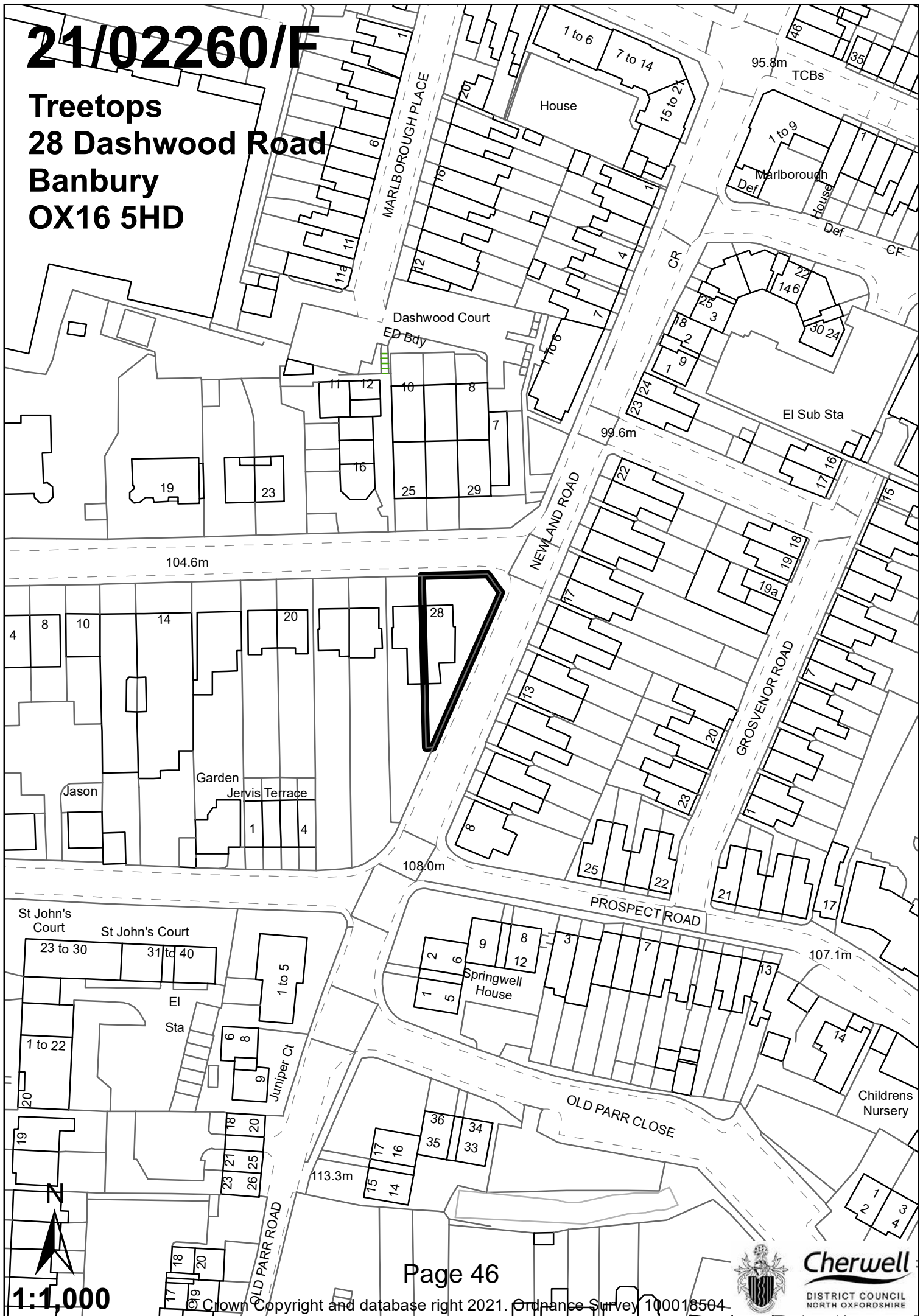
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

21/02260/F

Treetops
28 Dashwood Road
Banbury
OX16 5HD



**Treetops, 28 Dashwood Road, Banbury
OX16 5HD**

21/02260/F

Case Officer: Shona King

Applicant: Marshall Oakwood Developments Ltd

Proposal: Change of Use from Class C1 guest house to 9-bed HMO (Sui Generis)

Ward: Banbury Cross and Neithrop

Councillors: Cllr Banfield, Cllr Hodgson and Cllr Perry

Reason for Referral: Member call-in from Cllr Hodgson raising the following areas of concern:

- Impact on the local residents
- Car parking and highway safety
- Negative impact on a designated Conservation Area
- Noise and Disturbance
- Insufficient provision for communal recycling and refuse facilities

(Another call-in request by Cllr Banfield was received after the call-in deadline)

Expiry Date: 02 September 2021

Committee Date: 09 September 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated within a residential area to the southern edge of the town centre. It is a semi-detached property with hardstanding, providing on-site parking for 3 vehicles, to the front served by an access from Dashwood Road.

2. CONSTRAINTS

- 2.1. The application site is within a designated Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the change of use of the property from a 7 bed roomed guest house to a 9 bed roomed HMO (house in multiple occupation). No external alterations are proposed.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- CHN 220/77 – Change of use from private house into a guest house. Approved
 - CHN602/79 – Conversion of garage to lounge. Approved

- 07/00146/F - Demolition of retaining wall to provide additional car parking for guest house. Withdrawn
- 07/00678/F - Demolition of retaining wall to provide additional car parking for guest house. Refused
- 08/00231/F - Extension to existing car parking area. Refused - Appeal (08/00069/REFAPP) dismissed
- 13/01912/F - Retrospective application for tarmac hardstanding and landscaping to create car parking area. Approved
- 14/00069/DISC – Application for Approval of Matters Reserved by Condition 2 of 13/01912/F. 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 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 **5 August 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 10 letters of objection have been received. The issues raised by third parties in support of the application are summarised as follows:

- Lack of parking
- Overdevelopment
- Quality of living environment/lack of facilities
- Loss of tourist accommodation/family run business
- Bin storage
- cycle parking
- mix of housing in area already
- high concentration of HMOs in area
- highway safety
- crime and antisocial behaviour
- impact on the Conservation Area
- families will not be attracted to the area
- could be used for other purposes without needing consent
- noise and pollution
- management of property
- impact on local residents/property owners
- loss of value to surrounding property
- surrounding properties more difficult to sell
- Article 4 Direction will have negative impacts
- Receptive to conversion to a smaller number of flats
- No HMO letting management plan
- HMO licencing requirements

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **Objection:**

- The conversion and use as a 9 bed HMO will be an overdevelopment of the site which will result in an unacceptable standard of accommodation for the proposed residents which will also impact upon the character and amenity of the surrounding area which is part of the Banbury Conservation Area and upon the amenities of nearby residents
- The proposal will have insufficient car parking to meet likely demand resulting in further demand for limited on-street parking

CONSULTEES

7.4. LOCAL HIGHWAY AUTHORITY: **No objections** – The proposal will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. The parking requirement for the proposed use is similar to the existing. Cannot demonstrate sufficient harm to warrant refusal of the application.

7.5. CDC BUILDING CONTROL: **Comment** - The proposed bedrooms will require a protected escape route. The proposed basement bedroom requires either an escape window or protected escape route. Sound insulation testing will apply to all rooms. It is unclear how solid waste storage, i.e. bin storage, will be managed.

7.6. CDC HOUSING STANDARDS: **Comment** –

1. The kitchen layout as proposed is inadequate for an HMO of this size. As proposed the kitchen has one large hob and a one and half basin sink. This increases the likelihood of burns and scalding due to traffic around the hob and sink, and may also discourage occupiers from using kitchen facilities due to them not being not being available when needed. The Cherwell District Council HMO Standards 2018 require that HMOs occupied by 8-10 people have two complete sets of kitchen facilities (two sinks, two hobs, two ovens etc.) with a minimum of 2000mm x 600mm worktop. Regards should be given to the kitchen layout guidance in the above mentioned HMO Standards document.
2. In order for the first floor rear left room to be suitable for use as a bedroom, it must measure at least 6.51m sq.
3. The basement is an "inner room" where the only escape route is through the dining room. This poses a risk to the basement occupier if a fire starts unnoticed in the dining room. This room must have an alternative means of escape.

4. The en suite bathrooms should meet the space requirements set out in the Cherwell District Council HMO Standards 2018 with regard given to the en suite bathroom layout guidance.

5. If the proposed development is permitted the HMO will be subject to mandatory HMO licensing at the point it is occupied by five persons.

7.7. CDC WASTE AND RECYCLING: **No comment to date**

7.8. THAMES VALLEY POLICE: **Objection:** Considers that the current scheme does not satisfy the requirements of the NPPF as it does not demonstrate how the applicant will create “safe and accessible environments where crime and disorder, and the fear of crime will not undermine quality of life or community cohesion”.

Recommends that further documentation with the following be submitted to the local planning authority for approval before permission is granted and that the applicant consults the Secured By Design, New Homes 2019 guide:

- Security measures
- Cycle storage

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PDS1 – Presumption in favour of sustainable development
- SLE 4 – Improved Transport and Connections
- ESD 3 – Sustainable Construction
- ESD 5 – Renewable Energy
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, Design and External Appearance of New Development

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Impact on heritage assets
- Residential amenity
- Highway safety

Principle of development

- 9.2. The National Planning Policy Framework (“NPPF”) outlines there are three dimensions to sustainable development, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system. The NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 9.3. The NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable and that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 9.4. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.5. The site is located within the built-up limits of Banbury, which has good access to public transport links, local shops and amenities. It is considered that the site is in a relatively sustainable urban location, which in general sustainability terms means that the principle of use of the site for such HMO residential development could be considered acceptable.
- 9.6. Given the above, it is considered that the principle of converting the guest house to an HMO, is acceptable. However, the overall acceptability of the proposed development in this case is also clearly dependent on it not causing demonstrable harm to the visual amenities of the locality, residential amenities or highway safety and demonstrating compliance with the associated national local guidance in these matters. These issues are discussed below.

Design and Impact on the character of the area

- 9.7. Policy ESD15 of the CLP 2015 states new development will be expected to complement and enhance the character of its context through sensitive siting and layout and states all development will be required to meet high design standards. It goes on to state development should respect the traditional pattern of plots and also respect the form, scale and massing of buildings. Development should be designed to integrate with existing streets and buildings clearly configured to create defined active public frontages.
- 9.8. Saved Policies C28 and C30 of the CLP 1996 also seek to ensure high quality development, consistent with Paragraph 130 of the NPPF which states that

developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment and landscape setting . Paragraph 134 states permission should be refused for development that is not well designed.

- 9.9. In the current application no extensions are proposed to the dwelling and no alterations are proposed to the external appearance of the building so there would be no significant visual impact in this respect.
- 9.10. In relation to other visual impacts of the development, the entire frontage of the site is already largely laid to hard surfaced and provides parking for the existing guest house. It is not proposed to change this.
- 9.11. In similar applications concerns are often raised that the conversion of a property to a house in multiple occupation would change the character of the area and be out of keeping with the family housing in the area. The Development Plan is the starting point for determining applications, but in this instance the development plan does not have any specific policy regulating either the loss of tourist accommodation or the subdivision of properties into HMOs.
- 9.12. The NPPF encourages planning decisions to create inclusive and mixed communities. The area does have an established residential character and the character of the proposed use would continue to be residential and appropriate for a residential area. Whilst the type of occupant may be different from the neighbouring properties this in itself is not considered to be harmful to the character of the area and would positively contribute towards creating mixed communities. This is also reflected in the permitted development rights that apply nationally (i.e. development which benefits from automatic planning permission and so does not require a planning application) which allow for single dwellings to be converted into houses in multiple occupations with up to 6 residents without the requirement for planning permission.
- 9.13. Whilst it is accepted that large numbers of property conversions can change the character of an area, as the current application would only result in the conversion of this one property in the street to a house in multiple occupations, with no external alteration, it is not considered that it could be argued that the proposal would have a significant adverse impact on the character of the area.
- 9.14. No details have been provided regarding the bin storage or cycle parking facilities. Given the prominent corner location of the premises and the topography of the area it is considered essential that full details of the location and design of the bin store and covered cycle parking is further assessed. It is recommended that the details are the subject of a condition which is set out below.
- 9.15. Overall, having regard to what can be achieved under national permitted development rights, it is considered the proposed development would be acceptable with regard to the impact it would have on the character and appearance of the area.

Impact on heritage assets

- 9.16. The site is within Banbury Conservation Area.
- 9.17. 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.

- 9.18. Conservation Areas 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.
- 9.19. The proposed change of use is considered to preserve the character and appearance of the Conservation Area as there are no external changes proposed to the building. The character of the area will remain as residential. The provision of the bin stores and cycle parking could have an adverse impact on the character and appearance of the Conservation Area depending upon the siting and design. As set out above it is considered essential that these elements are further assessed and details required by condition.

Residential amenity

- 9.20. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

Residential amenity for proposed occupiers

- 9.21 Whilst the proposed layout currently does not comply with the Cherwell District Council HMO Standards 2018 in respect of room sizes, kitchen layout and means of escape, changes to the internal layout are possible without requiring external alterations to the building. Such changes would enable the accommodation to comply with these standards. Likewise, the proposal does not currently comply with the Building Regulations but changes to the internal layout would overcome this.

Residential amenity for neighbouring residents

- 9.22 There are no external changes to the building that would result in any material impact on the amenity of the neighbouring properties by reason of overlooking or loss of light and in terms of the use it is considered that the proposal would not lead to any significant increase in overlooking or loss of privacy to neighbouring properties over and above the existing situation.
- 9.23 Often in such applications concerns are raised in regard to an increase in anti-social behaviour and noise and disturbance. Whilst the potential increase in use of the garden by a potentially larger group of adults may result in some increase in noise and disturbance, this is not considered to be significantly more than could be expected from the existing guest house.
- 9.24 The increase in comings and goings from residents is also not considered to be materially harmful above what could arise from the existing use.

Highway safety

- 9.25. The application site has limited parking to the front of the site. The Local Highway Authority has raised no objection to the application and considers that the proposal will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. The parking requirement for the proposed use is similar to the existing guest house use and given the type of accommodation provided along with the sustainable location of the site, close to

services, facilities and public transport, it is unlikely that all residents would have access to a private car. It is not considered that the application could be refused on grounds of inadequate on-site parking provision.

Other matters

- 9.26. The Thames Valley Police Secure by Design Officer was consulted on the application, and has raised concerns regarding how the applicant will create “safe and accessible environments where crime and disorder, and the fear of crime will not undermine quality of life or community cohesion”. In particular concerns have been raised regarding security measures and secure cycle parking.
- 9.27. A condition requiring the submission and approval of details of Secure by Design details is recommended and the wording of this condition has been agreed with Thames Valley Police. Therefore, it is considered reasonable and necessary to impose a condition requiring the submission and approval of details of the Secure by Design measures to be incorporated into the scheme prior to the occupation of the development hereby approved.
- 9.28. All external alterations to the building would require planning permission because the development would not benefit from permitted development rights as an HMO for more than 6 bedrooms is a sui generis use.

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. It is considered that the proposed change of use will not adversely affect the character and appearance of the Conservation Area, nor will it result in any significant detriment to the living amenities of the neighbouring properties or to highway safety.
- 10.3. Therefore, 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: Site Location Plan, BP1, EFP1

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 hereby approved shall be limited to no more than 9 bedrooms.

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

Bin Storage and Cycle Parking

4. The development hereby approved shall not be occupied until details of bin stores and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The bin store and cycle parking shall be constructed in accordance with the approved detail and be permanently retained and maintained in perpetuity.

Reason: In the interests of promoting sustainable transport modes and to ensure that proper arrangements are made for the disposal of waste in accordance with Policies ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Secure by Design

5. The development hereby approved shall not be occupied until details of how Secure by Design measures have been incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include but not be limited to: Details of all bedroom doors being certified to PAS24, with a door viewer installed. Details of a secure postal strategy. Details of a visitor notification system (doorbell) for each bedroom. Laminated glass to ground floor bedrooms. The Secure by Design measures shall be implemented in accordance with the approved detail and be permanently retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998

EV Charging

6. The HMO hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the building.

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 paragraph 110(e) of the National Planning Policy Framework.

Water efficiency

7. Prior to the first occupation of the development hereby permitted written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority .

Reason – Cherwell District is in an area of water stress, to mitigate the impact of climate change and in the interest of sustainability and to comply with Policies ESD1 and ESD3 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21/02423/DISC

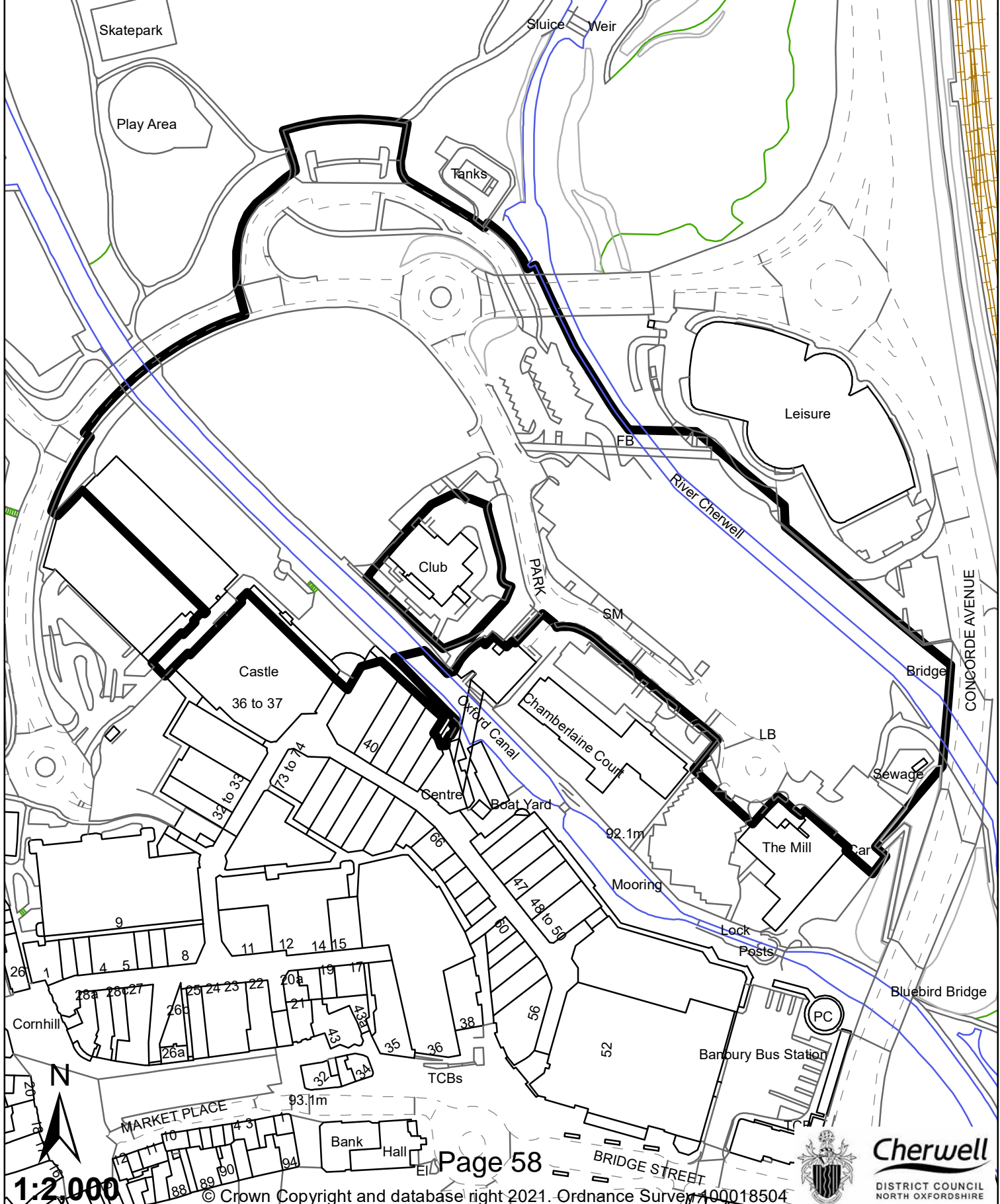
Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury



21/02423/DISC

Recreation Ground

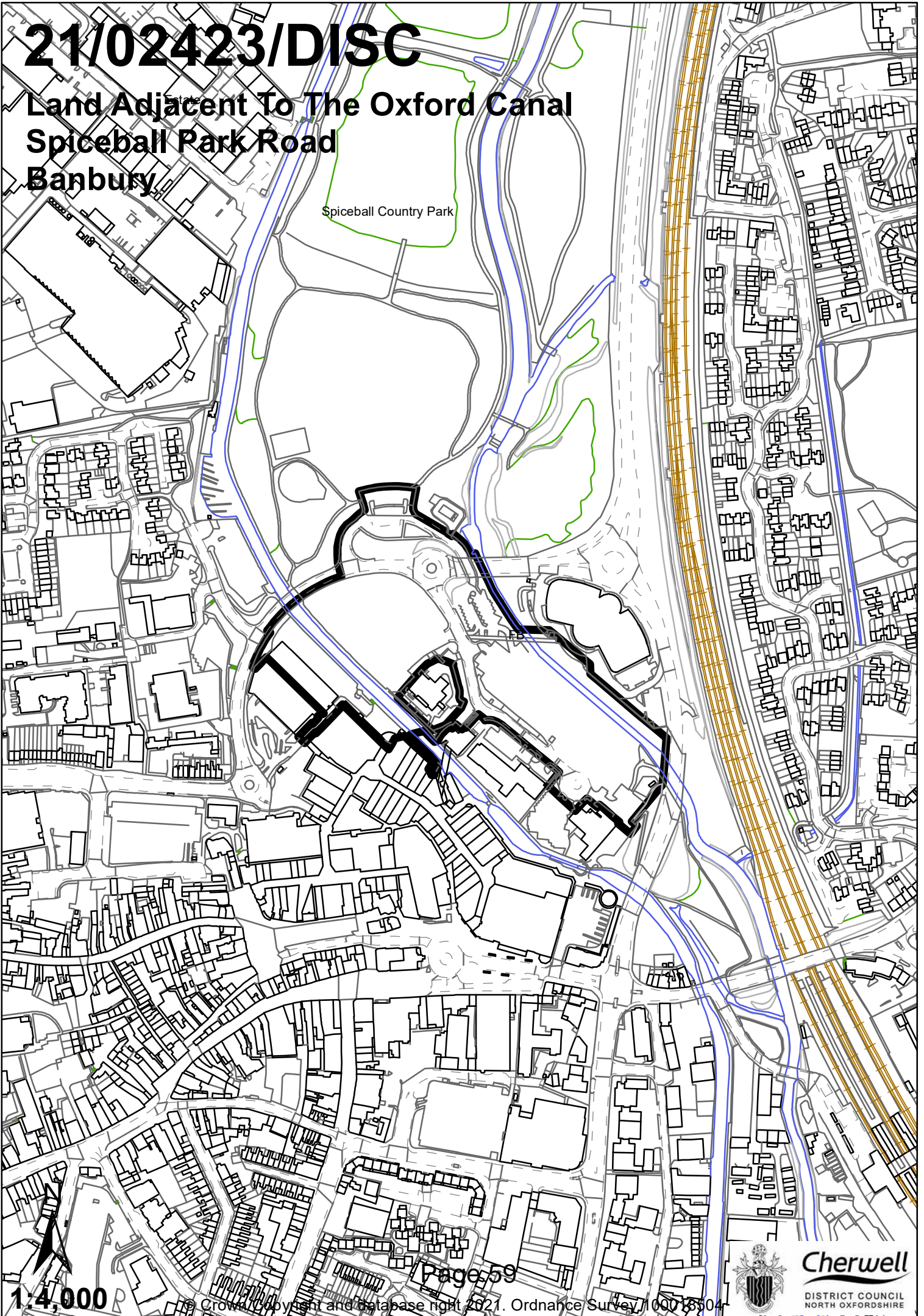
Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



21/02423/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury

Spiceball Country Park



Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of conditions 15 (landscaping scheme), 19 (tree protection), 22 (plant mitigation), 28 (cycle parking facilities), (29 (Framework Travel Plan) and 33 (car parking) of 16/02366/OUT

Ward: Banbury Cross & 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: 8 September 2021

Committee Date: 9 September 2021

SUMMARY OF RECOMMENDATION: THAT CONDITIONS 15 (LANDSCAPING SCHEME), 19 (TREE PROTECTION), 22 (PLANT MITIGATION), 28 (CYCLE PARKING FACILITIES), (29 (FRAMEWORK TRAVEL PLAN) AND 33 (CAR PARKING) OF 16/02366/OUT BE DISCHARGED

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the currently under construction Castle Quay 2 development site, at the rear of the Castle Quay Shopping Centre, in Banbury Town Centre. The development consists of 3 blocks housing differing uses, parking and other associated development.
- 1.2. The approved development includes the provision of a retail food store, hotel, cinema, restaurants and cafes along with necessary access, landscaping, infrastructure, car parking and other associated works.

2. CONSTRAINTS

- 2.1. The entirety of the Oxford Canal included with the application boundary forms part of the Oxford Canal Conservation Area. The site is also near to Tooley's Boatyard, a Scheduled Ancient Monument, and to the Mill Arts Centre, a locally listed building.
- 2.2. The site is located within Flood Zone 3 of the adjacent River Cherwell and within an area subject to historical river flooding. Such flooding is a combination of river flooding and flooding from the Oxford Canal which interacts with the River Cherwell and its tributaries upstream of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks the approval of details reserved by Conditions 15 (Landscaping Scheme), 19 (Tree Protection), 22 (Plant Mitigation), 28 (Cycle Parking Facilities), 29 (Framework Travel Plan) and 33 (Car Parking) of outline application approval Ref: 16/02366/OUT.
- 3.2. The application has been supported by the following information:

3.3. Condition 15 – Landscaping Scheme

Soft Landscaping drawings:

- 2099-20-04 [Detail Planting Plan – Zone B]
- CQ2-BCA-00-00-DR-Y-20 [Typical Tree Pit in Soft Landscape]
- CQ2-BCA-00-00-DR-Y-21 [Typical Tree Pit Detail Within Hard Paving – Zone A]
- CQ2-BCA-00-00-DR-Y-01 [Detail Planting Plan]
- CQ2-BCA-00-00-DR-Y-10 [Earthworks Plan]
- CQ2-BCA-00-00-DR-Y-02 [Detail Planting Plan – Zone C Sheet 1]
- CQ2-BCA-00-00-DR-Y-03 [Detail Planting Plan – Zone C Sheet 2]

Hard Landscaping drawings:

- CQ2-LJA-A0-XX-DR-L-15300 [Proposed Zone A paving and balustrade]
- CQ2-LJA-A0-XX-DR-L-15301 [Proposed Zone A kerb and wall scoping plan]
- CQ2-LJA-A0-XX-DR-L-24810 [Proposed Zone A ramp 1 Study 01]
- CQ2-LJA-A0-XX-DR-L-24811 [Proposed Zone A ramp 1 Study 02]
- CQ2-LJA-A0-XX-DR-L-24812 [Proposed Zone A ramp 2 Study 01]
- CQ2-LJA-A0-XX-DR-L-24813 [Proposed Zone A ramp 2 Study 02]
- CQ2-LJA-A0-XX-DR-L-24814 [Proposed Zone A ramp 3 and stair study 01]
- CQ2-LJA-A0-XX-DR-L-24815 [Proposed Zone ramp 3 and stair study 02]
- CQ2-LJA-A0-XX-DR-L-24850 [Proposed Zone stair details]
- CQ2-LJA-A0-XX-DR-L-24900 [Proposed Zone A ramp 1 brickworks details]
- CQ2-LJA-A0-XX-DR-L-24901 [Proposed Zone A ramp 1 concrete edge details]
- CQ2-LJA-A0-XX-DR-L-24902 [Proposed Zone A ramp 2 brickwork details]
- CQ2-LJA-A0-XX-DR-L-24903 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-24904 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-43300 [Proposed Zone A external seating area floor setting out plan]
- CQ2-LJA-G0-00-DR-A-04310 [Hardworks and Furniture]
- CQ2-LJA-G0-00-DR-A-04311 [Kerbs, edges and walls]
- CQ2-LJA-G0-00-DR-A-04312 [Levels and drainage]
- CQ2-LJA-M0-ZZ-SP-L-F10 [Brick and block walling]
- CQ2-LJA-M0-ZZ-SP-L-L30 [Stairs, ladders, walkways, handrails and balustrades]
- CQ2-LJA-M0-ZZ-SP-L-Q10 [Kerbs, edgings, channels, paving accessories]
- CQ2-LJA-M0-ZZ-SP-L-Q25 [Slab, brick, sett and cobble pavings]
- CQ2-LJA-M0-ZZ-SP-L-Q35 [Landscape maintenance]
- CQ2-LJA-M0-ZZ-SP-L-Q50 [Site and street furniture and equipment]
- CQ2-LJA-M0-ZZ-SP-L-Z11 [Purpose made metalwork]
- CQ2-LJA-M0-ZZ-SP-L-Z31 [Powder coatings]
- BCA Planning Response – outlining differences between current plans and those previously approved

3.4. Condition 19 – Tree Pits

- 2099-20-SP-02 [Tree Pit Specification] (including appended drawings)
- CQ2-BCA-A0-00-DR-Y-20 [Typical Tree Pit 02]
- CQ2-BCA-A0-00-DR-Y-21 [Tree Pit Detail Within Hard Paving – Zone A]

3.5. Condition 22 – Operational Plant and Mitigation

- CQ2-SHG-A0-08-DR-E-802 [Block A Electrical Services Roof level]
- CQ2-SHG-A0-RF-DR-X-207 [Mechanical Services Installation plumbing roof level]
- CQ2-SHG-A0-RF-DR-X-307 [Mechanical Services Installation ventilation roof level]
- CQ2-SHG-A0-RF-DR-X-407 [Mechanical Services Installation air conditioning roof level]
- CQ2-SHG-A0-RF-DR-X-812 [Mechanical Services Installation plant weights roof level]
- CQ2-SHG-A0-XX-TS-E-17 [PV panel information – Premier Inn]

3.6. Condition 28 – Cycle Parking Facilities

- 3706-CQ2-LJA-M0-XX-DR-A-04385-P1 [Proposed cycle storage unit location plan];
- BSSGA-1707-1 [4M Eastbrook – Toastrack cycle stands]
- BSSGA-1707-3 [4M Eastbrook – Toastrack cycle stands]
- BSSGA-1707-7 [4M Eastbrook – Toastrack cycle stands]
- UK-R6-RMMO-02 [Cycle stand plan]

3.7. Condition 29 – Framework Travel Plan

- 5764-Castle Quay Banbury-Travel Plan-Rev B

3.8. Condition 33 – Car Park Routeing and Guidance

- CQ2_car_park_signs_190321 [Wayfinding & Signs – Design Intent]

4. RELEVANT PLANNING HISTORY

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

20/00125/DISC – Discharge of Condition 6 (Landscaping) of 17/00284/REM. Approved.

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

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

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

5. PRE-APPLICATION DISCUSSIONS

- 5.1. 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. The final date for comments was **23 August 2021**, although comments received after this date and before finalising this report would have also been taken into account.
- 6.2. No comments have been raised by third parties

7. RESPONSE TO CONSULTATION

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

CONSULTEES

- 7.2. OCC Highways: No response received.
- 7.3. CDC Environmental Health: No response received.
- 7.4. CDC Landscape Services: No response received.

8. APPRAISAL

Condition 15 – Landscaping Details

- 8.1. An earlier application – Ref: 20/00125/DISC, gave approval for the Landscaping Details. The current application seeks to amend those approved details.
- 8.2. The amendments sought relate to the type of planting mix that will be used across the development. The 'prairie style' mix containing high herbaceous content was originally approved and would have been visually attractive in the summer, but upon reflection, the applicant's landscape consultant advised that this type of planting would not have been attractive in winter. As such, the revised proposals seek approval for more robust, traditional ornamental species. In addition, these types of plants require less maintenance, yet still provide an attractive appearance that is maintained during the winter months, with a greater ability to respond to the site's slopes and constraints.
- 8.3. Notwithstanding the lack of comment from the Council's Landscape Officer, overall, it is considered that the proposed species amendments still offer an attractive and diverse scheme but which will now maintain its visual interest throughout the winter period and last all year long. As such, it is recommended that the details are acceptable, and Condition 15 can be discharged.

Condition 19 – Tree Pits

- 8.4. The drawings submitted show the below ground soil and permeability structure for trees within both the soft and hard landscaped areas. Timber stakes will be used to support any new trees, and the dimensions of the tree pits will vary to allow for different rootball sizes. Overall, dimensions and subsoil arrangements have been provided for 4 different arrangements to allow for the different rootball variations.

- 8.5. In addition to the submitted drawings, a tree pit specification has been provided, which outlines the subsoil arrangements, and general maintenance for the trees.
- 8.6. Overall, Officers consider that the proposed Tree Pit details provide sufficient detail of the pits to be used, the variations between hard and soft landscaped areas and on-going maintenance of the tree planting. As such, the details provided are considered acceptable by Officers and Condition 19 can be discharged.

Condition 22 – Operational Plant and Mitigation in Respect of Block A (Hotel)

- 8.7. The application is supported by full details of the operational plan and mitigation for Block A – the Hotel Block. The information provided includes details of the electrical services, plumbing, ventilation, air conditioning, plant weights and photovoltaic panels.
- 8.8. Around 30m² of photovoltaic panels are proposed on the roof of Block A, which has a flat roof design and parapet, which reduces any visibility of the panels. Ventilation, plumbing, plant and air conditioning units are to be placed on the roof.
- 8.9. Overall, Officers consider that the proposed operational plant and mitigation proposed is acceptable and meets the requirements of Condition 22 such that the condition can be discharged.

Condition 28 – Cycle Parking Facilities

- 8.10. The proposed cycle storage will be located in 3 areas within the wider development.
- 8.11. Zone B - An area of cycle parking is to be provided within the car park of Zone B (cinema and leisure development). This site would provide 24 cycle storage hoops.
- 8.12. Zone C - Cycle Parking adjacent to the River Cherwell in Zone C in relative proximity to the social club. This site would provide 24 internal cycle parking spaces at ground level.
- 8.13. Zone C - A further site located towards the entrance of the supermarket within Zone C. This site would provide a further 60 internal cycle spaces at lower ground level.
- 8.14. Officers consider the proposed cycle storage details provide sufficient safe and accessible cycle storage across the 3 locations proposed. As such, Officers recommend the details of Condition 28 can be discharged.

Condition 29 – Framework Travel Plan

- 8.15. The Travel Plan includes details for Blocks A, B and C at Castle Quay 2. The document provides an overview of the Travel Plan aims and objectives, including encouraging staff and visitors to use more sustainable modes of transport.
- 8.16. The plan provides details of how the options can be promoted to staff and visitors to facilitate sustainable travel behaviours and reduce any detrimental impact from the development on the local highway network.
- 8.17. Officers consider the proposed Framework Travel Plan suitably reflects the original details provided under the original planning application and delivers a clear action plan for encouraging more sustainable modes of transport for both employees and visitors. Overall, the submitted Framework Travel Plan is considered to satisfy the requirements of Condition 29 and the condition can be satisfactorily discharged.

Condition 33 – Car Park Routeing and Guidance

- 8.18. The application includes details of the internal wayfinding signs for the car parks of Blocks B and C. Both car parks have a mixture of signs to provide directions for both vehicles and pedestrians, signage panels for lift and stair indexes.
- 8.19. It is considered that the signs (now largely already erected) can be easily read and their regular positioning ensures that clear direction is given to both vehicles and pedestrians.
- 8.20. The design and positioning of the signs within the car parks is considered acceptable and it is recommended that Condition 33 can be discharged.

9. RECOMMENDATION

- 9.1 That Planning Conditions 15 (landscaping scheme), 19 (tree protection), 22 (plant mitigation), 28 (cycle parking facilities), 29 (Framework Travel Plan) and 33 (car parking) of 16/02366/OUT be discharged based upon the following:

Condition 15 – Landscaping Scheme

Soft Landscaping drawings:

- 2099-20-04 [Detail Planting Plan – Zone B]
- CQ2-BCA-00-00-DR-Y-20 [Typical Tree Pit in Soft Landscape]
- CQ2-BCA-00-00-DR-Y-21 [Typical Tree Pit Detail Within Hard Paving – Zone A]
- CQ2-BCA-00-00-DR-Y-01 [Detail Planting Plan]
- CQ2-BCA-00-00-DR-Y-10 [Earthworks Plan]
- CQ2-BCA-00-00-DR-Y-02 [Detail Planting Plan – Zone C Sheet 1]
- CQ2-BCA-00-00-DR-Y-03 [Detail Planting Plan – Zone C Sheet 2]

Hard Landscaping drawings:

- CQ2-LJA-A0-XX-DR-L-15300 [Proposed Zone A paving and balustrade]
- CQ2-LJA-A0-XX-DR-L-15301 [Proposed Zone A kerb and wall scoping plan]
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- CQ2-LJA-A0-XX-DR-L-24813 [Proposed Zone A ramp 2 Study 02]
- CQ2-LJA-A0-XX-DR-L-24814 [Proposed Zone A ramp 3 and stair study 01]
- CQ2-LJA-A0-XX-DR-L-24815 [Proposed Zone ramp 3 and stair study 02]
- CQ2-LJA-A0-XX-DR-L-24850 [Proposed Zone stair details]
- CQ2-LJA-A0-XX-DR-L-24900 [Proposed Zone A ramp 1 brickworks details]
- CQ2-LJA-A0-XX-DR-L-24901 [Proposed Zone A ramp 1 concrete edge details]
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- CQ2-LJA-M0-ZZ-SP-L-Q10 [Kerbs, edgings, channels, paving accessories]
- CQ2-LJA-M0-ZZ-SP-L-Q25 [Slab, brick, sett and cobble pavings]
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- CQ2-BCA-A0-00-DR-Y-21 [Tree Pit Detail Within Hard Paving – Zone A]

Condition 22 – Operational Plant and Mitigation

- CQ2-SHG-A0-08-DR-E-802 [Block A Electrical Services Roof level]
- CQ2-SHG-A0-RF-DR-X-207 [Mechanical Services Installation plumbing roof level]
- CQ2-SHG-A0-RF-DR-X-307 [Mechanical Services Installation ventilation roof level]
- CQ2-SHG-A0-RF-DR-X-407 [Mechanical Services Installation air conditioning roof level]
- CQ2-SHG-A0-RF-DR-X-812 [Mechanical Services Installation plant weights roof level]
- CQ2-SHG-A0-XX-TS-E-17 [PV panel information – Premier Inn]

Condition 28 – Cycle Parking Facilities

- 3706-CQ2-LJA-M0-XX-DR-A-04385-P1 [Proposed cycle storage unit location plan];
- BSSGA-1707-1 [4M Eastbrook – Toastrack cycle stands]
- BSSGA-1707-3 [4M Eastbrook – Toastrack cycle stands]
- BSSGA-1707-7 [4M Eastbrook – Toastrack cycle stands]
- UK-R6-RMMO-02 [Cycle stand plan]

Condition 29 – Framework Travel Plan

- 5764-Castle Quay Banbury-Travel Plan-Rev B

Condition 33 – Car Park Routeing and Guidance

- CQ2_car_park_signs_190321 [Wayfinding & Signs – Design Intent]

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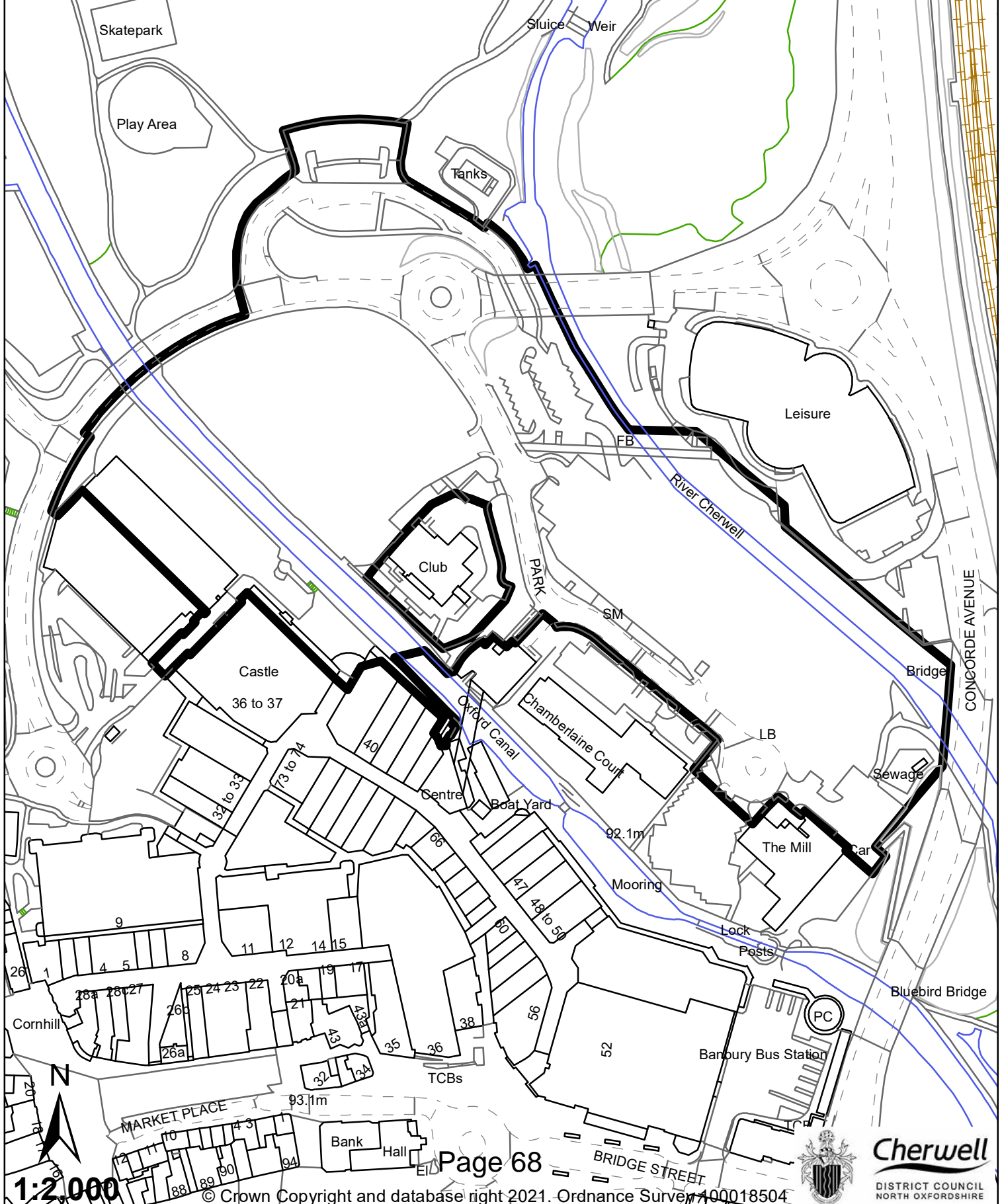
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21/02424/DISC

Recreation Ground

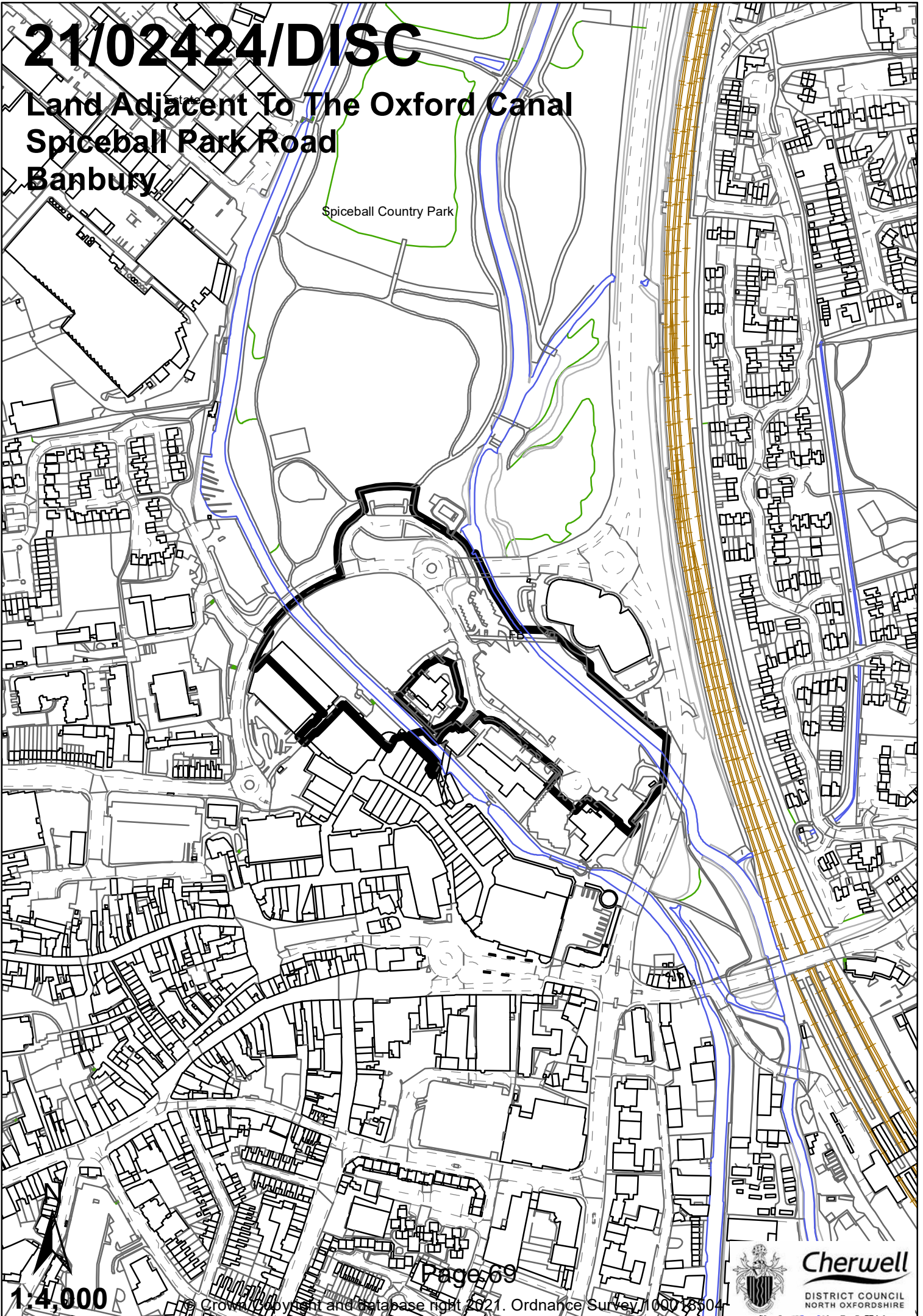
Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



21/02424/DISC

Land Adjacent To The Oxford Canal Spiceball Park Road Banbury

Spiceball Country Park



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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Discharge of Condition 6 (Landscaping) of 17/00284/REM

Ward: Banbury Cross & 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: 8 September 2021

Committee Date: 9 September 2021

SUMMARY OF RECOMMENDATION: THAT CONDITION 6 (LANDSCAPING) OF 17/00284/REM BE DISCHARGED

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the currently under construction Castle Quay 2 development site, at the rear of the Castle Quay Shopping Centre, in Banbury town centre. The development consists of 3 blocks housing differing uses, parking and other associated development.
- 1.2. The approved development includes the provision of a retail food store, hotel, cinema, restaurants and cafés along with necessary access, landscaping, infrastructure, car parking and other associated works.

2. CONSTRAINTS

- 2.1. The entirety of the Oxford Canal included with the application boundary forms part of the Oxford Canal Conservation Area. The site is also near to Tooley's Boatyard, a Scheduled Ancient Monument, and to the Mill Arts Centre, a locally listed building.
- 2.2. The site is located within Flood Zone 3 of the adjacent River Cherwell and within an area subject to historical river flooding. Such flooding is a combination of river flooding and flooding from the Oxford Canal which interacts with the River Cherwell and its tributaries upstream of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application originally sought approval of details reserved by Conditions 6 (Landscaping) and Condition 13 (Materials). However, the applicant has recently confirmed that the materials condition will be dealt with in a separate application, so this discharge simply now relates to Condition 6 - landscaping.
- 3.2. The application has been supported by the following information:
Soft Landscaping drawings:
 - 2099-20-04 [Detail Planting Plan – Zone B]
 - CQ2-BCA-00-00-DR-Y-20 [Typical Tree Pit in Soft Landscape]
 - CQ2-BCA-00-00-DR-Y-21 [Typical Tree Pit Detail Within Hard Paving – Zone A]

- CQ2-BCA-00-00-DR-Y-01 [Detail Planting Plan]
- CQ2-BCA-00-00-DR-Y-10 [Earthworks Plan]
- CQ2-BCA-00-00-DR-Y-02 [Detail Planting Plan – Zone C Sheet 1]
- CQ2-BCA-00-00-DR-Y-03 [Detail Planting Plan – Zone C Sheet 2]

Hard Landscaping drawings:

- CQ2-LJA-A0-XX-DR-L-15300 [Proposed Zone A paving and balustrade]
- CQ2-LJA-A0-XX-DR-L-15301 [Proposed Zone A kerb and wall scoping plan]
- CQ2-LJA-A0-XX-DR-L-24810 [Proposed Zone A ramp 1 Study 01]
- CQ2-LJA-A0-XX-DR-L-24811 [Proposed Zone A ramp 1 Study 02]
- CQ2-LJA-A0-XX-DR-L-24812 [Proposed Zone A ramp 2 Study 01]
- CQ2-LJA-A0-XX-DR-L-24813 [Proposed Zone A ramp 2 Study 02]
- CQ2-LJA-A0-XX-DR-L-24814 [Proposed Zone A ramp 3 and stair study 01]
- CQ2-LJA-A0-XX-DR-L-24815 [Proposed Zone ramp 3 and stair study 02]
- CQ2-LJA-A0-XX-DR-L-24850 [Proposed Zone stair details]
- CQ2-LJA-A0-XX-DR-L-24900 [Proposed Zone A ramp 1 brickworks details]
- CQ2-LJA-A0-XX-DR-L-24901 [Proposed Zone A ramp 1 concrete edge details]
- CQ2-LJA-A0-XX-DR-L-24902 [Proposed Zone A ramp 2 brickwork details]
- CQ2-LJA-A0-XX-DR-L-24903 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-24904 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-43300 [Proposed Zone A external seating area floor setting out plan]
- CQ2-LJA-G0-00-DR-A-04310 [Hardworks and Furniture]
- CQ2-LJA-G0-00-DR-A-04311 [Kerbs, edges and walls]
- CQ2-LJA-G0-00-DR-A-04312 [Levels and drainage]
- CQ2-LJA-M0-ZZ-SP-L-F10 [Brick and block walling]
- CQ2-LJA-M0-ZZ-SP-L-L30 [Stairs, ladders, walkways, handrails and balustrades]
- CQ2-LJA-M0-ZZ-SP-L-Q10 [Kerbs, edgings, channels, paving accessories]
- CQ2-LJA-M0-ZZ-SP-L-Q25 [Slab, brick, sett and cobble pavings]
- CQ2-LJA-M0-ZZ-SP-L-Q35 [Landscape maintenance]
- CQ2-LJA-M0-ZZ-SP-L-Q50 [Site and street furniture and equipment]
- CQ2-LJA-M0-ZZ-SP-L-Z11 [Purpose made metalwork]
- CQ2-LJA-M0-ZZ-SP-L-Z31 [Powder coatings]
- BCA Planning Response – outlining differences between current plans and those previously approved

Part Condition 13 (Materials)

No details have been provided in respect of this condition. Confirmation of the details that were originally to be submitted for this Condition was sought from the applicant's agent. The agent has now confirmed that an application for materials discharge will be made separately, so this application relates merely to landscaping matters, and the application is being readvertised accordingly.

4. RELEVANT PLANNING HISTORY

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

20/00125/DISC – Discharge of Condition 6 (Landscaping) of 17/00284/REM. Approved.

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

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

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

5. PRE-APPLICATION DISCUSSIONS

5.1. 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. The final date for comments was originally **23 August 2021**, although comments received after this date and before finalising this report would also have been taken into account. Given the need to readvertise an amended application description (following exclusion of the materials condition discharge), publicity will now continue for a further 3 weeks).

6.2. No comments have been raised by third parties thus far.

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.

CONSULTEES

7.2. CDC LANDSCAPING: No response received.

8. APPRAISAL

Condition 6 – Landscaping Details

8.1. An earlier application – Ref: 20/00125/DISC, gave approval for the Landscaping Details. This current application seeks to amend the approved details.

- 8.2. The amendments sought relate to the type of planting mix that will be used across the development. The 'prairie style' mix containing high herbaceous content was originally approved and would have been visually attractive in the summer, but upon reflection, the applicant's landscape consultant advised that this type of planting would not have been attractive in winter. As such, the proposals seek approval for more robust, traditional ornamental species. In addition, these types of plants require less maintenance, yet provide a more attractive appearance throughout the year including during the winter months, with a greater ability to respond to the site's slopes and constraints.
- 8.3. Notwithstanding the lack of advice from the Council's Landscape Officer, overall, it is considered that the proposed revised species amendments now offered would still afford an attractive and diverse scheme but throughout the entirety of the year. As such, it is recommended that the details are acceptable.

9. RECOMMENDATION

- 9.1 That Planning Condition 6 (Landscaping) of 17/00284/REM be discharged based upon the following:

Condition 6 – Landscaping Scheme

Soft Landscaping drawings:

- 2099-20-04 [Detail Planting Plan – Zone B]
- CQ2-BCA-00-00-DR-Y-20 [Typical Tree Pit in Soft Landscape]
- CQ2-BCA-00-00-DR-Y-21 [Typical Tree Pit Detail Within Hard Paving – Zone A]
- CQ2-BCA-00-00-DR-Y-01 [Detail Planting Plan]
- CQ2-BCA-00-00-DR-Y-10 [Earthworks Plan]
- CQ2-BCA-00-00-DR-Y-02 [Detail Planting Plan – Zone C Sheet 1]
- CQ2-BCA-00-00-DR-Y-03 [Detail Planting Plan – Zone C Sheet 2]

Hard Landscaping drawings:

- CQ2-LJA-A0-XX-DR-L-15300 [Proposed Zone A paving and balustrade]
- CQ2-LJA-A0-XX-DR-L-15301 [Proposed Zone A kerb and wall scoping plan]
- CQ2-LJA-A0-XX-DR-L-24810 [Proposed Zone A ramp 1 Study 01]
- CQ2-LJA-A0-XX-DR-L-24811 [Proposed Zone A ramp 1 Study 02]
- CQ2-LJA-A0-XX-DR-L-24812 [Proposed Zone A ramp 2 Study 01]
- CQ2-LJA-A0-XX-DR-L-24813 [Proposed Zone A ramp 2 Study 02]
- CQ2-LJA-A0-XX-DR-L-24814 [Proposed Zone A ramp 3 and stair study 01]
- CQ2-LJA-A0-XX-DR-L-24815 [Proposed Zone ramp 3 and stair study 02]
- CQ2-LJA-A0-XX-DR-L-24850 [Proposed Zone stair details]
- CQ2-LJA-A0-XX-DR-L-24900 [Proposed Zone A ramp 1 brickworks details]
- CQ2-LJA-A0-XX-DR-L-24901 [Proposed Zone A ramp 1 concrete edge details]
- CQ2-LJA-A0-XX-DR-L-24902 [Proposed Zone A ramp 2 brickwork details]
- CQ2-LJA-A0-XX-DR-L-24903 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-24904 [Proposed Zone A ramp 3 and stair brickwork details]
- CQ2-LJA-A0-XX-DR-L-43300 [Proposed Zone A external seating area floor setting out plan]
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- CQ2-LJA-M0-ZZ-SP-L-F10 [Brick and block walling]
- CQ2-LJA-M0-ZZ-SP-L-L30 [Stairs, ladders, walkways, handrails and balustrades]

- CQ2-LJA-M0-ZZ-SP-L-Q10 [Kerbs, edgings, channels, paving accessories]
- CQ2-LJA-M0-ZZ-SP-L-Q25 [Slab, brick, sett and cobble pavings]
- CQ2-LJA-M0-ZZ-SP-L-Q35 [Landscape maintenance]
- CQ2-LJA-M0-ZZ-SP-L-Q50 [Site and street furniture and equipment]
- CQ2-LJA-M0-ZZ-SP-L-Z11 [Purpose made metalwork]
- CQ2-LJA-M0-ZZ-SP-L-Z31 [Powder coatings]
- BCA Planning Response – outlining differences between current plans and those previously approved

**Cherwell District Council
Planning Committee
9 September 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

20/03409/F - Heath Barn, Sibford Gower, Banbury, OX15 5HQ - A single storey, connecting link between the garage and the original barn conversion dwelling.
Officer recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 10.08.2021 Statement Due: N/A Decision: Awaited
Appeal reference – 21/00025/REF

21/00043/F - Greystones, Banbury Road, Deddington, OX15 0TN - Installation of a two bay wood framed garage with adjoining log store in the front left hand corner of the plot.
Officer recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 11.08.2021 Statement Due: N/A Decision: Awaited
Appeal reference – 21/00026/REF

21/00087/F - 51 Walton Avenue, Twyford, OX17 3LA - First floor side extension with associated internal and external works
Officer recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 09.08.2021 Statement Due: N/A Decision: Awaited
Appeal reference – 21/00024/REF

21/01083/F - Wykham House, Wykham Lane, Broughton, OX15 5DS - Creation of new driveway from Wykham Lane to existing car parking area of Wykham House - Removal of 4m of brick wall and build pillars to exposed ends. Remove grass bank from brick wall to road, install Marshalls permeable paving - scoop/blend edges of grass bank into permeable driveway - install cobble setts to join Wykham Lane to Marshalls permeable paving.
Officer recommendation – Refusal (Delegated)
Method of determination: Written Representations
Start Date: 04.08.2021 Statement Due: 08.09.2021 Decision: Awaited
Appeal reference – 21/00023/REF

3.2 New Enforcement Appeals
None

3.3 Appeals in Progress

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 Arccott - 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

20/01902/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
20/03175/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, OX262XB
- 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

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

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

3.4 Enforcement Appeals in Progress

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 16th and Wednesday 17th November 2021

Appeal reference: 21/00008/ENF

3.5 Forthcoming Public Inquiries and Hearings between 10 September 2021 and 7 October 2021

None

3.6 Results

Inspectors appointed by the Secretary of State have:

- 3.6.1 19/00934/F – Allowed the appeal by Bicester Sports Association against the refusal of planning permission for 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. Bicester Sports**

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

Officer recommendation – Refusal (Committee)

Method of determination: Public Inquiry

Appeal reference – 21/00012/REF

Following a refusal of planning permission for an extension to the existing Bicester sports association facility at Chesterton a public inquiry was held in June.

The application was refused by Cherwell District Council in 2020 by reason of the location of the site being unsustainable by reason of its location, being not served by public transport and being a long distance for its catchment users to access the site by cycles or walking, and detriment to the landscape character of this green field site located outside the settlement of Chesterton.

The inspector found that the principle issues were as follows;

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

The Inspector found that the transport proposals to be put in place by the applicants was sufficient to overcome the identified shortcomings of the location in transport terms as follows:

‘Accordingly, it would not be in conflict with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011 – 2031 Part 1 (‘the LP’). When taken as a whole these require all development where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Furthermore, that measures are taken to mitigate the impact of development within the district on climate change, delivering development that seeks to reduce the need to travel and which encourages sustainable travel options’.

The Inspector found that whilst there would be some short to medium term harm to the adjoining land’s landscape character that identified harm would with the mitigation measures offered by the appellants acceptable following the establishment and maturing of the proposed landscaping scheme for the site.

The Inspectors findings on the principal issues and the perceived need for the development were sufficient to overcome the conflicts with policy identified by the Council.

3.6.2 20/01891/F – Dismissed the appeal by Mr A Bradbury against the refusal of planning permission for Erection of a 4 bedroom detached dwelling with garage and access Land North East Of Fringford Study Centre Adjoining, Rectory Lane, Fringford, OX27 8DD

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Appeal reference – 21/00015/REF

The Inspector considered the main issues to be the proposal’s effect on (1) the character and appearance of the area, including the impact to existing trees, and (2) potential archaeological resources at the site.

The Inspector noted that the area has a mix of older and more modern dwellings, mostly detached in spacious plots, and that it has a verdant quality. He noted that the site is currently undeveloped and has some mature trees, which are subject to a Tree Preservation Order.

The Inspector opined that the house would be comparable in size to others locally, would not overdevelop the site, would be of a suitable design that would not be at odds with its context and overall that it would be an appropriate infill within the village. The Inspector considered that even with the development the site would remain verdant and that only one tree would be felled, a 'C' class Sycamore. The Inspector held that from the information submitted there was no substantive reason to conclude that any other tree would need to be felled and that, although the house would be in close proximity to the retained trees, it would not be so close as to assume it likely that there would be significant pressure to remove any of them. He noted that some of the trees were subject of a TPO and that any proposed future cutting back or felling would be in CDC's control.

The Inspector noted the dismissal of a previous appeal but held that the revised proposals would not require the same level of tree loss and that with the retention of the trees the development of the plot would now be acceptable.

With regard to archaeology, the appellant had submitted an Archaeological Desk Based Assessment, which stated that there was some likelihood of remains being present but that no further investigative work was required prior to determination and a condition for further archaeological assessment would suffice.

The Inspector noted the advice of the County Council's archaeologist that there was high potential for early-medieval period remains, which would be of high significance. The Inspector was minded to agree with this advice, found the desk top study was not sufficient to draw informed conclusions and concluded that a condition would not be appropriate and that an archaeological field evaluation or similar would be necessary prior to determination to ensure sufficient evidence of the archaeological heritage.

The Inspector concluded that the proposal's benefits to housing growth and local business through construction would be limited given the proposal was only for one dwelling and that despite the Council's lack of sufficient housing land supply these benefits were outweighed by the harm to archaeology, and accordingly dismissed the appeal.

3.6.3 18/00059/ENFB - Allowed the appeal by Mr G Payne against the enforcement notice being served on the address of Land at The Digs and The Studio, Heathfield, Kidlington, OX5 3DX for "Without the benefit of planning permission the erection of two units of residential accommodation with associated residential curtilages".

Method of determination: Written Representations

Appeal reference - 21/00001/ENF

The enforcement notice related to the erection of two units of residential accommodation with associated curtilages and was issued following the refusal of a planning application. The use of the two buildings as separate units of accommodation was established, but the Council argued that major re-construction works amounted to the erection of two new dwellings.

The Notice required the demolition of the dwellings and the removal of any walls or fences erected to create the garden area.

The time period given to comply was 12 months.

The appeal was submitted under grounds (a), (c), (f) and (g) of section 174(2) of the Town and Country Planning Act 1990 as amended. (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged; (c) that the matters alleged do not constitute a breach of planning control; (f) that the requirements of the notice are excessive and (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Under the ground (a) appeal the inspector concluded the main issues to be:

- i) whether the development amounts to inappropriate development in the Green Belt;
- ii) the effect of the development on the character and appearance of the surrounding area.

The Inspector concluded that the poor quality of the design and build of the dwellings meant that planning permission should not be granted unless it could in some way be overcome by the imposition of conditions.

In this instance, the Inspector decided that the harm could be overcome and so quashed the Notice, granted planning permission and imposed the following condition:

“Within 6 months of the date of this decision the dormer windows on the rear (southern) roof slope shall be removed, and the resultant voids in the roof shall be made good and covered with slates to match the rest of the roof, except insofar as any rooflights may be installed.”

The Inspector concluded that the ground (b) appeal failed on the following grounds:

“There is no dispute that the building is used as two dwelling houses, and thus I conclude, on the balance of probabilities that, as a matter of fact, the matters alleged in the notice have occurred.”

Given the grant of planning permission under ground (a) the appeals on ground (f) and (g) fall away and have not been considered.

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

- 5.1 **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:

Simon Aley, Solicitor, 01295 221848
simon.aley@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