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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 7 October 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 - 17)

To confirm as a correct record the Minutes of the meeting of the Committee held on 9 September 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. **Oxford Technology Park, Langford Lane, Kidlington** (Pages 20 - 39)
21/02278/F
9. **OS Parcel 7400 Adjoining and South of Salt Way, Banbury** (Pages 40 - 52)
20/01048/DISC
10. **Spring Well Farm, Kirtlington Road, Chesterton, OX26 1TW** (Pages 53 - 62)
21/02408/F
11. **71 Bretch Hill, Banbury, OX16 0LE** (Pages 63 - 70)
21/02481/F

Review and Monitoring Reports

12. Appeals Progress Report (Pages 71 - 78)

Report of Assistant Director Planning and Development

Purpose of report

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

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 29 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 9 September 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 Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Tony Mephram
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker

Substitute Members:

Councillor Richard Mould (In place of Councillor Maurice Billington)
Councillor Adam Nell (In place of Councillor Hugo Brown)
Councillor Barry Richards (In place of Councillor Sean Woodcock)

Apologies for absence:

Councillor Maurice Billington
Councillor Hugo Brown
Councillor Sean Woodcock

Officers:

Alex Chrusciak, Senior Manager - Development Management
Wayne Campbell, Principal Planning Officer
John Cosgrove, Senior Planning Officer
Samantha Taylor, Principal Planning Officer
David Mytton, Solicitor
Natasha Clark, Governance and Elections Manager
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

8. Bicester Library, Old Place Yard, Bicester, OX26 6AU.

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

Councillor Lynn Pratt, Non Statutory Interest, as a member of 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.

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

9. Treetops, 28 Dashwood Road, Banbury, OX16 5HD.

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

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

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.

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

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.

62 **Requests to Address the Meeting**

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

63 **Minutes**

The Minutes of the meeting held on 12 August 2021 were agreed as a correct record and signed by the Chairman.

64 **Chairman's Announcements**

The Chairman made the following announcements:

1. Agenda item 9, application 21/02260/F, Treetops, 28 Dashwood Road, Banbury would be considered prior to agenda item 8, 20/02405/F, Bicester Library, Old Place Yard, Bicester.
2. At the discretion of the Chairman the Senior Manager - Development Management addressed the Committee and explained that application 21/00218/DISC, Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (0218), which the Committee had deferred consideration of at the previous meeting was not included on this agenda because work on the Section 106 agreement had not been completed.

65 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

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

The Committee considered application 21/02260/F for the change of use from Class C1 guest house to 9-bed HMO (Sui Generis) at Treetops, 28

Dashwood Road, Banbury OX16 5HD for Marshall Oakwood Developments Limited.

Councillor Matt Hodgson, local ward member, addressed the Committee in objection to the application

Michael O'Connell, local resident, addressed the Committee in objection to the application.

Alan Coleman and Simon Marshall, agents for the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the 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 21/02260/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: 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.

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

The Committee considered application 20/02405/F for the erection of terrace of 3no affordable housing units on site of dis-used library at Bicester Library, Old Place Yard, Bicester OX26 6AU for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/02405/F subject to the following conditions (and any amendments to those conditions considered 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, 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.

69 **Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury (2423)**

The Committee considered application 21/02423/DISC for the 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 application 16/02366/OUT 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 the discharge of conditions 15, 19 and 22 of application 21/02423/DISC subject to the following conditions (and any amendments to those conditions deemed necessary):

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

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]

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]

- (2) That authority be delegated to the Assistant Director for Planning and Development to grant permission for the discharge of conditions 28, 29 and 33 of application 21/02423/DISC subject the following conditions (and any amendments to those conditions deemed necessary); and the removal of the objection from the Oxfordshire County Council:

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]

70 **Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury (2424)**

The Committee considered application 21/02424/DISC for the discharge of Condition 6 (Landscaping) of application 17/00284/REM 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 21/02424/DISC subject to the following conditions (and any amendments to those conditions deemed necessary):

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]
- 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

71 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 5.25 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee - 7 October 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	Oxford Technology Park, Langford Lane, Kidlington	21/02278/F	Kidlington West	*Grant Permission	Bernadette Owens
9	OS Parcel 7400 Adjoining and South of Salt Way, Banbury	20/01048/DISC	Banbury Calthorpe & Easington	*Grant Permission	Linda Griffiths
10	Spring Well Farm, Kirtlington Road, Chesterton, OX26 1TW	21/02408/F	Fringford & Heyfords	*Grant Permission	Emma Whitley
11	71 Bretch Hill, Banbury, OX16 0LE	21/02481/F	Banbury Ruscote	*Grant Permission	Lewis Knox

*Subject to conditions

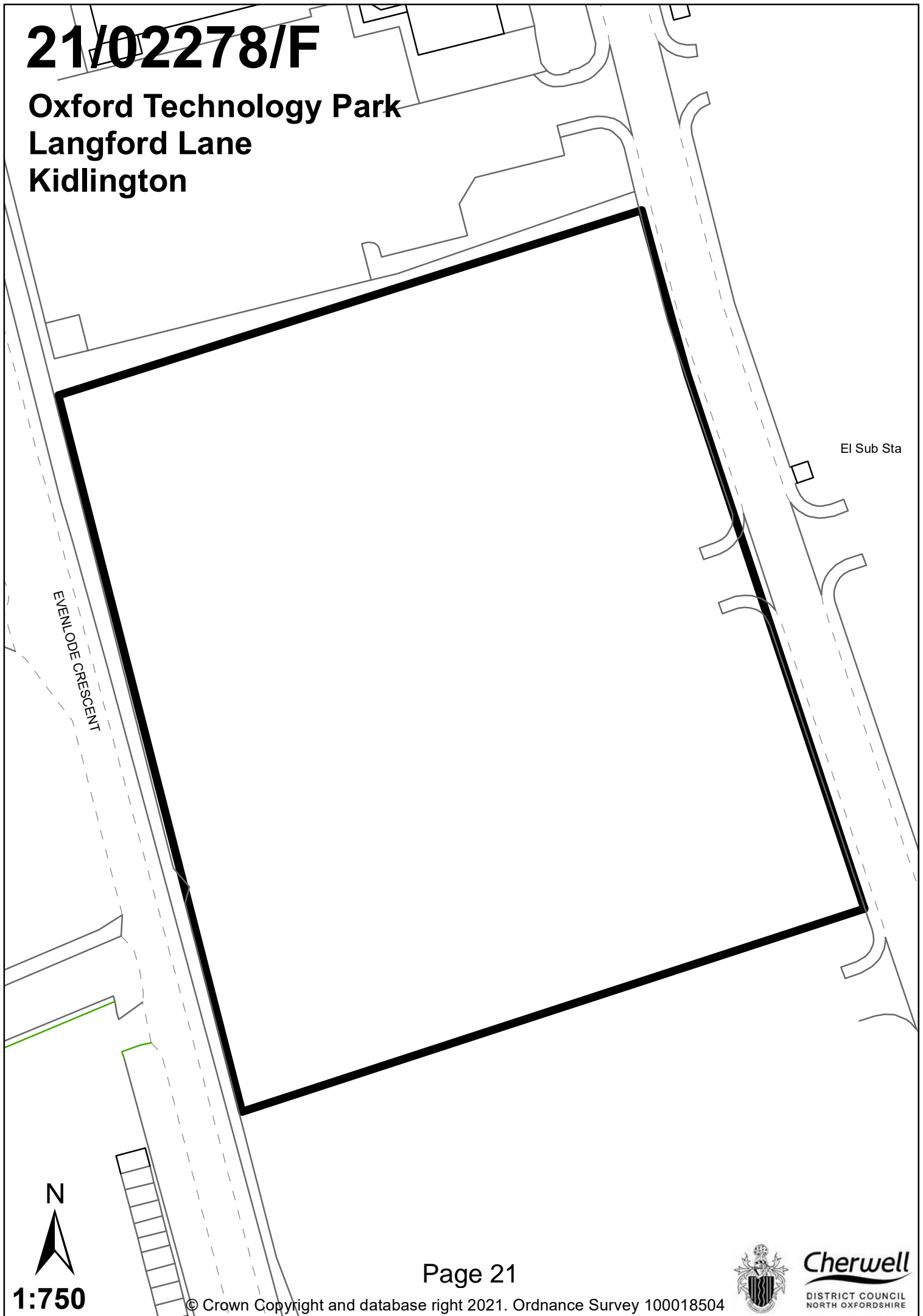
Agenda Item 8
21/02278/F

**Oxford Technology Park
Langford Lane
Kidlington**



21/02278/F

Oxford Technology Park
Langford Lane
Kidlington



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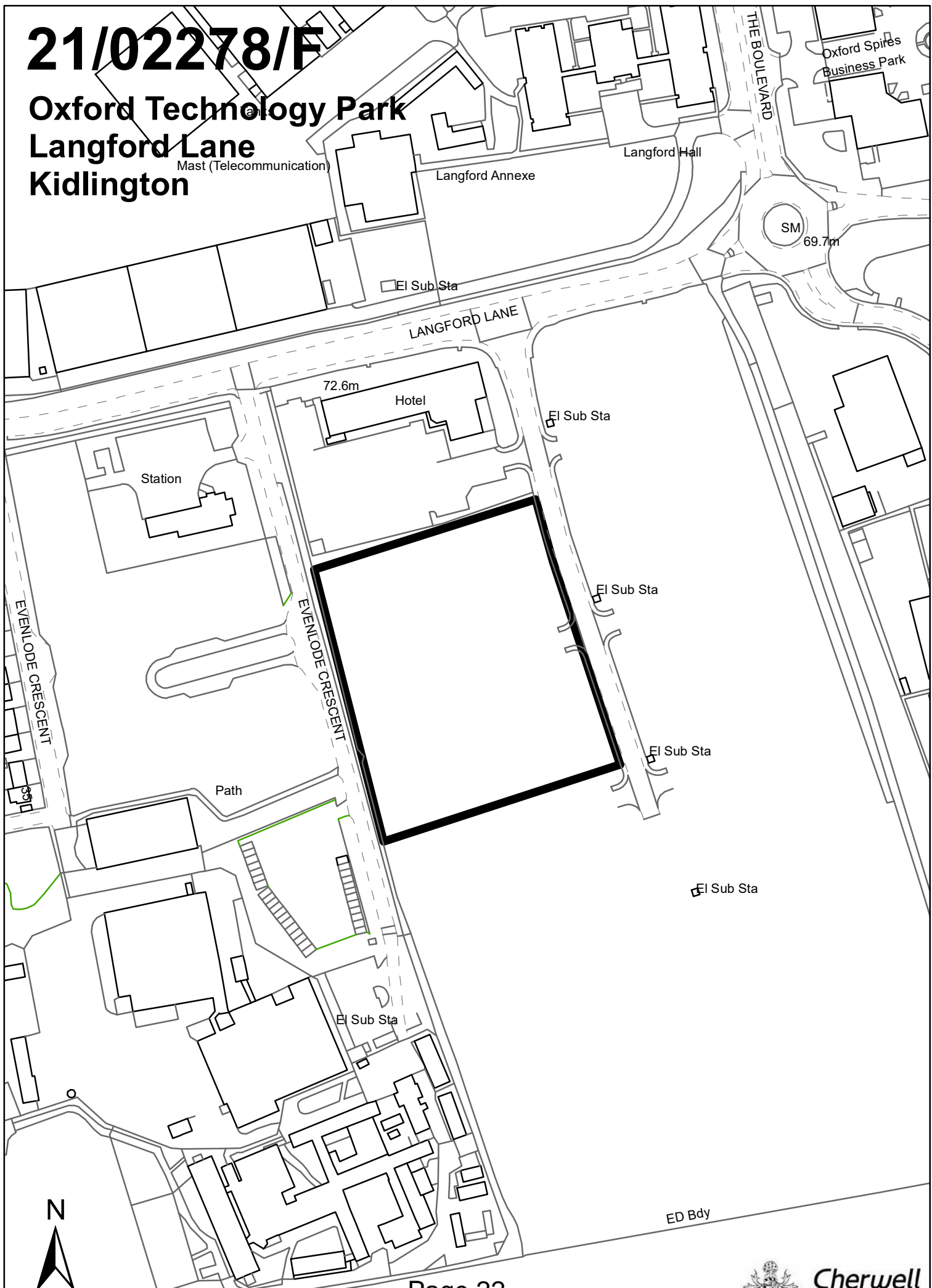
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21/02278/F

Oxford Technology Park Langford Lane Kidlington

Mast (Telecommunication)



EVENTODE CRESCENT

EVENTODE CRESCENT

LANGFORD LANE

THE BOULEVARD

Oxford Spire's
Business Park

Langford Hall

Langford Annexe

EI Sub Sta

SM

69.7m

72.6m

Hotel

Station

EI Sub Sta

EI Sub Sta

EI Sub Sta

Path

EI Sub Sta

EI Sub Sta

ED Bdy



1:2,000



Case Officer: Bernadette Owens

Applicant: Oxford Technology Park Limited

Proposal: Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking

Ward: Kidlington West

Councillors: Cllr Copeland, Cllr Tyson and Cllr Walker

Reason for Referral: Major development

Expiry Date: 14 October 2021

Committee Date: 7 October 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND LEGAL AGREEMENT (IF DEEMED NECESSARY)

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is on the northern edge of Kidlington and comprises a relatively flat rectangular site of 1.225 hectares. The application site forms part of the larger 8.3 hectare Oxford Technology Park site on the southern side of Langford Lane. The wider site is bound to the west by the South Central Ambulance Service and Kidlington Ambulance Station and to the east by the Oxford Motor Park. To the north of Langford Lane is the Oxford Spires Business Park and London Oxford Airport and to the south of the site is agricultural fields.
- 1.2. Outline planning consent has already been granted under planning permission ref. 14/02067/OUT for the development of the wider Oxford Technology Park site for 40,362sqm of office, research and development, laboratory and storage space within use classes B1, B2 and B8. The construction of Units 1 and 3 (approved under ref. 17/01542/REM) at the top of the site are currently underway. A further planning permission was also granted for a Premier Inn hotel development which has also been constructed on the frontage of the site.
- 1.3. The application site lies to the rear of the hotel development and is accessed from the main spine road that runs through the centre of the technology park development site.
- 1.4. The current application represents the next phase of the development of the Oxford Technology Park site.

2. CONSTRAINTS

- 2.1. The application site lies within the Oxford Green Belt and in close proximity to the Rushy Meadows SSSI to the east.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks detailed planning consent for the construction of 11no. commercial units within 2no. buildings comprising a total of 6,448sqm of commercial floorspace within use classes E (g) (i) – (iii), B2 and B8. This is consistent with the

outline consent for the site which permits development within class B1 and B2 with ancillary B8 use.

- 3.2. The proposed development is for an 'Innovation Centre' that is envisaged by the applicant to meet the needs of small to medium sized enterprises looking for a base to start or enhance operations to build a platform for economic growth that supports the local economy.
- 3.3. The units have been designed within two linear buildings of a scale and appearance consistent with the existing development at plots 1 and 3.
- 3.4. Access is to be taken from the main spine road into the Technology Park and parking is proposed to the front and rear of the buildings including electric vehicle charging points and cycle parking.

4. RELEVANT PLANNING HISTORY

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

- 4.1. 14/02067/OUT - OUTLINE (all matters reserved) - New build Technology Park comprising 40,362sqm of office, research and development, laboratory, storage and ancillary space – APPROVED
- 4.2. 16/00533/DISC - Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT – APPROVED
- 4.3. 17/00559/F - Variation of conditions 1, 2, 3, 5, 7, 9 and 21 of 14/02067/OUT to enable proper phasing of the development – APPROVED
- 4.4. 17/01542/REM - Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3 – APPROVED
- 4.5. 18/00047/DISC – Discharge of conditions 3 (landscaping scheme); 5 (cycle parking) and 6 (sustainability and energy statement) of 17/01542/REM – APPROVED.
- 4.6. 21/00690/REM – Variation of conditions 1 (plans), 2 (materials) 3 (landscaping scheme), 5 (cycle parking), 6 (sustainability and energy statement) of 17/01542/REM - amendments to Units 1 and 3 - 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, 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 **17 August 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

7.1. 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. KIDLINGTON PARISH COUNCIL: **No comments received.**

CONSULTEES

7.3. CDC ARBORICULTURE: **No comments received.**

7.4. CDC BUILDING CONTROL: **No comments received.**

7.5. CDC ECOLOGY: **No comments received.**

7.6. CDC ECONOMIC DEVELOPMENT: **No comments received.**

7.7. CDC ENVIRONMENTAL HEALTH: **No comments** in respect of noise, contaminated land, air quality odour or light. Although it is noted that whilst there is provision for EV charging points, ducting for future expansion should also be installed as part of the development.

7.8. CDC LANDSCAPE SERVICES: **No objection.**

7.9. CDC PLANNING POLICY: **No comments received.**

7.10. OCC HIGHWAYS: **No objection** subject to S106 linking agreement and conditions.

7.11. OCC DRAINAGE: **No objection.**

7.12. BBO WILDLIFE TRUST: **No comments received.**

7.13. NATURAL ENGLAND: **No objection** based on the plans submitted the proposed development will not have a significant impact on protected nature conservation sites or landscapes.

7.14. ENVIRONMENT AGENCY: **No comments** refer to EA standing advice.

7.15. THAMES WATER: **No objection.**

7.16. THAMES VALLEY POLICE: **No comments received.**

7.17. LONDON OXFORD AIRPORT: **No comments received.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies

are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- SLE1 - Employment Development
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 11 – Conservation Target Areas
- ESD13 - Local Landscape Protection and Enhancement
- ESD 14 – Oxford Green Belt
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- KIDLINGTON 1 – Accommodating High Value Employment Needs
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C15 – Prevention of coalescence of settlements
- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of Development
- Transport and highway impact
- Design, and impact on the character of the area
- Residential Amenity
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

Principle of Development

9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2031 Part 1.

9.3. Notwithstanding this, the CLP 2031 Part 1 does set out a need for small scale review of the Green Belt as a result of the 2012 Employment Land Review which identified a

need for additional employment land in the Kidlington area. It is recognised that Kidlington has a very different economic role from the other villages in the District due to its location on the hi-tech corridor between London and Oxford and the proximity to Oxford University and Begbroke Science Park offering unique opportunities to attract and accommodate high value employment uses in the research and development sector. It is not anticipated that this need can be accommodated on sites within the built-up limits of Kidlington. A specific need has also identified at the Langford Lane area and the Science Park at Begbroke and exceptional circumstances are considered to exist to justify small scale review of the Green Belt to meet employment need.

- 9.4. Subsequently, policy Kidlington 1 refers to the Oxford Technology Park site as one of the locations where small scale review could accommodate high value employment development subject to site specific design and place shaping principles.
- 9.5. Unfortunately, the intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2031 Part 1 in July 2015.
- 9.6. The application of policy (including very special circumstances) and the harm to the Green Belt was however considered through the Outline planning application (14/02067/OUT). Whilst it was concluded at the time that the development at this location would have an adverse impact on the Green Belt, the need to provide sites for high technology industry was considered to outweigh the harm and tipped the planning balance in favour of granting planning consent.
- 9.7. The site now comprises a ready development site where commercial development is already consented and under construction and the main spine road and access to the site have been constructed to facilitate the further development of the site.
- 9.8. In the meantime, the Outline planning consent (14/02067/OUT) has lapsed and the current application is for detailed consent, rather than reserved matters pursuant to the Outline consent and must be determined accordingly. Notwithstanding this, the proposals are considered to accord with the parameters set out at the Outline stage for the delivery of a technology park at this location and some of the information submitted and approved under the original Outline consent will be applicable to the development of the application site. The arguments put forward for very special circumstances in the consideration of the Outline application are also considered to remain valid and are given further weight through the adoption of the CLP 2031 Part 1 and policy Kidlington 1 which sets out a commitment to review the Green Belt at this location.
- 9.9. As such, given the history of the site and the clear intention of the Council to review the Green Belt at this location, the principle of the proposed development is considered acceptable.

Transport and Highway Impact

Policy Context

- 9.10. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development

Assessment

- 9.11. The Oxford Technology Park site access junction with Langford Lane has recently been constructed. As the junction has been designed to accommodate the total quantum of development permitted by the Outline consent (14/02067/OUT), and the quantum of the proposed development (as well as development already permitted) does not exceed the parameters of the Outline consent, it is considered that the access arrangements into the technology park site are suitable to accommodate the development proposed.
- 9.12. The total quantum of development, and related trip generation, is also within that which has previously been assessed through the Outline application.
- 9.13. Visibility from the plot access junction is suitable, given the linear nature of the spine road. However, OCC highway officers have noted that the access junction between the application site and the internal spine road is wide in radius and the Transport Statement states that HGVs are not likely to require access to this site. There is no objection to the application on this basis and it is not considered necessary to require revised plans to address this. Whilst the use of the technology park site is for E (g) (i) – (iii) and B2 uses with ancillary B8 use, it can be reasonably assumed that large delivery vehicles may need to access the site to service the proposed units.
- 9.14. Car parking has been proposed based on the OCC standard for office use (one space per 30sqm) plus an additional 9 spaces. OCC highway officers have highlighted that the application of parking standards for office use where research and development floor space is also proposed would result in an overprovision of car parking which may encourage car travel to the site, although the County Council would not wish to raise an objection on this basis. A Travel Plan and Travel Plan Monitoring fee will be required to ensure that the use of sustainable modes of transport is encouraged and to reduce car travel to the site, the site is also sustainably located and offers realistic opportunities for modal shift.
- 9.15. Mitigation measures including public transport improvements and footway enhancements were also secured through the Outline consent in order to enhance sustainable transport options to the site.
- 9.16. Electric vehicle charging points are proposed to serve both buildings, providing 10no. charge points. In order to promote the take up of electric vehicle use, the Council promotes the installation of ducting to allow for future expansion of EV charging rather than retrofitting at a later date. This can be conditioned.
- 9.17. Cycle shelters are shown to the frontage of the proposed buildings but details of the appearance of these shelters has not been submitted and will need to be conditioned.
- 9.18. In addition to the highway impact of the development, the impact on the adjacent London Oxford Airport also needs to be considered. The original Outline consent required the submission of a full technical safeguarding study to assess the effects of the development on London Oxford Airport's navigation. This condition should be imposed again to ensure that there is no adverse impact to the airport navigation system as a result of the proposals.

Conclusion

- 9.19. The proposals are considered to be in accordance with policies SLE4 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF in this regard.

Design, and Impact on the Character of the Area

Policy Context

- 9.20. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way it functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.
- 9.21. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

Assessment

- 9.22. The application site is largely flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the car showrooms to the east of the site.
- 9.23. The development comprises two rectangular buildings sited perpendicular to the main spine road through the technology park site. The buildings are sited either side of a central access road with parking surrounding.
- 9.24. The design of the buildings is consistent with the appearance of the buildings currently under construction at plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades. The buildings are designed to be constructed with a flat roof with roof top plant being screened by light grey walling.
- 9.25. In terms of scale, the buildings would be two storey in height, lower than the existing buildings on the frontage of the technology park site but in line with the two storey building at plot 3. This reduced scale creates a step down to the existing built form to the west and creates a uniformity within the Oxford Technology Park site.
- 9.26. The layout, scale and appearance of the proposed buildings are considered acceptable in the context and would be consistent with the design principles established on the technology park through the approval and construction at plots 1 and 3.
- 9.27. The landscape scheme for the site is also consistent with the principles agreed and approved through the Outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the western boundary and the planting of street trees along the main spine road. Full details will be required by condition.
- 9.28. Boundary treatment information has not been submitted with the application and will also need to be conditioned.
- 9.29. Areas for recycling (bin storage) are shown in the car park layout but details of the appearance of these areas (structures/boundary treatment) has not been submitted and will need to be conditioned.

Conclusion

- 9.30. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and C28 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

Residential Amenity

Policy Context

- 9.31. Policy ESD15 of the CLP 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.32. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.

Assessment

- 9.33. The nearest residential properties are located at Evenlode Crescent to the west and the hotel to the north would also be a sensitive receptor. There is significant physical separation between the proposed development and these existing receptors so that there would be no undue harm by way of loss of light, overlooking/loss of privacy or overbearing impact as a result of the proposed development.
- 9.34. B1 and B2 uses have already been considered acceptable on this site under the original Outline consent and a condition was attached to the consent to control noise originating from the site. A similar condition will be imposed on this consent to ensure that the proposals would not cause nuisance or disturbance to a detrimental degree.

Conclusion

- 9.35. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and ENV1 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

Ecology Impact

Legislative context

- 9.36. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.37. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.38. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the

integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.39. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.40. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.41. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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

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

- 9.44. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.45. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.46. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.47. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.48. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- It also states that LPA's can also ask for:
- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.49. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the Rushy Meadows SSSI to the east. The ecological impact of the development has already been considered under the original Outline consent including the submission of further information by condition.
- 9.50. The site has now been cleared for development and consists of a 'clean' site. The existing mature hedgerow to the western boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.
- 9.51. Having considered Natural England's Standing Advice and taking account of the site constraints and history of the site, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The ecological impact of the development of the technology park site has already been considered and no further formal survey is required. Conditions will be imposed to ensure compliance with details already

approved in respect of ecology and biodiversity will be imposed and is considered sufficient to address the risk of any residual harm.

Conclusion

- 9.52. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2031 Part 1 and taking into account Natural England Standing Advice.

Flood Risk and Drainage

Policy Context

- 9.53. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.54. Flood risk and drainage on this site have been considered and addressed under the original Outline consent which agreed the drainage strategy and principles for the technology site as a whole.
- 9.55. Whilst an initial objection was raised to the current application by OCC Drainage, further clarification has been provided by the applicant and OCC have now removed their objection on drainage grounds. Conditions are recommended to ensure that the development is carried out to the satisfaction of the LLFA.

Conclusion

- 9.56. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

Energy Efficiency and Sustainability

Policy Context

- 9.57. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1,000 sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.58. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.59. The application does not include an Energy or Sustainability Statement to address how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard.
- 9.60. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the

utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps.

- 9.61. A condition will be imposed to secure the submission of an Energy Strategy for the proposed buildings and the achievement of BREEAM 'Very Good' standard.

Conclusion

- 9.62. Subject to the imposition of suitable conditions requiring the submission of an Energy Strategy, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

Planning Obligations

- 9.63. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.64. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.65. Contributions towards highway improvements were secured through the Outline consent including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 9.66. In responding to this application, OCC have suggested that a linking agreement will be required to link the development to the obligations attached to the Outline consent. This has been queried by the applicant based on the agreed trigger points for contributions and the current stage of the development. OCC are reviewing further, and a further update will be provided.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2031 Part 1 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of Outline planning consent. Development has commenced on the site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.
- 10.4. The proposals are considered to be acceptable in all other regards and approval is recommended.

11. RECOMMENDATION

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

CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 2612-01 PL2; 2612-02 PL4; 2612-10 PL3; 2612-11 PL3; 2612-12 PL3; 2612-16 PL3; 2612-13 PL3; 2612-14 PL3; 2612-15 PL3; P21-002 101 C1

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 permitted shall be carried out strictly in accordance with the following plans and documents approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F:
 - Air Quality Impact Assessment dated November 2016 and condition letter ref. 23558/GH/AA dated 8th February 2017;
 - Reptile Method Statement ref. 8939_MS_APPR_12 10 16.docx dated 12th October 2016;
 - Biodiversity Enhancement Measures ref. 8939_EMP_APPR_02 02 2017.docx dated 2nd February 2017;
 - Bird Control Management Plan dated 14th March 2017

Reason – To ensure that the development is carried out in accordance with details already approved by the Local Planning Authority to achieve a satisfactory development without adverse impact.

4. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

5. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason - This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – To encourage occupiers to use sustainable modes of transport as much as possible in line with the Government guidance contained within the National Planning Policy Framework

7. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 9.30 and 16.30. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason – In the interests of highway safety and the residential amenity of neighbouring occupiers.

8. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan; • Comprehensive infiltration testing across the site to BRE DG 365;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;

- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems

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

9. Prior to the first occupation of the development hereby approved, a record of the installed SuDs and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
 - Photographs to document each key stage of the drainage system when installed on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - The name and contact details of any appointed management company information.

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

10. No development shall commence until a full technical safeguarding study has been submitted to and approved in writing by the Local Planning Authority to assess the effects of the development on London Oxford Airport's navigation aids and radar equipment.

Reason: To ensure that the development does not unduly affect navigation and radar equipment at London Oxford Airport and to comply with Government guidance contained within the National Planning Policy Framework.

11. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

12. No development shall commencement until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:
- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - 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,

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

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

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

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

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

14. Notwithstanding the details of the cycle parking shown on drawing no. 2612-02 PL4 submitted with the application, no development shall commencement until a detailed plan showing the proposed cycle parking to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason - In the interests of maximising the opportunities for sustainable travel in accordance with Policies ESD1 and SLE4 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the details of the recycling areas shown on drawing no. 2612-02 PL4 submitted with the application, no development shall commencement until a detailed plan showing the proposed bin and recycling storage to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason - In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. 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 first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.

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.

17. Prior to the commencement of the development hereby approved, a Sustainability and Energy Statement, outlining how sustainability will be built into the approved development including a scheme to allow for the easy expansion of the EV charging shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

18. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason - In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2011-2031 Part 1.

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

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

PLANNING NOTES

1. Any trees planted must not be of a species not likely to attract large numbers of birds, including berry-bearing species and those likely to grow over 15m in height which may encourage a rookery.
2. If cranes are used during construction, there will be a need for the developer to liaise with the London Oxford Airport in accordance with the British Standard Institute Code of Practice for Safe Use of Cranes (BS 7121). Crane permits will be required from London Oxford Airport prior to use.
3. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

Agenda Item 9
20/01048/DISC

**OS Parcel 7400 Adjoining And South Of
Salt Way
Banbury**

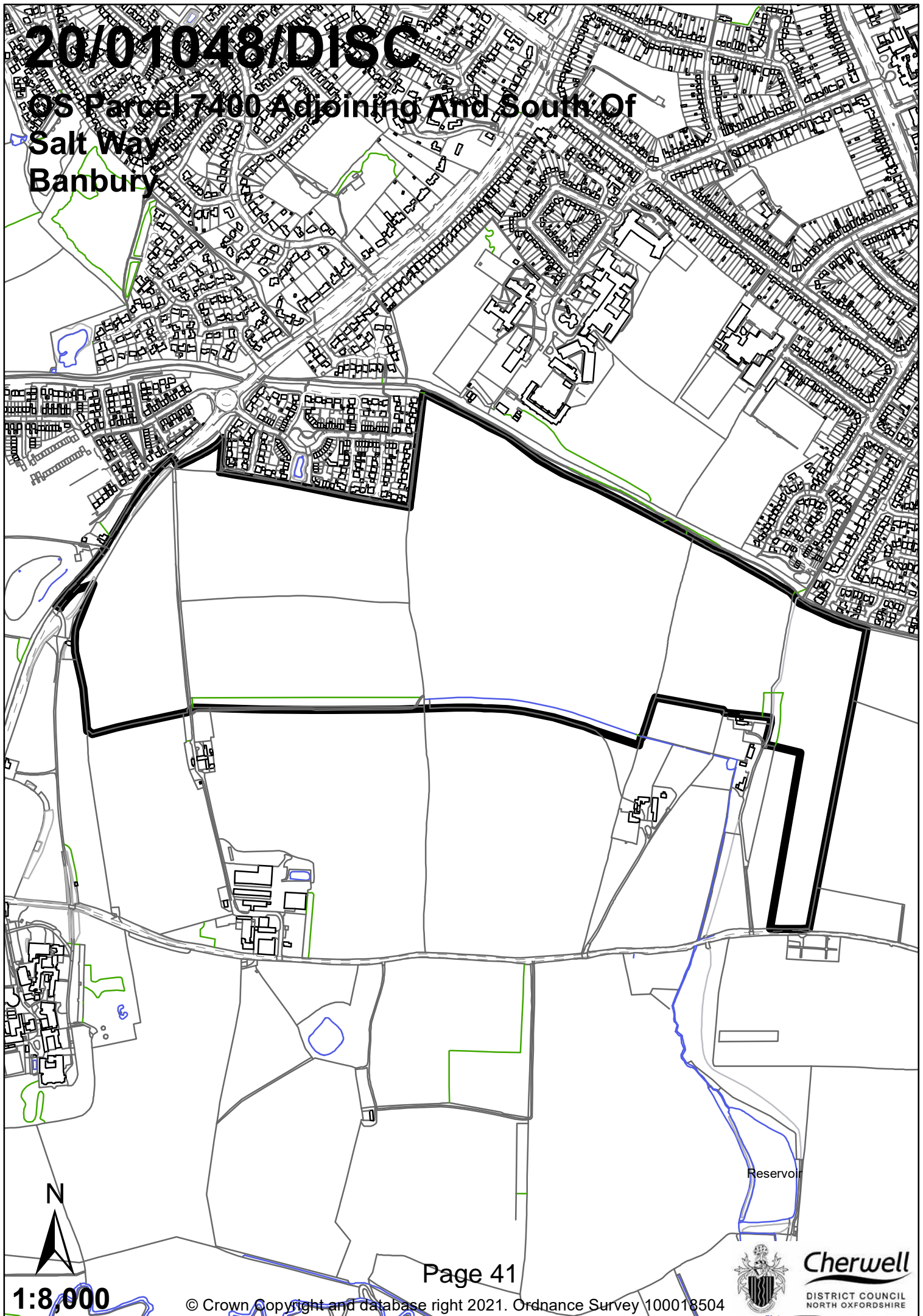


1:8,000



20/01048/DISC

**OS Parcel 7400 Adjoining And South Of
Salt Way
Banbury**

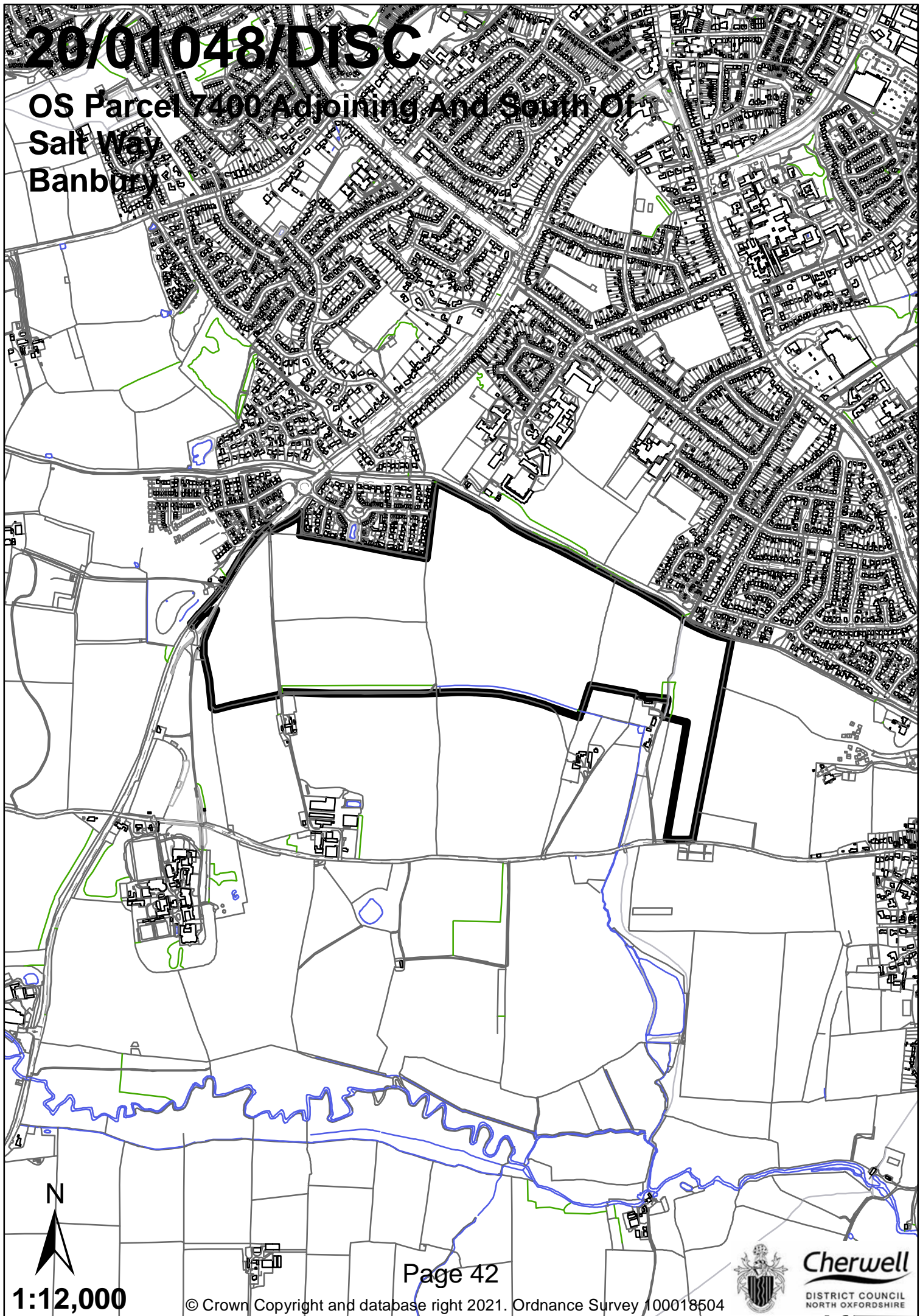


Reservoir



20/01048/DISC

**OS Parcel 7400 Adjoining And South Of
Salt Way
Banbury**



1:12,000

Case Officer: Linda Griffiths

Applicant: Mrs Sarah Griffiths

Proposal: Discharge of Condition 6 (Design Parameters Code) of 14/01932/OUT

Ward: Banbury Calthorpe and Easington

Councillors: Councillor Colin Clarke, Councillor Mallon, Councillor Mepham

Reason for Referral: Referred to Committee by Assistant Director, Planning and Development

Expiry Date: 27 August 2021

Committee Date: 7 October 2021

SUMMARY OF RECOMMENDATION: THAT PLANNING CONDITION 6 (DESIGN PARAMETERS CODE) OF 14/01932/OUT BE DISCHARGED

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The site comprises 52 hectares of arable and pasture land located approximately 1.7km to the south of Banbury Town Centre. The northern edge is bounded by Salt Way. A tree bely along the southern boundary will be retained and incorporated into the green infrastructure.
- 1.2. Bloxham Road (A361) forms the western edge of the site, one of the main strategic routes into the town. It is currently rural in character and tree lined and will be realigned to form the new access into the site.
- 1.3. Outline planning permission was issued in December 2019 following the completion of a section 106 agreement. It is anticipated that work to create the new access and spine road will commence later this year.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. This report relates to the Design Code document that has been submitted in order to discharge condition 6 of the outline planning permission relating to the residential development on land to the south of Salt Way allocated in the adopted Cherwell Local Plan under Banbury Policy 17. The purpose of the Design Code is to guide the detailed design of the development of the site. The Lead Developer for the site, L&Q Estates will be responsible for delivering the strategic infrastructure on the site which includes the main spine road, greenways, structural landscaping and play space and the strategic foul and surface water drainage. It is understood that the residential areas will be split into land parcels and sold to other housebuilders to deliver.
- 2.2. The outline planning permission was issued on 19 December 2019. Condition 6 relating to the design code is as follows:

No application for reserved matters approval shall be submitted (with the exception of an application solely providing details of the new link road) until a Design Parameters Code covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Parameters Code shall be broadly in line with the principles contained in the design and access statement and its addendums and include details of:

- *An indication of development densities across the site*
- *Character areas*
- *The general scale and form of buildings across the site*
- *The street form and hierarchy for all types of street/road*
- *General approach to public open space, recreation facilities and green infrastructure*
- *The approach with respect to existing public rights of way*
- *The approximate location of public artwork*
- *The approach to the new link road including its alignment*

The Design Parameters Code shall also include a parameters plan for the local centre which shall include details of the following:

- *An indication of uses within the Local Centre*
- *Amount of development proposed for each use*
- *An indicative block plan layout, including car parking arrangement*
- *Scale parameters of buildings*
- *Indicative access points*

The development and all subsequent applications for reserved matters shall be in accordance with the approved Design Parameters Code unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in a cohesive way that leads to a satisfactory quality of urban design in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 2.3 There are also a number of other planning conditions attached to the consent which require other details such as highway requirements, landscaping and ecology to be addressed.
- 2.4 The clearance of planning conditions is ordinarily dealt with through officer delegation, but, given the important role that the Design Code will have in securing the future appearance and design of the site, it has been referred to the Planning Committee for determination by the Assistant Director, Planning and Development.
- 2.5 The recent changes (July 2021) to the NPPF reflect the new drive in Government policy towards the creation of 'beautiful' and 'sustainable' places. The NPPF envisages this happening through the design guides and design codes that are based on effective community engagement and reflect local aspirations for the development of the area. The Planning Committee represent the community as a whole and therefore are in a position to comment upon local aspirations for development in the district. The intention of referring this matter to the Planning Committee is to allow for suitable and proportionate public oversight to ensure the proposed design approach is fit for purpose within its local context.
- 2.6 The condition requires the approval of the design code prior to the approval of any reserved matters, with the exception of the spine road. The condition also requires all reserved matters applications to be in accordance with the design code. This will ensure that, should the Planning Committee resolve to agree the Design Code, that the future development of the site will come forward in accordance with its content.

3. RELEVANT PLANNING HISTORY

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

14/01932/OUT – outline consent for up to 1000 dwellings, local centre, primary school and strategic infrastructure

20/03702/REM – reserved matters consent for the spine road serving the development

4. RESPONSE TO CONSULTATION

4.1 Urban Design – There have been ongoing discussions throughout the consideration of this Code and the detailed comments can be read on the application documentation. A number of concerns and issues were raised from the outset, which following extensive and on-going discussions and meetings have now been largely addressed.

4.2 Arboricultural Officer – Comments have only been received in respect of the document issued in July 2021 (v20), where a number of observations were made. These comments can be read in full on the application documentation. Whilst a number of the comments are reasonable, most of the tree and shrub details have already been agreed by the Landscape Officer through negotiations throughout the determination of this application.

4.3 Ecology Officer – Comments have only been received in respect of the initial submission (v18, Apr.'20) advising that the code was disappointing from an ecological point of view, and it was difficult to assess whether a biodiversity net gain would be likely. It would be preferable to set aside areas for wildlife refuge and discourage dog walking/recreation in those areas. No commitments to biodiversity enhancements within the built environment. No further comments have been received from the ecologist on the subsequent Code amendments.

4.4 Landscape Officer – There have been ongoing discussions throughout the consideration of this application and the evolution of the code. The detailed comments can be read in full in the application documentation. A significant number of concerns were raised at the outset and the submission submitted in July has finally resolved the issues raised in terms of landscaping and the landscape officer now considers the submission to be acceptable.

4.5 OCC – Raised several objections to the initial submission, the details of which can be read in the application documentation. Following considerable discussions, meetings and negotiation the majority of the original concerns were addressed and overcome. The comments (2 August 2021) raised concerns regarding the tree species down the spine road, inadequate street dimensions for adoption in some areas and lack of a continuous footway at the Local Centre. Further amendments were made in respect to those comments (v21, v22 and v23, dated July and August 2021) which now satisfy OCC's earlier concerns.

4.6 Stagecoach – Raised a number of concerns regarding the spine road as a bus route and the provision of bus stops along its length. These issues have now been dealt with separately under the reserved matters submission relating to the spine road (20/03702/REM) refers. These comments can be read in full on the application file.

5. APPRAISAL

- 5.1 Outline planning permission for the residential development of this larger part of the Banbury 17 allocation was granted on 19 December 2019 following the completion of a Section 106 Agreement. This permission is for up to 1000 dwellings, local centre with community building, primary school, secondary school playing field land and strategic infrastructure and provision of a new spine road served from a new roundabout on Bloxham Road through the site to link at its eastern end with the spine road on the adjacent site being brought forward by David Wilson/Barratt Homes to link to a new access on White Post Road. The new spine road will also include a new bus service through the development.
- 5.2 Prior to submitting this application, a number of workshops and discussions have taken place with CDC and OCC Officers, Gallaghers (now L&Q Estates) and their agents in helping to steer the Code which was formally submitted through this application for consideration in April 2020.
- 5.3 There were a considerable number of issues and concerns with the original submission which despite much discussion and correspondence prior to its submission, lacked vision and clarity as to what type of development was envisaged on the site and lacked any clear and logical thought process.

The Requirement for Design Codes

- 5.4 Design codes are designed to deliver an improved quality of development and to ensure consistency across the site. They also give housebuilders interested in taking one of the parcels an equal playing field in terms of what is expected. The use of design codes can also enhance the economic value of a site through better quality design and sense of place; give greater certainty to the planning process, and a more streamlined process. The aim of a design code is to provide clarity over what constitutes acceptable design quality for an area and therefore provide a level of certainty for developers, the Local Planning Authority and the local community generally. Codes are intended to focus around the design characteristics that are important to achieve and establish and firmly fix the 'must have' design elements.
- 5.5 Given that Banbury 17 is a large strategic allocation, and that this forms the larger portion of that allocation for up to 1000 dwellings plus the local centre on the edge of Banbury, it is vital that the development coming forward successfully integrates with the existing development, the rural nature of Bloxham Road and the remainder of the allocation at the eastern end being delivered by David Wilson/Barratt Homes as well as delivering a development that is locally distinctive.
- 5.6 A well written and clear design code should lead to better quality and consistency through all phases of the development. Whilst the Lead Developer (L&Q Estates) will deliver the main strategic infrastructure, it is likely that the residential parcels will be sold to other developers and the Code will provide clarity on what is expected across the site.
- 5.7 The NPPF at Chapter 12 'Achieving Well-Designed Places' advises at paragraph 129 that all design guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and National Model Design Code. Each of these documents promote good design which is locally distinctive with green tree-lined streets.

- 5.8 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 also seeks to ensure that new development within the District is of high quality and locally distinctive to protect the character and appearance of the District and to ensure that Cherwell District remains an attractive place to live and work.
- 5.9 Cherwell District Council's adopted Residential Design Guide 2018 SPD is also a material consideration and all new development should seek to comply with it.

The Design Code Submission

- 5.10 The Design Code was required under the outline conditions to provide certainty for developers and their agents who will be building out the development. It will help to inform officers determining the reserved matters applications as well as consultees, Members and members of the public about the standard of development expected. The Code will be used to inform pre-application discussions and will follow through to assist in the determination of the subsequent reserved matters applications.
- 5.11 The design code now under consideration (v23 submitted on 26 August 2021) has changed significantly since its original submission in April last year (as v18). It was considered that this original submission lacked clarity and vision and failed to successfully articulate the type of development to be created having regard to context, landscape, density, movement and street design. Those initial concerns were explained in a letter to the agents dated 30 June 2020 and can be read in full in the application documentation. Following a further series of written comments, meetings and discussions over the last 12 months, the Code has evolved through five further iterations (v19-v23) that have sought to address the concerns, and ultimately ensure the delivery of a successful and locally distinctive place.
- 5.12 The Code is broken down into chapters, namely: introduction, context vision and character, regulating plan, landscape, access and movement, built form, sustainability and implementation. These will be considered further below.
- 5.13 The Code includes three types of information; Mandatory design fixes which are elements that must be adhered to; Guidance which are elements within the code that should be achieved and illustrative material or precedent images that seeks to explore how the mandatory and guidance elements within the Code can be achieved. As the Code is designed to be a detailed '*book of rules*' for developing the site, it is vital that the document is clear in its vision and what will be required and that none of the statements are ambiguous or contradictory.
- 5.14 In terms of the pre-penultimate submission iteration (v21), dated July 2021, the applicant's agent was advised that a number of key issues remained to be addressed, these being the objections raised by OCC as highway authority and the requirement to ensure the use of 30% natural ironstone throughout the development. A final revised code that addressed those issues (v23, dated August 2021) was received on 26 August 2021.

Urban Form and Character Areas

- 5.15 The Code identifies two main character areas: Core and Suburban and a third smaller character area: Local Centre. The code deals with each of the character areas in turn. As each of the character areas is slightly different in character, location within the site or function, there are different rules for each of the areas. Each character area also differs slightly in terms of density and building heights. The edges of the site within each character area are also treated slightly differently with slightly different character area frontages created to the Bloxham Road Gateway, Greenways, Salt Way and

Spine Road/Greenway Nodes. The key elements of each character area are summarised below.

- 5.16 Densities and building height as required by the condition are identified on pages 82 and 83 of the Code.

Core Character Area

- 5.17 This is recognised as the most visible and active part of the development anchored by the spine road which runs through the site from the Bloxham Road in the west to its eastern boundary with the remainder of the allocation, which is being delivered by David Wilson/Barratt Homes. The Local Centre and primary school are also located just to the north of the spine road. This area will have the highest building density and the tallest buildings achieved through 2.5 and 3-storey buildings with 2-storey at the gateway into the development. Consistent and strong continuous built frontages are a key characteristic of this area. The materials originally specified in this area were 60% red brick, 30% buff brick and 10% render and the gateway frontage and greenway frontages were to be 100% natural ironstone. This however was confusing, contradictory and did not comply with the Council's Residential design guide SPD, which requires a minimum of 30% natural ironstone. The applicant was asked to re-consider this aspect to ensure that the code was clear in its requirement for 30% of dwellings to be in natural ironstone. The final iteration of the Design Code (v23) is now clear and policy compliant.
- 5.18 In terms of boundary enclosures, hard landscaped boundaries consisting of either stone or brick walls to match the associated dwelling are proposed to dwelling frontages and where enclosures abut the public domain.
- 5.19 One of the main characteristics of the core area is the spine road which has a 4m wide grass verge to the northern side with trees placed at 20m intervals. This tree lined feature has been the topic of much discussion and negotiation throughout the evolution of the Code and was agreed following the approval of reserved matters for the adjacent David Wilson/Barratt Homes development where this was achieved. One of the main concerns in respect of this Code, however, was the mandatory reference to the provision of up to an additional 25 accesses along the spine road to provide some direct access to dwellings along the spine road, including private drives. The main access points into each of the individual housing parcels either side of the spine road are already agreed, and these access points would be in addition to those. Whilst it is accepted that some additional access points may be appropriate and acceptable along the spine road, particularly to the southern side where there is no verge and tree planting, the provision of these should be limited and must not impact on the main character of the tree lined spine road. Following further discussions, specific reference to the number of additional vehicular access points have now been removed.
- 5.20 In terms of the built development itself, the code remains vague in terms of the design of dwellings and architectural detailing, and the form of development around the greenway nodes along the spine road also remains unclear in terms of what the character change is actually to be achieved here. This has been the subject of much discussion but remains un-resolved. However, it is hoped that the Residential Design Guide SPD can help to guide the development through the reserved matters submissions in these respects, so whilst the Code is disappointing on this point, it is considered that this would not be a reason for refusal.

Suburban Character Area

- 5.21 The suburban character area lies away from the main spine road and is generally less visible than the core area, receiving lower levels of vehicular traffic and through

movement. This area relates most closely with the strategic landscaping and defines the edges of the site with more informal and varied front garden set backs which must be a minimum of 1.5m. The density of development is slightly lower than the core and has a greater proportion of 2 storey homes. The building materials specified are 60% red brick, 30% textured brick and 10% render with ironstone along the Salt way and Greenways. As above this was ambiguous and contradictory and would not achieve delivery of 30% natural ironstone across the development, as required by the Residential Design Guide SPD. This it has now been amended in the latest revised draft (v23) on pages 86-89 of the Code, which is now policy compliant. In terms of boundary treatments, it is proposed that these should be soft landscaped boundaries to provide a greener and more informal character, using hedging trees or shrub planting.

Local Centre

- 5.22 The Local Centre which is located just to the north of the spine road lies at the heart of the new community. It will accommodate a range of local retail and community uses including a community hall and garden. Co-located adjacent to the new primary school, the Local Centre will provide a focus for community activity for the development. It is also envisaged that there may be an opportunity to provide some residential use above the retail units.
- 5.23 The design of the Local Centre and 'school loop' highway has been informed by discussions with OCC to ensure appropriate access provision for the primary school is made with clear pedestrian and cycle routes through the local centre to the school. The local centre parking will also serve the school drop offs and collection.
- 5.24 It is important that the local centre provides sufficient outdoor space for people to gather and meet, and following extensive discussions, the indicative layout for this area is significantly improved. The Code also envisages that the Local Centre should be more contemporary in its design and choice of materials.
- 5.25 Whilst the indicative layout for the Local Centre site has been significantly amended and much improved from that originally proposed to address the concerns and objections made, it is still considered that it is somewhat compromised by its size and relationship with the primary school, access road, potential residential uses above and parking/servicing provision. This will require very careful consideration at reserved matters submission.

Landscape Strategy

- 5.26 This chapter of the Code has evolved through extensive discussions with the applicant and agent. A series of seven coded landscape areas are proposed, these being the Parkland Gateway, Eastern Park, Greenways, Salt Way, Spine Road and Greenway Nodes and the Local Centre.

Parkland Gateway

- 5.27 The aim of this strategic landscape area lies adjacent to Bloxham Road and will help to deliver an appropriate interface between the urban edge of Banbury and the rural approach along Bloxham Road and the adjacent parkland of Tudor Hall School. This area will sit either side of the new roundabout and vehicular access into the development.
- 5.28 The key characteristic here will be a gently rolling mound created by the new earthworks, retaining the existing public right of way with parkland planting and play area which will be integrated into the landscape and planting proposals. A dry

attenuation pond related to the street drainage will be incorporated close to the main entrance into the development.

Eastern Park

- 5.29 The eastern park is located at the eastern end of the development and will include a NEAP, two adult sports pitches and allotments. The existing bridleway and public rights of way will be retained with some reconfiguration of one of the footways which currently crosses the proposed pitches. These footpaths will connect to the adjacent development and to Salt Way. Two attenuation basins are to be created within this space, with associated wetland and grassland planting.

Salt Way

- 5.30 An informal linear green space will be created along the northern edge of the development adjacent to Salt Way to reinforce the setting and ecological benefits along Salt Way. A new LEAP will be located centrally along this space providing a range of equipment to cater for children of school age. Buildings along this route will be set back 20m from the Salt Way boundary.

Greenways

- 5.31 There are a series of greenways incorporated into the strategic landscaping. These will be multifunctional and biodiverse informal open space corridors that create a green structure for sustainable movement, drainage and as open space destinations in their own right. They include retained landscape hedgerow features and will be planted with additional trees to enhance their landscape value.
- 5.32 Informal leisure routes along them will provide non-vehicular connectivity between development parcels, with at-grade crossings provided at key points as indicated on the Regulating Plan. A new bridleway route will be incorporated along the central greenway. Each greenway will have slightly different character, width and function.

Spine Road and Greenway Nodes

- 5.33 As previously advised, the spine road will be characterised by a tree lined 4m grass verge and 3m footpath/cycleway along its northern side. A consistent tree planting approach is taken to provide a more unified character, with lime trees providing a strong repeating pattern at 20m spacings, punctuated by pairs of Ginkgo's at the Greenway Nodes.

Local Centre Landscaping

- 5.34 The planting here will be more urban in character and made distinguishable through the intended use of structural and ornamental planting. Tree planting along the southern boundary of the Local Centre will be planted at regular intervals to allow for continuation of planting along the spine road. Planting areas will be characterised through the use of formal herbaceous, ornamental shrubs and clipped hedges providing visual and sensory amenity. A hard landscaped area will also be provided with outdoor seating within the local centre development.

Streets

- 5.35 Oxfordshire County Council as Highway Authority have been involved in the development and completion of this document throughout and have endorsed the approach that has been detailed in the Code. Following a number of concerns and objections raised in respect of the initial submission, the Code has been revised

accordingly and subject to the latest objections raised on 2nd August being successfully resolved, as they are now in v23, the Code is considered acceptable in this respect.

- 5.36 The outline permission secured some key access and movement principles and these are brought through in the Code to create a safe and accessible development by foot and cycle with community facilities located at its centre served by well connected footpaths, cycleways and informal leisure routes, and a new bus route along the spine road to connect to the surrounding locality. An access and movement plan is provided on page 65 of the Code.
- 5.37 A street hierarchy provides legibility through the development with the main spine road and primary streets proposed to serve the higher density development within the centre of the site and residential streets, edge of parcel streets and private drives located within the development parcels themselves. After much discussion, the use of private drives has been minimised and will now only be used where they do not impinge on connectivity.
- 5.38 Whilst the spine road was proposed to be a tree lined avenue, concerns were raised about the lack of landscaping and tree planting opportunities within the development parcels themselves. This has now been addressed and build outs are proposed along residential streets to enable shrub and tree planting to be provided. OCC have raised concerns about the width of these build outs which were shown at 2.3m wide, these have now been reduced to 1.8m which is disappointing but should still be of sufficient width to achieve appropriate tree and shrub planting.

Sustainability

- 5.39 This has been subject of much discussion as the code has evolved, particularly having regard to CDC's Climate Change Emergency Declaration and Central Government advice and proposals in this regard to mitigate the impacts of climate change. This chapter remains disappointing with notes about sustainable design and construction, renewable energy measures and water resources rather vague and not mandatory.

6. CONCLUSION

- 6.1 The Design Code has evolved through significant discussions and negotiations ensuring that the final document (v23) results in a comprehensive and sufficiently detailed Code which can be used by developers/house builders, the District and County Councils, consultees and the general public to ensure the delivery of a good quality development that is locally distinctive and respects its landscape setting on the edge of Banbury.
- 6.2 The revised Code now submitted for consideration (v23) has taken on board many of the comments and criticisms that Officers and consultees made. It is therefore now considered that the Code is acceptable, enabling the relevant condition to be discharged accordingly.
- 6.3 The original application was EIA development. The Code has sought to address the requirements of the outline application and the requirements identified through the ES submission and does not result in any additional issues that would need to be reassessed at this point in time. A number of conditions, such as the Landscape Ecological Management Plan will address the mitigation measures required in terms of biodiversity. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition and it has been taken into account in considering this subsequent application

7. RECOMMENDATION

THAT PLANNING CONDITION 6 (DESIGN PARAMETERS CODE) OF 14/01932/OUT BE DISCHARGED, BASED UPON:

Land at Wykham Park Farm - Design Parameter Code - August 2021 (Version 23)

21/02408/F

**Spring Well Farm
Kirtlington Road
Chesterton
OX26 1TW**

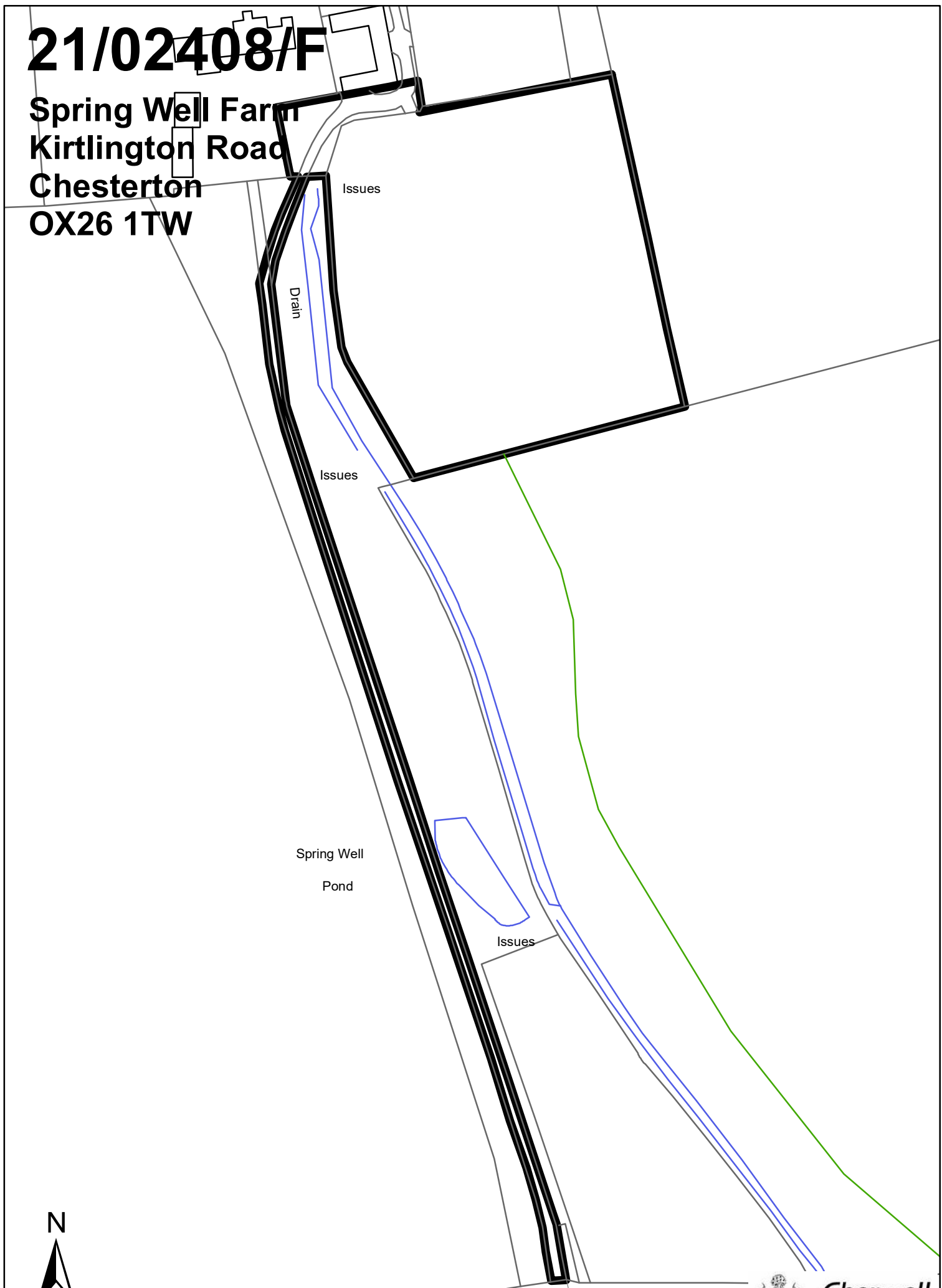


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21/02408/F

Spring Well Farm
Kirtlington Road
Chesterton
OX26 1TW



Spring Well
Pond

Issues

Issues

Issues

Drain

N

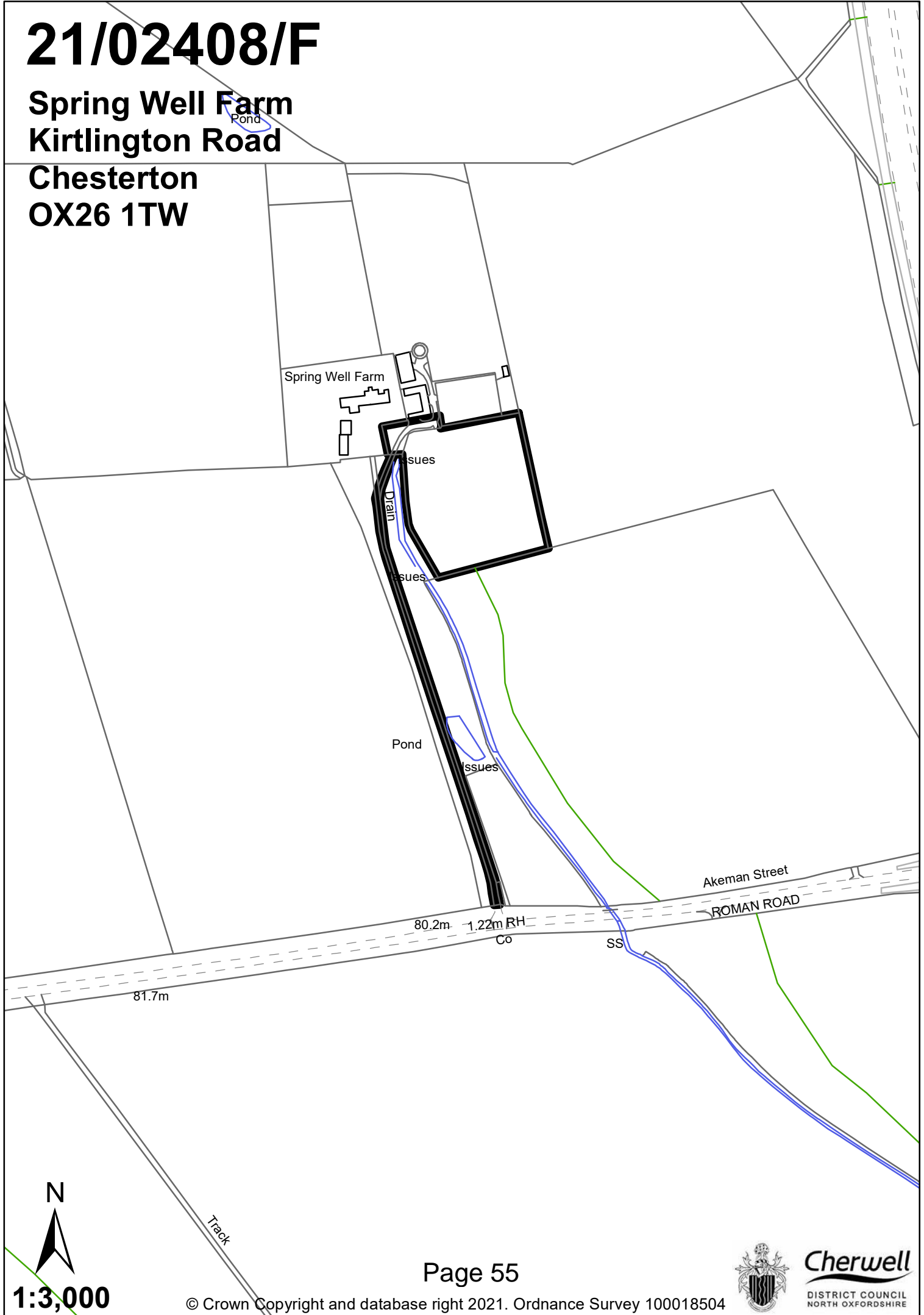
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21/02408/F

Spring Well Farm
Kirtlington Road

Chesterton
OX26 1TW



1:3,000



Case Officer: Emma Whitley

Applicant: Mr & Mrs Pharaon

Proposal: Erection of building to form covered riding area

Ward: Fringford and Heyfords

Councillors: Cllr Patrick Clarke, Cllr Corkin and Cllr Wood

Reason for Referral: Major development

Expiry Date: 12 October 2021

Committee Date: 7 October 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. Spring Well Farm is accessed from a track situated off Kirtlington Road, west of the village of Chesterton. The site for development is situated approximately 235m from Kirtlington Road and is currently a paddock. The M40 is situated approximately 273m from the site of proposed development. The topography of the site is relatively flat and views to the site are well screened by the existing established vegetation.
- 1.2. Access to the site from the highway is evident, however the location of the proposed development is not visible or apparent from the highway due to established vegetation and would be of a considerable distance from the highway.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for an outdoor riding area. The proposed structure would measure 61.4m (depth) x 21.5m (width). The maximum roof ridge height would measure 9.1m. The building would be an exposed steel frame, with juniper coloured vertical metal cladding with 30 rooflights on both the east and west elevations.

3. RELEVANT PLANNING HISTORY

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

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site on the 3 August 2021. A press notice was published late in the process and therefore the final date for comments is the **7 October 2021**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 6.2. Chesterton Parish Council: **No objections** - The building shouldn't be too high and restriction for equestrian use only.
- 6.3. Arboriculture (CDC): **No comments** or objections received at the time of drafting the report.
- 6.4. British Horse Society: **No comments** or objections received at the time of drafting the report.
- 6.5. Building Control (CDC): **No comments** or objections received at the time of drafting the report.
- 6.6. Ecology (CDC): **There are no major ecological issues on site.**

The footprint of the building largely excludes the areas of highest ecological value. The ecological report makes a range of suggestions to ensure that impacts on protected species during construction are minimised which includes additional surveys where required and ecological supervision. These could be conditioned (Sections 4.2.1- 4.2.7 inclusive of the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment prepared by Cameron S Crook and Associates, dated June 2021) and form the basis of a CEMP for biodiversity. However, note the table as currently written is missing i's and l's which makes it a little hard to read and therefore it may need to be updated in order to ensure it is a legible working document for any contractors.

The building will necessitate the loss of some habitat on site which should be mitigated for either by additional planting or enhancement of habitat elsewhere on site or by the addition of features to offer increased opportunities to wildlife such as bird and bat boxes. It is not yet clear how they will achieve this though there looks to be sufficient scope to do so. The ecological report also does not show how the development will achieve an overall net gain for biodiversity. It is a requirement that a clear net gain is sought from all developments in order for them to be acceptable. A full biodiversity enhancement scheme should be submitted therefore prior to work commencing (this can be conditioned) which necessitates a scheme of landscaping, management and provision of features for wildlife which clearly shows how a net gain will be achieved for biodiversity.

- 6.7. Environmental Health (CDC):
 - Noise: No comments
 - Contaminated Land: No comments
 - Air Quality: No comments
 - Odour: No comments
 - Light: No comments
- 6.8. Landscape Services (CDC): **No comments** or objections received at the time of drafting the report.
- 6.9. Local Highways Authority (OCC): **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- ESD5 - Renewable Energy
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the countryside
- C28 - Layout, design and external appearance of new development
- AG5 - Horse related development

7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology
- Renewable energy

Principle of development

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption of sustainable development. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. 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.

- 8.4. The application seeks planning permission for the erection of an indoor horse training arena. Saved Policy AG5 states that proposal for horse related development will normally be permitted provided they do not adversely affect the character and appearance of the countryside and are not detrimental to the amenity of the neighbouring properties. The proposed development will be considered against Policy AG5 further below. This is consistent with Paragraph 84 of the NPPF which promotes the *“development and diversification of agricultural and other land-based rural businesses”*.
- 8.5. Therefore, the principle of equestrian related development in this rural location is acceptable in principle; the acceptability of this particular proposal is subject to other material considerations.

Design, and impact on the character of the area

- 8.6. 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 2031 Part 1, 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.*
- 8.7. The proposed development relates to a building which has an agricultural appearance and, whilst large in size, would not look out of place within the wider countryside setting.
- 8.8. The site is bounded to the east, south and west by existing hedgerows and at the northern end to the Spring Well Farm complex. The development would only be visible from the access track to Spring Well Farm given the well-established hedgerows. That said, it is considered that horse related development such as this would generally be in-keeping with the rural character of the area.
- 8.9. The proposed development would be sympathetic to its rural context and would not result in harm to the character of the landscape or its topography. The proposal accords with Policy ESD15 of the CLP 2011-2031 Part 1 and saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

- 8.10. Paragraph 130 of the NPPF includes, as a core planning principle, a requirement that planning should have a high standard of amenity for all existing and future users. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.11. The farm site is isolated within the wider open countryside and there are no nearby neighbouring dwellings which would be in any way impacted by the proposals.

Highway safety

- 8.12. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.13. The Local Highway Authority (LHA) was consulted on this application and no objections were raised. The proposed building would make use of the existing access to the site, and sufficient parking spaces can be provided within the existing farm complex. Officers consider that the proposal would not cause any significant harm in the way of highway safety being compromised and in the absence of any objection from the LHA; it is considered that the proposal accords with the above policy.

Ecology

8.14. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government’s commitment to halt the overall decline in biodiversity (Para 174); these aims are echoed in Policy ESD10 of the CLP 2031.

8.15. In respect to the application site, there is some ecological potential given the rural location and the farm buildings on the site. However, the scale and nature of the proposed development is unlikely to result in any significant impacts on any noteworthy features of ecological or biodiversity value outside of the site.

8.16. The application is supported by an ecological impact assessment. The Council’s Ecologist is satisfied, on the basis of this assessment and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council’s statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged. The Council’s Ecologist requested that a prior to commencement condition be included to require a scheme of landscaping, management and provision of features for wildlife in order to demonstrate how a biodiversity net gain will be achieved and given the above obligations

Renewable energy

8.17. In accordance with Policy ESD5 of the CLP 2031 which promotes the use of renewable energy, a sustainability statement was provided by the applicants which identifies the possibilities of incorporating sustainable technology within the scheme. The building would not be heated but there would be a requirement for indoor lighting. It is noted that the proposed plans incorporate rooflights in order to reduce the need for electric lighting. However, the sustainability statement identified that power consumption within the new building would be modest and therefore solar panels are likely benefit not just the proposed building but also the wider Spring Well Farm complex. A prior to occupation condition has therefore been agreed to provide solar photovoltaics on the roof of the building.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. The principle of the proposed development is considered acceptable in this rural location, given it would be sympathetic to its rural context. The proposals are not

considered to result in significant harm to the visual amenities of the locality. For these reasons, it is considered that the application should be approved.

10. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: drawing numbers L100 Rev A (Site Location Plan), L102 Rev A (Proposed Site Plan), L103 Rev A (Site Sections), L104 Rev A (Proposed Floor Plans) and L105 Rev A (Proposed Building Elevations).

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

3. Prior to the commencement of the development hereby approved, a method statement for enhancing biodiversity at the site, including landscaping and management and provision of features for wildlife at the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained and maintained as such thereafter.

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

4. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out section 4 of the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment received by the Council on 14 July 2021.

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

5. Prior to the occupation of the building, the building shall be provided with solar PV in accordance with a scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

6. The horse training area hereby permitted shall be used for private recreation only, by the occupants of Spring Well Farm, and shall not be used for any commercial equestrian purpose whatsoever including riding lessons, tuition, livery or competitions.

Reason - In order to maintain the rural character of the area in the interests of sustainability and highway safety, in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. No external lighting shall be installed at the site unless and until full details of that external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, 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 that the development does not cause harm to any protected species or their habitats and to safeguard the character and appearance of the area in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

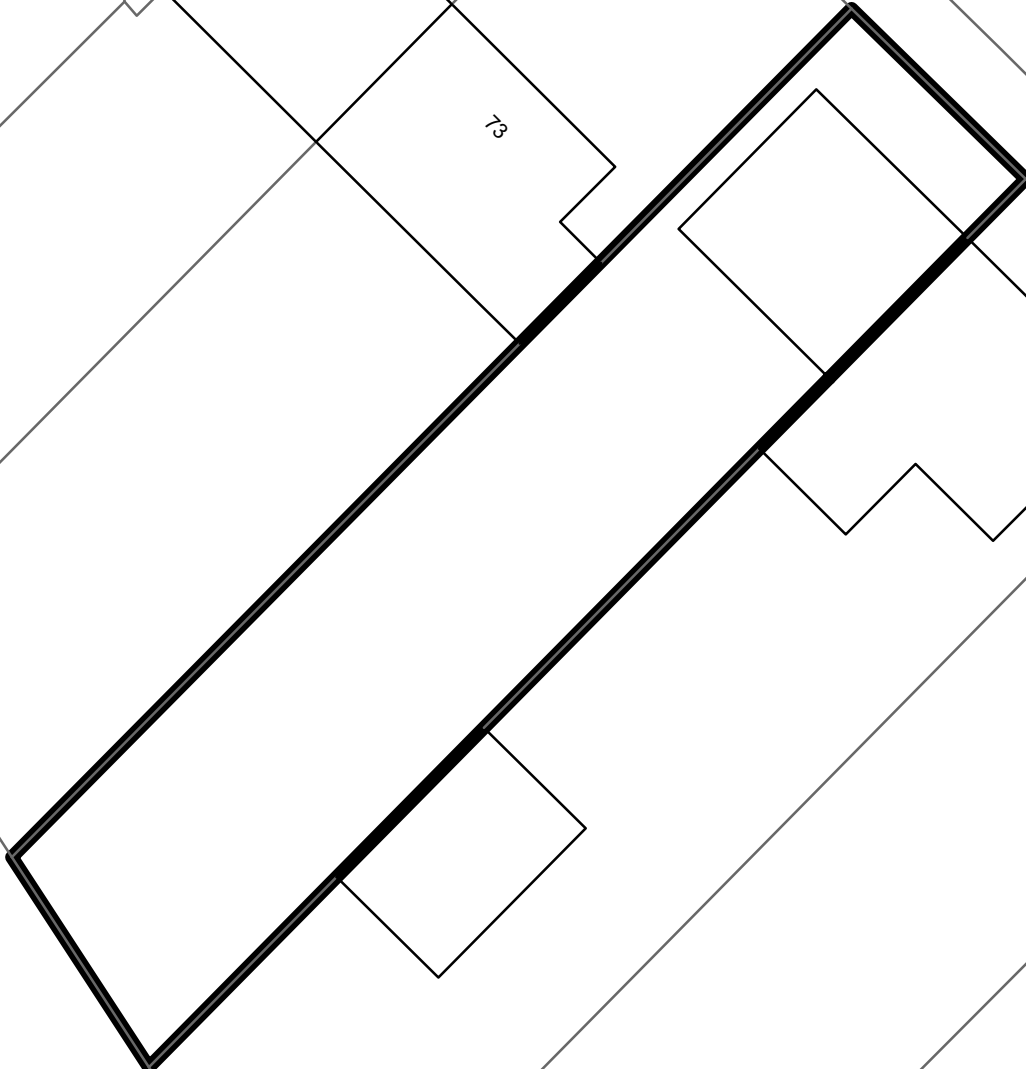
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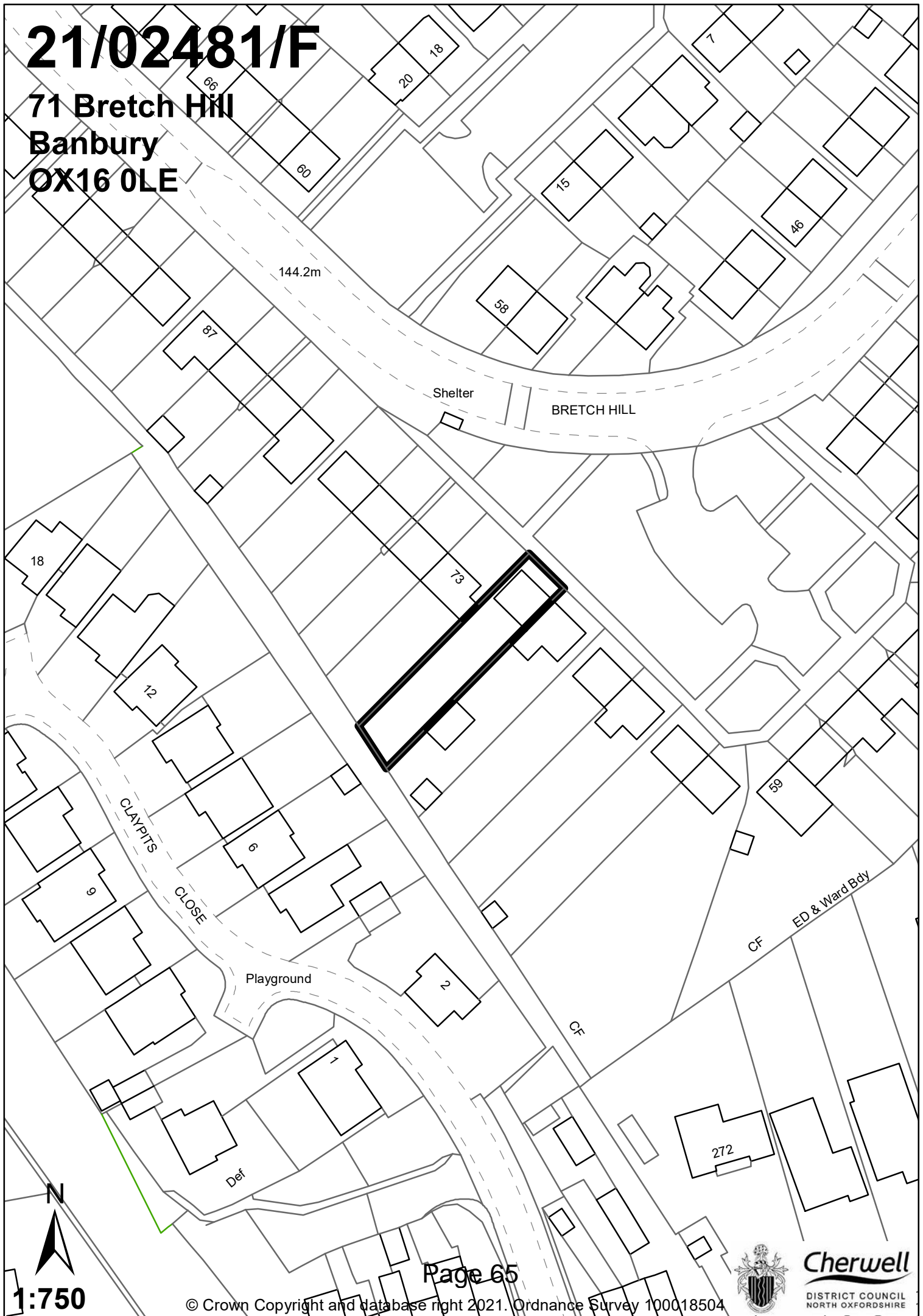


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71 Bretch Hill
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OX16 0LE



- 3.2 Two earlier applications have been approved for extensions to the rear of the property – one at two storeys and one at single storey. Neither of these schemes has been started. Both are now beyond the three year period for starting and are no longer considered ‘live’.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 26 August 2021, although comments received after this date and before finalising this report have also been taken into account.

- 5.2 No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

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

- 6.2. Banbury Town Council: **Raised no objections**

- 6.3. Local Highways Authority (OCC): **No objections**

- 6.4. Building Control (CDC): **No adverse comments**

7. RELEVANT PLANNING POLICY AND GUIDANCE

Cherwell Local Plan 2011-2031 Part 1 - (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment.

Cherwell Local Plan 1996 (saved policies) – (CLP 1996)

- C28 – Layout, Design and External Appearance of New Development
- C30 – Design of New Residential Development

8. APPRAISAL

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

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

Design, and impact on the character of the area

Policy Context

- 8.2 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, permission should be refused for development of poor design that fails

to take the opportunities for improving the character and quality of an area and the way it functions.

- 8.3 Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscape.
- 8.4 Policy ESD15 of the CLP 2031 states that development should '*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*'.

Assessment

- 8.5 The proposed extension would be located to the rear of the dwelling and would therefore not be readily visible from the public domain and would not have a significant impact on the character and appearance of the streetscene.
- 8.6 It would be stepped in from the sides of the existing dwelling meaning vision along the side of the proposed development would be minimal.
- 8.7 A larger extension was approved at the property in 2017 (Ref: 17/01674/F); this permission is no longer extant. The reduction in scale coupled with the introduction of a pitched roof as opposed to a flat roof is considered to be an improvement on the previously approved design.
- 8.8 All materials proposed for the extension are to match what currently exists at the dwelling and so the existing character of the site and locality would be retained and continued through the development.

Conclusion

- 8.9 The proposal is considered to be acceptable in design terms as it does not conflict with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Residential amenity

Legislative and policy context

- 8.10 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 8.11 The extension would be of a smaller footprint, both depth and width reduced, than the previously approved extension and as such, and notwithstanding the pitched roof, would have less of an impact on the amenity of the neighbouring occupants in terms of loss of light and loss of outlook.
- 8.12 There is one proposed opening which would face towards the boundary with the attached neighbour, 69 Bretch Hill. However, as it would face the neighbours

extension which forms part of the boundary between the two properties, it is not considered that this window would have a negative residential amenity impact.

- 8.13 There would be little or no impact to the neighbouring property, 73 Bretch Hill, to the immediate north as this end of terrace property is set much further back than the application property. The rear elevation of the proposed extension would not protrude beyond the rear elevation at the neighbour and would therefore not harm these neighbours residential amenity.

Conclusion

- 8.14 The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Highway Safety

Legislative and policy context

- 8.15 Paragraph 111 of the Framework notes, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 8.16 The site itself does not benefit from any off-street parking provision within the curtilage of the property. The properties in this area of Bretch Hill share a parking area to the north east of the site. The proposed extension would result in an additional bedroom at the property increasing the overall number from three to four. However, as the parking requirements for three and a four bedroom dwelling do not differ, Officers concur with the Highways Officer's assessment that *the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.*

Conclusion

The proposals would be acceptable in highway safety terms and accord with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 The proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: DWG NO P.01, P.02 Rev A and P.03 Rev A

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

**Cherwell District Council
Planning Committee
7 October 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 decisions received and the scheduling of public inquiries and hearings for new and current appeals.

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

20/03210/F - 113 Cromwell Road, Banbury, OX16 0HF - Formation of means of access and associated dropped kerb.

Officer recommendation – Refused (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 02.09.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00027/REF

20/03419/F – 18 Boxhedge Road, Banbury, OX16 0BP – Retrospective – uPVC rear conservatory.

Officer recommendation - Refused (Delegated)

Method of determination: Written Representations

Start Date: 10.09.2021 **Statement Due:** 15.10.2021 **Decision:** Awaited

Appeal reference – 21/00028/REF

20/03420/LB – 18 Boxhedge Road, Banbury, OX16 0BP – Retrospective – uPVC rear conservatory.

Officer recommendation - Refused (Delegated)

Method of determination: Written Representations

Start Date: 10.09.2021 **Statement Due:** 15.10.2021 **Decision:** Awaited

Appeal reference – 21/00029/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

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 Arcott - 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

20/01747/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

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

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

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

Appeal reference – 21/00021/REF

21/01057/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

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

3.3 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

Hearing venue: The Pavilion, Banbury Cricket Club, White Post Road, Bodicote, OX15 4BN

Appeal reference: 21/00008/ENF

3.4 Forthcoming Public Inquires and Hearings between 8 October 2021 and 4 November 2021

None

3.5 Results

Inspectors appointed by the Secretary of State have:

3.5.1 **21/00087/F - Dismissed the appeal by Mr and Mrs Mills against the refusal of planning permission for first floor side extension with associated internal and external works.**

51 Walton Avenue, Twyford, OX17 3LA

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Appeal reference – 21/00024/REF

The Inspector identified the main issue being the effect on living conditions of the occupants of the adjacent property, 49 Walton Avenue, with regards to light and outlook.

The Inspector found that the proposed two-storey side extension would cause harm to the living conditions of the occupants of No.49 due to its massing and impact on natural light which would be blocked by the scheme. Whilst a letter from the current occupants of No.49 was provided in support of the application, the level of harm was, nonetheless, considered unacceptable.

The appeal was dismissed.

3.5.2 **21/00043/F - Allowed the appeal by Mr R Taylor against the refusal of planning permission for Installation of a two bay wood framed garage with adjoining log store in the front left hand corner of the plot. Greystones, Banbury Road, Deddington, Banbury, OX15 0TN.**

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Appeal reference – 21/00026/REF

The Inspector identified the impact on the character and appearance of the street scene and the potential harm to a mature oak tree to the front of the site as the key issues in this case.

In respect of the tree, the Inspector concluded that an arboricultural method statement, submitted during the appeal process, successfully demonstrated that the proposed garage could be constructed without unduly affecting the health of the tree. Whilst acknowledging that Council guidance advised against constructing structures, such as garages, in front of a property's principal elevation, the Inspector concluded that it would be acceptable in this instance given the distance of the building from the roadside, its relationship with the host dwelling - the key features of which would remain unobscured, and the fact that the oak tree would also help to soften the impact of the garage by partially screening it from the road.

Based on this assessment and subject to a condition to ensure that the oak tree was protected during the build, the appeal was allowed.

3.5.3 21/00182/Q56 – Allowed the appeal by Mr P Stead and Mrs V Tew against the refusal of prior approval for Change of Use of part of an agricultural building and curtilage to one residential dwelling. Little Haven, Barford Road, South Newington, OX15 4LN.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Appeal reference – 21/00019/REF

The Inspector considered the main issue to be whether the proposal would be permitted development meeting the requirements of Schedule 2, Part 3, Class Q(b) of the Order, having regard to whether it would comprise building operations reasonably necessary for the building to function as a dwellinghouse.

The Inspector was satisfied that the steel frame and the existing roof would both be retained and that the Appellant's suggestion that approx. 88% of the existing external fabric would be retained was not undermined by any detailed evidence. The Inspector held that the evidence indicated the building would be structurally capable of functioning as a dwelling. The Inspector noted that internal works are generally not development and therefore that the insertion of internal insulation and partitions was not prohibited under Class Q.

The Inspector therefore concluded that, *“based on the information presented, although the cumulative extent of the works proposed to facilitate a residential use would be considerable, ... it would not be to a degree that would amount to a fresh build of the structure, nor involve building operations that fall outside of those described in Class Q.1(i) of the Order.”* Accordingly she allowed the appeal.

3.5.4 20/03409/F – Dismissed the appeal by Mr Blackwell against the refusal of planning permission for A single storey, connecting link between the garage and the original barn conversion dwelling. Heath Barn, Sibford Gower, Banbury, OX15 5HQ.

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Appeal reference – 21/00025/REF

The Inspector identified the main issue being the impact on the character and appearance of the area, with particular regard to the historic character of the converted stone barn.

The Inspector found that the addition of the linking structure between the barn and the garage outbuilding, albeit modest, would be apparent in both long and medium views over the site. The Inspector also agreed with Officers that the historic significance of the non-designated heritage barn would be harmed due to the loss of plan form, new openings and the addition of the linking structure to the simple barn.

The appeal was dismissed.

3.5.5 19/00963/OUT – Allowed the appeal by Hollins Strategic Land LLP against the refusal of planning permission for Resubmission of application 17/02394/OUT – Outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access). OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of Berry Hill Road, Adderbury

Officer recommendation – Refused (Committee)

Method of determination: Hearing

Appeal reference – 21/00004/REF

Appeal decision summary to follow in the next Appeals Progress Report

3.5.6 20/03175/Q56 – Allowed the appeal by Dr C Evans against the refusal of prior approval for Conversion of existing barn to a single large dwellinghouse under Class Q permitted development (re-submission of 20/02051/Q56). Part Of Os Parcel 5900 East Of Broughton And North, Sandfine Road, Broughton
Officer recommendation – Refusal (Delegated)
Method of determination: Written Representations
Appeal reference – 21/00020/REF

The Inspector considered the main issue to be whether the proposal would be permitted development, having regard to (i) the proposed curtilage, (ii) the use of the established agricultural unit and (iii) change of use meets the requirements of Class Q of the GPDO so as to constitute 'permitted development'.

The Inspector held that the curtilage of the building did not need to relate to an existing physical delineation or enclosure on the ground. She noted there to be some ambiguity in the submitted plans as to the size of the building but overall was satisfied that the proposal would adhere to the definition of curtilage in paragraph X of the Order.

In relation to the use of the building, the Council had concluded that the use was a mix of equine and agricultural. Planning permission had been granted for said use in 2002 but the Inspector noted that it did not necessarily follow that the site was used as approved. The Inspector noted the requirement to be that the appeal building and the curtilage were in agricultural use on 20th March 2013. The Inspector noted that grazing of horses was an agricultural use but that the keeping of horses was not. The Inspector was convinced by the Appellant's submission that the horses present at the site on 20th March 2013 were retired due to age and/or ill health and were present for mixed grazing and to assist in keeping sheep. Further, the Inspector was satisfied that the horses were not kept within the appeal building or the proposed curtilage.

In respect of building operations, the Inspector held that the building was suitable for conversion without significant structural interventions, and was satisfied by the Appellant's submission that there would be limited alteration to the building, and that the alterations proposed – building up the existing block walls to eaves height, replacing the roof covering and providing additional openings for windows – would be permissible under Class Q. The Inspector noted that the existing timber boarding would be retained, with the blockwork increased in height behind.

The Inspector concluded that *"the cumulative extent of the works proposed to facilitate a residential use would be considerable, but given the retention of original fabric in this case, not to such a degree that it would amount to a fresh build of the structure"* and that the proposal fell within the requirement of Class Q(b).

In relation to a separate costs application, the Appellant had contested that the Council's refusal itself was unreasonable, that it had not been evidenced and that the Council's questioning of the evidence submitted was unreasonable.

The Inspector disagreed with the Appellant, finding that the consideration turned on a matter of 'fact and degree', that based on the evidence submitted with the application it was not unreasonable for the Council to draw upon general available evidence but that the Appellant had submitted additional, more specific evidence with the Appeal, and finally that the Council had clearly outlined its concerns and reasonably defended those concerns at appeal.

However, on the matter of the curtilage, the Inspector agreed that the Council had acted unreasonably in apparently basing its decision on the red line rather than a 'T line' marked on the plans. The Inspector made a partial award of costs, in relation to the matter of curtilage.

3.5.7 20/01902/Q56 – Allowed the appeal by Mr R Yates against the refusal of prior approval for Change of use of existing farm buildings into a single residential dwelling (use class C3). Barns, Crockwell House Farm, Manor Road, Great Bourton
Officer Recommendation – Refused (Delegated)
Method of determination – Written Representations
Appeal Reference – 21/00018/REF

The Inspector considered the main issue to be whether the proposed change of use meets the requirements of Class Q of the GPDO so as to constitute ‘permitted development’.

The Council had advised the appellant and PINS that after a case review it did not wish to defend part of one of the refusal reasons.

The Council’s view was that the building was not capable of being converted and therefore did not benefit from any ‘permitted development’ rights under Class Q.

The Inspector, having seen the building, understood the Council’s concern and opined that significant changes to the form of the structure would be required to make it, at least, waterproof, but held that since he was only required to assess the proposal under part Q(a) he could consider the change of use without having to consider the alterations to the building required.

In relation to the use of the building, the Inspector found no reason to disagree with the Appellant’s evidence submitted with the appeal that the building had been in agricultural use until about 2009 and vacant since then. The Council had submitted that there was insufficient evidence to establish the extent of the agricultural unit, and the Inspector agreed there was substance to this concern, but that sufficient evidence had been provided at appeal to satisfy him that an assessment could be made. He concluded that the building had been used solely for agricultural purposes and did not conflict with Part Q.1. Accordingly, he allowed the appeal.

In relation to a separate costs application, the Appellant had contested that the Council had incorrectly assessed the proposal as applying for both a change of use (part Q(a)) and the building operations reasonably necessary to convert the building (part Q(b)), and as such has refused development that should reasonably have been permitted.

The Appellant had completed an application form that referred to both parts (a) and (b) but had submitted a covering letter which made it clear that only part Q(a) was applied for. This covering letter was not published or made available to the case officer, but the Inspector held that the Council’s mistake in considering the proposal under part Q(b) constituted unreasonable behaviour and accordingly allowed the costs application in this respect.

On other matters contested by the Appellant the Inspector disagreed, noting that the Council’s case had some justification and that the Appellant’s evidence had been variable and that additional evidence was submitted with the appeal.

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:

Matthew Barrett, Planning Solicitor, 01295 753798

matthew.barrett@cherwell-dc.gov.uk

Risk Implications

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

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786

louise.tustian@cherwell-dc.gov.uk

Equality & Diversity Implications

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

Comments checked by:

Emily Schofield, Acting Head of Strategy, 07881 311707

Emily.Schofield@oxfordshire.gov.uk

8. Decision Information

Key Decision:

Financial Threshold Met No

Community Impact Threshold Met No

Wards Affected

All

Links to Corporate Plan and Policy Framework

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

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

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

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